

SMITHSONIAN WOMEN'S HISTORY MUSEUM ACT

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NOVEMBER 13, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Ms. LOFGREN, from the Committee on House Administration, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1980]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 1980) to establish in the Smithsonian Institution a comprehensive women's history museum, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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## AMENDMENT

The amendment (stated in terms of the page and line numbers of the introduced bill) is as follows:

Page 6, insert after line 4 the following:

(4) ENSURING DIVERSITY OF POLITICAL VIEWPOINTS IN EXHIBITS AND PROGRAMS.—In carrying out its duties, the council shall ensure that the exhibits and programs of the museum reflect the diversity of the political viewpoints held by women of the United States on the events and issues relating to the history of women in the United States.

## PURPOSE AND SUMMARY

H.R. 1980 would establish in the Smithsonian Institution a comprehensive women’s history museum.

## BACKGROUND AND NEED FOR LEGISLATION

Efforts to legislatively advance a women’s history museum goes back to the 105th Congress.<sup>1</sup> During the 113th Congress, Representative Carolyn Maloney of New York introduced H.R. 863, a bill to create a commission to study the potential creation of a National Women’s History Museum. H.R. 863 was reported favorably to the House by both the Committee on House Administration and the Committee on Natural Resources.<sup>2</sup> During the markup of H.R. 863 by the Committee, then Chairman Candice S. Miller of Michigan stated:

Establishing a commission is a step in the right direction to fully explore how such a museum would integrate with our existing national institutions, especially the Smithsonian, as well as regional and local cultural institutions, what it will cost, how we can fund it, and where would we put it? These issues, and I am sure many more, are some areas that a commission will discuss, investigate, and make recommendations for consideration.<sup>3</sup>

The language of H.R. 863 was included as section 3056 in H.R. 3979, the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act, 2015, which was subsequently enacted.<sup>4</sup>

The Congressional Commission on the American Museum of Women’s History released its report on November 16, 2016.<sup>5</sup> The Commission recommended that “America needs and deserves a physical national museum dedicated to showcasing the historical experiences and impact of women in this country” and that such a museum be part of the Smithsonian Institution.

The report listed 19 reasons “we need to build this museum:”

1. There has never been a better time for the American Museum of Women’s History.

<sup>1</sup> See H.R. 4722 (105th Congress).

<sup>2</sup> H.Rept. 113–411, Parts 1 and 2.

<sup>3</sup> Committee on House Administration, Markup of H.R. 863, Commission to Study the Potential Creation of a National Women’s History Museum Act of 2013, April 2, 2014, 113th Congress.

<sup>4</sup> P.L. 113–291, 128 Stat. 3292, 3810–3813.

<sup>5</sup> Congressional Commission to Study the Potential Creation of an American Museum of Women’s History, Report to the President of the United States and Congress, November 16, 2016, available at [http://amwh.us/report/wp-content/uploads/2016/11/AWMH\\_11\\_07\\_16\\_Digital.pdf](http://amwh.us/report/wp-content/uploads/2016/11/AWMH_11_07_16_Digital.pdf).

2. There has never been a more important time for the American Museum of Women's History.

3. U.S. history is not complete without women's history. Absent women's history, only half of the nation's story is being told—women's history is American history.

4. Across the board, the American Museum of Women's History will meet an existing and increasing appetite for more information on women's dynamic participation in American history.

5. The AMWH will educate, inspire, and meet our nation's need for diverse role models for girls as well as boys.

6. The AMWH will shape the future as it makes the past come alive for present generations, planting the seeds for ideas and personal growth.

7. The contributions and experiences of American women to American history deserve national celebration and recognition.

8. The design of the AMWH will support a mission of innovative and compelling storytelling that is accessible to all.

9. The AMWH will be unique, relevant, and have an important impact on the future.

10. The AMWH will focus on American women in their many roles.

11. The AMWH will present difficult subjects in well researched, balanced and inclusive ways.

12. The AMWH will add to the presentation of our nation's history.

13. Via its national research center and other digital outlets, the AMWH will help create a nationwide network of museums and other sites around women's history.

14. The AMWH will develop key partnerships with museums nationwide.

15. Top-notch scholarship will be central to the AMWH, in a way that both informs and engages. A Research Center will be a core component of this effort.

16. The Museum will strengthen educational missions city-wide by creating content bridges that reach to other D.C. museums.

17. The AMWH will be a popular destination for tourists, and its creation makes good business sense for Washington, D.C.

18. Women make up a majority of our population. The AMWH will have a natural built-in audience of influential decision makers, public advocates and financial supporters.

19. Location does matter. A prominent site among some of the country's most highly regarded museums in the epicenter of our nation's capital sends an important message to our fellow citizens, especially young people: women matter, and women's history matters.<sup>6</sup>

During the 115th Congress Representative Maloney introduced H.R. 19, the Smithsonian Women's History Museum Act. Upon introduction, Representative Maloney stated that:

This bill has been decades in the making and it is based on the excellent American Museum of Women's History

<sup>6</sup>Id., at 16–23 (emphasis in original).

Congressional Commission final report, which was the result of 18 months of thorough study. The bill would establish a Smithsonian museum dedicated to women's history prominently located on the National Mall. It calls for the Smithsonian Board of Regents to designate a site for the museum within six months of enactment, and the cost of construction would be raised privately. The museum will be governed by a 25-member Advisory Council appointed by the Board of Regents.

This measure was referred to three committees: House Administration; Natural Resources; and Transportation and Infrastructure. No action was taken on this measure, ultimately cosponsored by 257 Members.

Representative Maloney introduced H.R. 1980 on March 28, 2019.

June 4, 2019 marked the Centennial of Congressional passage of the 19th Amendment, with the House passing the proposed amendment (H.J. Res. 1) on May 21, 2019 on a vote of 304–90,<sup>7</sup> and the Senate June 4, 1919 on a vote of 56–25.<sup>8</sup> On August 18, 1920, the 19th amendment was ratified.

As Chair of the Board for the National Women's History Museum, Susan Whiting put it in a 2017 article:

This brings us to one conclusion: Our collective national story is incomplete. The history we learned as children and that children are being taught in classrooms today doesn't tell the full story. When we don't include women's contributions to history, we're teaching a story riddled with holes.<sup>9</sup>

#### HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress the following hearing was used to develop or consider H.R. 1980:

On Wednesday, September 18, 2019, the Committee held a hearing titled "Oversight of the Smithsonian Institution." The following witnesses testified: Mr. Lonnie G. Bunch, III, Secretary, Smithsonian Institution, and Cathy L. Helm, Inspector General, Smithsonian Institution.

#### COMMITTEE CONSIDERATION

On Tuesday, November 12, 2019, the Committee met in open session, a quorum being present to consider H.R. 1980. There was one amendment which was offered and which was adopted by voice vote. The Committee ordered the bill H.R. 1980, as amended, favorably reported to the House by voice vote.

#### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were

<sup>7</sup> 58 Cong. Rec. 77–94.

<sup>8</sup> 58 Cong. Rec. 615–635.

<sup>9</sup> Susan Whiting, "Why We Need a National Women's History Museum," *Time*, May 10, 2017 (<https://time.com/4774629/us-needs-national-womens-history-museum/>).

no recorded votes taken in connection with consideration of H.R. 1980. A motion to order H.R. 1980, as amended, reported favorably to the House was agreed to by voice vote, a quorum being present.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XII of the Rules of the House, the general performance goals and objectives of this legislation is to authorize the establishment in the Smithsonian Institution of a comprehensive women's history museum.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 1980 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House.

#### COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 1980 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 1980 provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

<b>H.R. 1980, Smithsonian Women's History Museum Act</b>			
As introduced on March 28, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	2	34	190
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 1980 would authorize the appropriation of whatever amounts are necessary for the Smithsonian Institution to plan, construct, and operate a museum dedicated to women's history. The bill would establish a council within the Smithsonian Institution to advise the Board of Regents on museum operations, acquire artifacts, create exhibitions, and raise funds for the museum. Additionally, the bill would permit the Smithsonian Institution to appoint a Director to manage the museum and to carry out educational programs related to women's history. H.R. 1980 would allow the Board of Regents to select a site and design and construct the museum. Fifty percent of the total construction cost would be financed by the Smithsonian Institution with nonappropriated funds that do not appear on the federal budget.

CBO estimates that implementing H.R. 1980 would cost \$190 million over the 2020–2029 period: \$83 million for construction and \$107 million for staffing, planning, creating exhibits and educational programs, and operating the museum. This estimate is based on information from the Smithsonian Institution about similar efforts, and from the report to the Congress from the Commission to Study the Potential Creation of a National Women's History Museum. Based on specifications from the Commission, CBO expects that a site for the museum would be chosen in 2021 and that the site would be under 100,000 square feet.

For this estimate, CBO assumes that H.R. 1980 will be enacted near the beginning of 2020. Estimated outlays are based on historical spending patterns. The costs of the legislation, detailed in Table 1, fall within budget function 500 (education, training, employment, and social services.)

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1980

	By fiscal year, millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2020–2024	2020–2029	
Construction:													
Estimated Authorization .....	0	0	1	2	7	7	28	26	20	9	10	100	
Estimated Outlays .....	0	0	*	1	3	5	11	19	24	20	4	83	
Planning and Initial Staff:													
Estimated Authorization .....	2	5	5	10	10	10	10	15	20	25	32	112	

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1980—Continued

	By fiscal year, millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2020– 2024	2020– 2029	
Estimated Outlays .....	2	4	5	9	10	10	10	14	19	24	30	107	
Total Changes:													
Estimated Authorization .....	2	5	6	12	17	17	38	41	40	34	42	212	
Estimated Outlays .....	2	4	5	10	13	15	21	33	43	44	34	190	

\* = between zero and \$500,000.

The CBO staff contact for this estimate is Meredith Decker. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, the committee states that no provision of this resolution establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section would provide the short title of H.R. 1980 as the “Smithsonian Women’s History Museum Act.”

##### *Section 2. Findings*

This section provides findings that the United States has greatly benefited from the contributions of women; that historical accounts, monuments, memorials, and museums disproportionately represent the achievements and contributions of men while often neglecting women; that there exists no national museum in the United States devoted to the documentation of women’s contributions, and that establishing a comprehensive women’s history museum is nec-

essary to more accurately depict the history of the United States and would add value to the Smithsonian Institution.

*Section 3. Establishment of museum*

This section would establish within the Smithsonian Institution a comprehensive women's history museum and lists the purpose of such a museum to include the collection, study, and establishment of programs relating to women's contributions to various fields throughout different periods of history that have influenced the direction of the United States; to collaborate with other Smithsonian Institution operations; and to create exhibitions and programs recognizing diverse perspectives on women's history and contributions.

*Section 4. Council*

This section would establish a council responsible for planning, design and construction of the museum. Additional council responsibilities would include assisting the Board of Regents in operating the museum; recommending operating budgets and providing annual budgets to the Board of regents; adopting council bylaws; acquiring artifacts for collections and disposing of those artifacts only to raise funds for additional collections; specifying criteria for use of collections and museum resources; preserving the collections; soliciting and accepting gifts; and ensuring diversity of political viewpoints in exhibits and programs.

The council would be comprised of 25 voting members, including the Secretary of the Smithsonian, one member of the Board of Regents, and 23 individuals appointed by the Board of Regents. Members of the council would select a chairperson by majority vote and serve three-year, staggered terms with no pay. Members are limited to two terms. The council would be required to meet no less than twice per year and not less than four times in the year subsequent to the first council meeting.

*Section 5. Director and staff of the museum*

This section would provide for a museum director to be appointed by the Secretary of the Smithsonian after considering individuals recommended by the council. The Director would be responsible for managing the museum subject to the policies of the Board of Regents. The Secretary of the Smithsonian would also be able to appoint two additional employees to serve under the Director. These employees would be paid without regard to General Schedule pay rates.

*Section 6. Educational and liaison programs*

This section would authorize educational and liaison programs that support museum goals and would require the Director to carry out educational programs in collaboration with elementary, secondary and postsecondary schools.

*Section 7. Building*

This section would require the designation of a site for the museum no later than six months after the enactment of the bill. The Board of Regents may select any appropriate location in consultation with the council. Two preferred sites are identified, the "South Monument site," on the National Mall opposite the National Mu-



seum of African American History and Culture and the “Northwest United States Capitol site,” located at of 3rd Street NW and Constitution Avenue NW. A number of factors are listed for consideration of a possible site, including consideration of the cost, proximity to other buildings and transportation and the recommendations of the Commission to Study the Potential Creation of a National Women’s History Museum.

In addition, this section would direct the Board of Regents, in choosing a site, to consult with: the National Capital Planning Commission; the Commission of Fine Arts; the Commission to Study the Potential Creation of a National Women’s History Museum; the House Appropriations Committee; the House Administration Committee; the House Transportation and Infrastructure Committee; the Senate Appropriations Committee; and the Senate Rules and Administration Committee.

This section would furthermore require the transfer of the designated site to the Smithsonian if the museum is in an area under the administrative jurisdiction of a Federal agency and instructs the Board of Regents to prioritize a site on the National Mall. It would also make inapplicable certain provisions relating to monuments and commemorative works.

Finally, this section would mandate cost sharing with the Federal funds being responsible for 50 percent of the costs of this section and 50 percent coming from non-federal sources.

*Section 8. Definitions*

This section would provide definitions for Board of Regents, Congressional Commission, and Secretary.

*Section 9. Authorization of appropriations*

This section would authorize appropriations for FY2020 and each succeeding fiscal year to be available until expended and would allow appropriations to be used to conduct fundraising in support of the museum.

EXPLANATION OF AMENDMENT

An amendment offered by Representative Walker of North Carolina to ensure diversity of political viewpoints in exhibits and programs, which the Committee adopted by voice vote.

## ADDITIONAL VIEWS

Congress has an important role to study pending legislation, create a thorough legislative record, and weigh all public policy concerns for any legislation before it. Once legislation is passed, committees have a responsibility to conduct comprehensive oversight of laws and entities under their jurisdiction. Several of these steps were skipped prior to the Committee on House Administration reporting H.R. 1980 to the House. There still exists several issues surrounding the creation of a new national Women's History Museum that are outlined in these views. Ranking Member Davis intends on exploring these issues through oversight of the Smithsonian Institution as H.R. 1980 proceeds through the legislative process.

### *Size of the Museum*

The American Museum of Women's History Congressional Commission ("Commission") was tasked with studying the potential creation of an American Museum of Women's History and issued their report in November 2016. The report indicated a conservatively-sized museum of 75,000–90,000 square feet would be appropriate. This is significantly smaller than other Smithsonian museum.<sup>1</sup> The National Museum of African-American History and Culture ("African American Museum") is over 600,000 square feet and the National Museum of the American Indian ("American Indian Museum") is over 400,000 square feet.<sup>2</sup> The smaller scale envisioned by the Commission is not adequate to cover the scope and breadth of a women's history museum and the anticipated visitation. These concerns were echoed by Secretary of the Smithsonian, Lonnie G. Bunch, who sent Ranking Member Davis a letter stating he could not imagine the museum being less than 350,000 square feet.<sup>3</sup> The Commission's report also notes that non-pubic areas of the space, including collection storage, would be housed off-site.<sup>4</sup> This off-site storage could require the use of an additional building, which would require a further congressional authorization.

Size is a crucial consideration in the establishment of a new museum as it affects programming, location and cost. Congress has provided direction on the size of new museums in the past. The enabling legislation for the American Indian Museum authorized no less than 400,000 square feet for the facilities.<sup>5</sup> Legislation intro-

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<sup>1</sup>By comparison, the National Museum of African American History and Culture is over 600,000 square feet. Letter from Lonnie G. Bunch, Sec'y, Smithsonian Inst. to Congressman Rodney Davis (Nov. 5, 2019), on file with the Committee.

<sup>2</sup>*Id.* at 58.

<sup>3</sup>Letter from Lonnie G. Bunch, Sec'y, Smithsonian Inst. to Congressman Rodney Davis (Nov. 5, 2019), on file with the Committee.

<sup>4</sup>By comparison, the National Museum of African American History and Culture is over 600,000 square feet. Letter from Lonnie G. Bunch, Sec'y, Smithsonian Inst. to Congressman Rodney Davis (Nov. 5, 2019), on file with the Committee at 69.

<sup>5</sup>Pub. L. No. 101–185.

duced in the 116th Congress establishing a National Museum of the American Latino provides for no less square footage than what is recommended in the final report of the National Museum of the American Latino Commission (359,422 square feet.)<sup>6</sup>

#### *Cost*

The size of the museum also impacts construction and operations costs. The Congressional Budget Office (CBO) cost estimate for H.R. 1980 assumes a museum of 100,000 square feet. However, in his letter addressed to the House Administration Committee, Smithsonian Institute Secretary Lonnie Bunch stated the proposed 100,000 square feet “cannot adequately capture the full breadth of experience shared by more than one half of our population,” and the Smithsonian Institute does not think it is possible “in a space under 350,000 square feet.”<sup>7</sup> It has not been discussed how the larger size will increase construction costs, operating costs, or maintenance costs. Congress should have a comprehensive understanding of costs as an ongoing federal commitment is necessary to sustain the museum. To this end Ranking Member Davis wrote to Dr. Keith Hall, Director of CBO, asking for a revised cost estimate for H.R. 1980.<sup>8</sup>

#### *Location*

H.R. 1980 directs the Smithsonian Board of Regents to select from one of two named sites or an alternative location identified by the Board. A comprehensive site assessment should be conducted on these locations to determine suitability for a museum of the appropriate size. By comparison, the statute establishing the American Indian Museum identified the specific site, and for the African American Museum, the statute mandated one of four specific options. Legislation could provide the Board of Regents for the Women’s History Museum the authority to select a site not identified by Congress.

#### *Capacity of Smithsonian*

As the Majority is aware, the Smithsonian faces several facilities challenges: (1) a deferred maintenance backlog of over \$1 billion; (2) a \$900 million renovation of the National Air and Space Museum; (3) and 47% of collections storage space, across the entire Smithsonian, identified as unacceptable. Currently, the Minority is unaware of the Smithsonian’s specific plan and timing to address these issues. If there is such a plan, the addition of a new museum will undoubtedly further delay its implementation. Last Congress, the Smithsonian Secretary testified that the Institution did not have the capacity to bring a new museum to fruition given these challenges.

Legislation establishing the American Indian Museum and the African American Museum were the subject of hearings held at this Committee. A national museum celebrating women’s history de-

<sup>6</sup>National Museum of the American Latino Act, H.R. 2420, 116th Cong. (2019).

<sup>7</sup>Letter from Lonnie G. Bunch, Sec’y, Smithsonian Inst. to Congressman Rodney Davis (Nov. 5, 2019), on file with the Committee.

<sup>8</sup>Letter from Congressman Rodney Davis to Dr. Keith Hall, Director, Congressional Budget Office (Nov. 7, 2019), on file with the Committee.

serves no less consideration. The Minority would like to hold a hearing on the proposal and pursue any other appropriate mechanisms to examine these issues with the intention of providing a solid foundation for a Smithsonian Women's History Museum.

RODNEY DAVIS,  
*Ranking Member.*

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