H. R. 6883

To establish a commission to study the establishment of the National Museum of the American People in Washington, DC, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2008

Mr. HINCHLEY (for himself, Mr. BISHOP of New York, Mr. RANGEL, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mrs. MALONEY of New York, Mr. NADLER, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish a commission to study the establishment of the National Museum of the American People in Washington, DC, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
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4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “National Commission
6 to Study the Establishment of the National Museum of
7 the American People Act of 2008”.
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9 SEC. 2. FINDINGS.
10 Congress finds the following:
(1) The United States was created and built by peoples from every land, and these people made this Nation the world’s economic, military, scientific, and cultural leader.

(2) Canada and Mexico, the nations bordering the United States, have major museums in or near their capital cities telling the story of the making of their peoples.

(3) Americans do not have a comprehensive and accurate picture of all of the peoples who created and continue to build this country.

(4) Few foreigners know the story of the peoples who came to be Americans, nor the story of the people from their own nations who came to this land.

(5) A museum telling the story of the making of the American people belongs on or near the National Mall in Washington, DC.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the “National Commission to Study the Establishment of the National Museum of the American People” (in this Act referred to as the “Commission”).
SEC. 4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall conduct a study regarding the feasibility and desirability of establishing a National Museum of the American People in Washington, DC (in this Act referred to as the “Museum”) that tells the full story of the making of the American people. The Museum would do the following:

(1) Tell the story of—

(A) who the people that migrated to America were before they came to this land;

(B) where they came from;

(C) why they left their homeland;

(D) how they got here;

(E) where they first settled;

(F) where they moved after they arrived;

(G) how they became Americans; and

(H) how they transformed our Nation.

(2) Through exhibits or other suitable means, describe—

(A) the arrival of the first peoples thousands of years ago;

(B) important events in the history of our Nation associated with the period from 1607 to 1820, including migrations from Western Europe, the near extinction of American Indians, the African slave trade, the creation of the Na-
tion, and the expansion of the Nation to encom-
pass new peoples;

(C) the great century of immigration from
around the world to across this Nation, from
1820 through 1924, and the further expansion
of the Nation; and

(D) the continuing story of immigration to
and migration within this Nation, from 1924 to
the present.

(3) Include access to genealogical information.

(4) Provide a comprehensive educational experi-
ence about the making of the American people, in-
cluding educational materials which would be made
available to students and other interested persons
around the Nation.

(5) Bring together in one institution scholars
and scholarly resources to foster comprehensive re-
search about the story of the making of the Amer-
ican people.

(b) PUBLIC MEETINGS.—The Commission shall con-
vene at least one public meeting, and may convene addi-
tional public meetings, about the Museum starting not
later than 6 months after the Commission’s initial meeting
under section 5(h). In addition to the general public, the
Commission may invite to participate in meetings under
this subsection individuals committed to the advancement of the comprehensive understanding of the immigration and migration of all peoples to what is now the United States.

(c) Report.—

(1) Contents of report.—The Commission shall transmit to the President and the Congress, including to the appropriate congressional committees, a report which shall contain a detailed statement of the findings, conclusions, and recommendations of the Commission, subject to the following:

(A) Plan of action for establishment and maintenance of a museum.—The Commission shall make recommendations with respect to a plan of action for the establishment and maintenance of the Museum.

(B) Summary of issues.—The Commission shall examine and report on the following issues:

(i) Possible locations for the Museum in Washington, DC, on or near the National Mall. These locations may include existing buildings, such as the Agriculture Department's Whitten Building, as well as sites for a new building near the National
Mall, such as the Banneker Overlook site.

In determining the suitability of these sites, the Commission shall consult with the National Capital Planning Commission, the United States Commission of Fine Arts, the National Park Service, and the General Services Administration.

(ii) The governing and organizational structure in accordance with which the Museum should operate.

(iii) The likely impact of the Museum on regional, State, local, and ethnic museums that tell a segment of the story of the making of the American people, including how those museums could be supported by the Museum.

(iv) Building a coalition to advocate and raise funds for the Museum.

(v) Possible components of the Museum, including the following:

(I) The permanent exhibition, including a proposed process for developing the Museum’s detailed storyline.
(II) A Center for Advanced Studies of the American People, including its scope.

(III) A National Genealogical Center, including proposals for serving as a national repository of genealogical information, tie-ins with prominent genealogical centers, and the exploration of using DNA to trace the migration patterns of individuals’ ancestors.

(IV) Collections, including the availability and cost of collections to be acquired and housed by the Museum, both on-site and in a secure off-site facility, to store, catalog, study, and preserve the objects in such collections for posterity.

(V) A National Archives and Library of American Migration and Immigration, including the development of a major archives consisting of items that shed light on migration and immigration to what is now the United States, such as documents, maps,
photographs, oral histories, film and video, music, art, personal papers and memoirs, and tie-ins to the National Archives and other holdings worldwide, and including proposals for making these holdings available to the public by various means.

(VI) An Education Resource Center, including proposals for developing curricula and background material based on the Museum’s story, to be made available for students, teachers, teacher training programs, Museum-based educators, Museum classrooms, and a computer-based information center geared towards students at various grade levels.

(VII) Public programs and an auditorium in which to hold them, including guidance for a variety of lectures, symposia, and cultural programs fashioned after other museum programs.

(VIII) Special exhibitions and spaces in which to hold them that
would allow for the exploration of a variety of subjects related to the purposes of the Museum.

(IX) Traveling and online exhibitions, including those that could be tailored for a particular State or locale.

(X) A film center, including development of a film and video library of documentary and feature films touching on the Museum’s themes, and a film theater at the Museum to show these films to visitors.

(XI) A world food court, including a restaurant and cafeteria to serve Museum visitors and others.

(XII) A museum bookstore and gift shop, which would sell items fitting a range of tastes and budgets.

(XIII) A Peopling of America Center which, in conjunction with the National Park Service, would study sites throughout the Nation where events of significant migration and immigration history took place and
would designate such sites as Peopling of America national historic landmarks.

(C) COST AND FUND-RAISING PLAN.—The Commission shall include in its report—

(i) an estimate of the cost of—

(I) constructing a new building and remodeling existing buildings;

(II) fabricating the permanent exhibition; and

(III) operating the Museum and its components, based on the experience of other museums; and

(ii) a fund-raising plan to support—

(I) the creation of the Museum, its exhibitions, and other capital costs through private donations, including donations from other national governments; and

(II) the operation of the Museum and its governing body through a public-private partnership modeled after other national museums in Washington, DC.
(D) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the plan of action described in subparagraph (A), the summary of issues described in subparagraph (B), the cost and fund-raising plan described in subparagraph (C), and the input from public meetings under subsection (b), the Commission shall draft a legislative plan of action to create and construct the Museum, including proposed legislation.

(2) DEFINITION.—For the purposes of this section, the term “appropriate congressional committees” means the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

(3) DEADLINE.—The Commission shall transmit the report as required under this section not later than 18 months after the date of the Commission’s initial meeting under section 5(h).
SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 17 members appointed, not later than 120 days after the date of the enactment of this Act, as follows:

(1) 5 individuals appointed by the President, not more than 3 of whom may be of the same political party.

(2) 4 individuals appointed by the Speaker of the House of Representatives.

(3) 4 individuals appointed by the majority leader of the Senate.

(4) 2 individuals appointed by the minority leader of the House of Representatives.

(5) 2 individuals appointed by the minority leader of the Senate.

(b) QUALIFICATIONS.—Members of the Commission shall be chosen from among individuals or representatives of institutions or entities who possess either—

(1) a demonstrated commitment to the research and study of the migration and immigration of all or various peoples to what is now the United States;

(2) expertise in establishing, building, or designing a museum;

(3) expertise in creating a major story-telling museum exhibition;
(4) expertise in fund-raising for nonprofit organizations or cultural institutions;

(5) experience in Federal or statewide public or elected service; or

(6) experience as chief executive or board member of a major museum, academic institution, or national foundation.

(c) Terms.—

(1) In general.—Each member shall be appointed for the life of the Commission.

(2) Vacancies.—A vacancy in the Commission shall not affect its powers, and shall be filled in the manner in which the original appointment was made.

(d) Basic Pay.—

(1) Rates of pay.—Except as provided in paragraph (2), members shall each be entitled to receive the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule for each day during which they are engaged in the actual performance of duties vested in the Commission.

(2) Prohibition of compensation of federal employees.—Members of the Commission who are full-time officers or employees of the United States, or Members of Congress, may not receive ad-
ditional pay, allowances, or benefits by reason of their service on the Commission.

(c) Travel Expenses.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(g) Chairperson.—The Chairperson of the Commission shall be designated by the President at the time of appointment.

(h) Initial Meeting.—The Commission shall meet and begin the operations of the Commission at the call of the Chairperson, not later than 60 days after the date as of which a majority of the members have been appointed.

SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS; VOLUNTEERS.

(a) Director.—The Commission shall have a Director who shall be appointed by the Chairperson. The Chairperson may fix the rate of pay for the Director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to
classification and General Schedule pay rates, except that
the Director may not receive pay in excess of the rate of
basic pay for level IV of the Executive Schedule.

(b) STAFF.—The Director, in consultation with the
Chairperson, may appoint and fix the pay of additional
personnel. A rate of pay fixed under this subsection may
not exceed the maximum rate of basic pay for grade GS–
15 of the General Schedule.

(e) EXPERTS AND CONSULTANTS.—The Commission
may procure temporary and intermittent services under
section 3109(b) of title 5, United States Code, but at rates
for individuals not to exceed the daily equivalent of the
annual rate of basic pay for level IV of the Executive
Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon request
of the Chairperson, the head of any Federal department
or agency may detail, without reimbursement, any of the
personnel of that department or agency to the Commission
to assist it in carrying out its duties under this Act.

(e) TRAVEL EXPENSES.—Each member of the staff
of the Commission shall receive travel expenses, including
per diem in lieu of subsistence, in accordance with applica-
ble provisions of subchapter I of chapter 57 of title 5,
United States Code.
(f) Authority To Accept Voluntary Services.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission may accept and use the services of volunteers. The Commission may reimburse a volunteer for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of the following provisions of law:

(1) Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries.

(2) Chapter 171 of title 28, United States Code, relating to tort claims.

(3) Chapter 11 of title 18, United States Code, relating to conflicts of interest.

SEC. 7. POWERS OF THE COMMISSION.

(a) Hearings and Sessions.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the
Commission, take any action which the Commission is au-

thorized to take by this section.

(c) Obtaining Official Data.—The Commission
may secure directly from any department or agency of the
United States information necessary to enable it to carry
out its responsibilities. Upon request of the Chairperson
of the Commission, the head of that department or agency
shall furnish that information to the Commission.

(d) Gifts, Bequests, and Devises.—To the extent
or in the amounts provided in advance in appropriation
Acts, the following may occur:

(1) The Commission may accept, use, and dis-
pose of gifts, bequests, or devises of services or prop-
erty, both real and personal, for the purpose of aid-
ing or facilitating the work of the Commission.
Gifts, bequests, or devises of money and proceeds
from sales of property received as gifts, bequests, or
devises shall be deposited in the Treasury in a sepa-
rate fund and shall be available for disbursement
upon order of the Commission.

(2) Upon request of the Commission, the Sec-
retary of the Treasury may invest and reinvest, in
securities of the United States, any money contained
in the fund authorized in paragraph (1). Income ac-
cruing from such securities, and from any other
property accepted to the credit of the fund, shall be
disbursed upon order of the Commission.

(3) Upon termination of the Commission, all
gifts, bequests, and devises accepted by the Commis-
sion under paragraph (1) shall be held by the agency
administering the work of the Commission. Upon es-
tablishment of the Museum, the Commission or
agency, as the case may be, holding the gifts, be-
quests, and devises accepted under paragraph (1)
shall turn them over to the National Museum of the
American People.

(e) MAILS.—The Commission may use the United
States mails in the same manner and under the same con-
ditions as other departments and agencies of the United
States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon re-
quest of the Chairperson of the Commission, the Adminis-
trator of General Services shall provide to the Commis-
sion, on a reimbursable basis, the administrative support
and other services necessary for the Commission to carry
out its responsibilities under this Act. These administra-
tive services may include human resources management,
budget, leasing, accounting, and payroll services.

(g) CONTRACT AUTHORITY.—To the extent or in the
amounts provided in advance in appropriation Acts, the
Commission may enter into contracts with and com-

pensate government and private agencies or persons for

the conduct of activities necessary to the discharge of its
duties and responsibilities. A contract, lease, or other legal
agreement entered into by the Commission may not extend
beyond the date of the termination of the Commission.

SEC. 8. FEDERAL ADVISORY COMMITTEE ACT.

The Commission is not subject to the Federal Advi-
sory Committee Act (5 U.S.C. App.).

SEC. 9. TERMINATION.

(a) IN GENERAL.—The Commission shall terminate
not later than 90 days after the date on which it transmits
its report pursuant to section 4(c), or not later than 30
days after the date of enactment of an Act of Congress
establishing the Museum, whichever comes first.

(b) DISPOSITION OF RECORDS AND PAPERS.—

(1) IF MUSEUM IS NOT ESTABLISHED BEFORE
COMMISSION TERMINATES.—If the Museum is not
established before the Commission terminates, all
records and papers of the Commission shall—

(A) not later than the date on which the
Commission terminates, be delivered to the Ar-
chivist of the United States for deposit in the
National Archives and Records Administration;

and
(B) upon establishment of the Museum, be
delivered to the Museum.

(2) If Museum is established before com-
mission terminates.—If the Museum is estab-
lished before the Commission terminates, all records
and papers of the Commission shall be delivered to
the Museum not later than the date on which the
Commission terminates.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appro-
priated such sums as may be necessary to carry out this
Act.

(b) Availability.—Amounts made available under
subsection (a) shall remain available until expended, or
until the termination of the Commission, whichever comes
first.