

117TH CONGRESS
2D SESSION

H. R. 3525

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2022

Received

MAY 12, 2022

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To establish the Commission to Study the Potential Creation
of a National Museum of Asian Pacific American History
and Culture, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commission To Study
3 the Potential Creation of a National Museum of Asian Pa-
4 cific American History and Culture Act”.

5 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

6 (a) IN GENERAL.—There is established the Commis-
7 sion to Study the Potential Creation of a National Mu-
8 seum of Asian Pacific American History and Culture
9 (hereafter in this Act referred to as the “Commission”).

10 (b) MEMBERSHIP.—The Commission shall be com-
11 posed of 8 members, of whom—

12 (1) 2 members shall be appointed by the major-
13 ity leader of the Senate;

14 (2) 2 members shall be appointed by the Speak-
15 er of the House of Representatives;

16 (3) 2 members shall be appointed by the minor-
17 ity leader of the Senate; and

18 (4) 2 members shall be appointed by the minor-
19 ity leader of the House of Representatives.

20 (c) QUALIFICATIONS.—Members of the Commission
21 shall be appointed to the Commission from among individ-
22 uals, or representatives of institutions or entities, who pos-
23 sess—

24 (1)(A) a demonstrated commitment to the re-
25 search, study, or promotion of Asian Pacific Amer-

1 ican history, art, political or economic status, or cul-
2 ture; and

3 (B)(i) expertise in museum administration;

4 (ii) expertise in fundraising for nonprofit or cul-
5 tural institutions;

6 (iii) experience in the study and teaching of
7 Asian Pacific American history;

8 (iv) experience in studying the issue of the rep-
9 resentation of Asian Pacific Americans in art, life,
10 history, and culture at the Smithsonian Institution;
11 or

12 (v) extensive experience in public or elected
13 service;

14 (2) experience in the administration of, or the
15 planning for, the establishment of, museums; or

16 (3) experience in the planning, design, or con-
17 struction of museum facilities.

18 (d) DEADLINE FOR INITIAL APPOINTMENT.—The
19 initial members of the Commission shall be appointed not
20 later than the date that is 90 days after the date of enact-
21 ment of this Act.

22 (e) VACANCIES.—A vacancy in the Commission—

23 (1) shall not affect the powers of the Commis-
24 sion; and

1 (2) shall be filled in the same manner as the
2 original appointment was made.

3 (f) CHAIRPERSON.—The Commission shall, by major-
4 ity vote of all of the members, select 1 member of the
5 Commission to serve as the Chairperson of the Commis-
6 sion.

7 (g) PROHIBITION.—No employee of the Federal Gov-
8 ernment may serve as a member of the Commission.

9 **SEC. 3. DUTIES OF THE COMMISSION.**

10 (a) REPORTS.—

11 (1) PLAN OF ACTION.—The Commission shall
12 submit to the President and Congress a report con-
13 taining the recommendations of the Commission
14 with respect to a plan of action regarding the feasi-
15 bility of establishing and maintaining a National
16 Museum of Asian Pacific American History and Cul-
17 ture in Washington, DC, and its environs (hereafter
18 in this Act referred to as the “Museum”).

19 (2) REPORT ON ISSUES.—The Commission shall
20 submit to the President and Congress a report that
21 addresses the following issues:

22 (A) The availability and cost of collections
23 to be acquired and housed in the Museum.

1 (B) The impact of the Museum on existing
2 Asian Pacific American history-related muse-
3 ums.

4 (C) In consultation with the Smithsonian
5 Institution, develop criteria for evaluating pos-
6 sible locations for the Museum in Washington,
7 DC, and its environs.

8 (D) The feasibility of the Museum becom-
9 ing part of the Smithsonian Institution, taking
10 into account the Museum's potential impact on
11 the Smithsonian's existing facilities mainte-
12 nance backlog, collections storage needs, and
13 identified construction or renovation costs for
14 new or existing museums.

15 (E) The governance and organizational
16 structure from which the Museum should oper-
17 ate.

18 (F) Best practices for engaging Asian Pa-
19 cific Americans in the development and design
20 of the Museum.

21 (G) The cost of constructing, operating,
22 and maintaining the Museum.

23 (3) DEADLINE.—The reports required under
24 paragraphs (1) and (2) shall be submitted not later

1 than the date that is 18 months after the date of
2 the first meeting of the Commission.

3 (b) FUNDRAISING PLAN.—

4 (1) IN GENERAL.—The Commission shall de-
5 velop a fundraising plan that will address the ability
6 to support the establishment, operation, and mainte-
7 nance of the Museum through contributions from
8 the public.

9 (2) CONSIDERATIONS.—In developing the fund-
10 raising plan under paragraph (1), the Commission
11 shall consider issues relating to funding the oper-
12 ations and maintenance of the Museum in perpetuity
13 without reliance on appropriations of Federal funds.

14 (3) INDEPENDENT REVIEW.—The Commission
15 shall obtain an independent review of the viability of
16 the plan developed under paragraph (1) and such re-
17 view shall include an analysis as to whether the plan
18 is able to achieve the level of resources necessary to
19 fund the construction of the Museum and the oper-
20 ations and maintenance of the Museum in perpetuity
21 without reliance on appropriations of Federal funds.

22 (4) SUBMISSION.—The Commission shall sub-
23 mit the plan developed under paragraph (1) and the
24 review conducted under paragraph (3) to the Com-
25 mittees on House Administration, Natural Re-

1 sources, and Appropriations of the House of Rep-
2 resentatives and the Committees on Rules and Ad-
3 ministration, Energy and Natural Resources, and
4 Appropriations of the Senate.

5 (c) LEGISLATION TO CARRY OUT PLAN OF AC-
6 TION.—Based on the recommendations contained in the
7 report submitted under paragraphs (1) and (2) of sub-
8 section (a), the Commission shall submit for consideration
9 to the Committees on House Administration, Natural Re-
10 sources, and Appropriations of the House of Representa-
11 tives and the Committees on Rules and Administration,
12 Energy and Natural Resources, and Appropriations of the
13 Senate recommendations for a legislative plan of action
14 on the feasibility of establishing and constructing the Mu-
15 seum.

16 (d) NATIONAL CONFERENCE.—Not later than 18
17 months after the date on which the initial members of the
18 Commission are appointed under section 2, the Commis-
19 sion may, in carrying out the duties of the Commission
20 under this section, convene a national conference relating
21 to the Museum, to be comprised of individuals committed
22 to the advancement of the life, art, history, and culture
23 of Asian Pacific Americans.

24 **SEC. 4. ADMINISTRATIVE PROVISIONS.**

25 (a) COMPENSATION.—

1 (1) IN GENERAL.—A member of the Commis-
2 sion—

3 (A) shall not be considered to be a Federal
4 employee for any purpose by reason of service
5 on the Commission; and

6 (B) shall serve without pay.

7 (2) TRAVEL EXPENSES.—A member of the
8 Commission shall be allowed a per diem allowance
9 for travel expenses, at rates consistent with those
10 authorized under subchapter I of chapter 57 of title
11 5, United States Code.

12 (3) GIFTS, BEQUESTS, AND DEVISES.—The
13 Commission may solicit, accept, use, and dispose of
14 gifts, bequests, or devises of money, services, or real
15 or personal property for the purpose of aiding or fa-
16 cilitating the work of the Commission.

17 (4) FEDERAL ADVISORY COMMITTEE ACT.—The
18 Commission shall not be subject to the Federal Advi-
19 sory Committee Act (5 U.S.C. App.).

20 (b) TERMINATION.—The Commission shall terminate
21 on the date that is 30 days after the date on which the
22 final versions of the reports required under section 3 are
23 submitted.

24 (c) FUNDING.—

1 (1) IN GENERAL.—The Commission shall be
2 solely responsible for acceptance of contributions for,
3 and payment of the expenses of, the Commission.

4 (2) PROHIBITION.—No Federal funds may be
5 obligated to carry out this Act.

6 (d) DIRECTOR AND STAFF OF COMMISSION.—

7 (1) DIRECTOR AND STAFF.—

8 (A) IN GENERAL.—The Commission may
9 employ and compensate an executive director
10 and any other additional personnel that are
11 necessary to enable the Commission to perform
12 the duties of the Commission.

13 (B) RATES OF PAY.—Rates of pay for per-
14 sons employed under subparagraph (A) shall be
15 consistent with the rates of pay allowed for em-
16 ployees of a temporary organization under sec-
17 tion 3161 of title 5, United States Code.

18 (2) NOT FEDERAL EMPLOYMENT.—Any indi-
19 vidual employed under this section shall not be con-
20 sidered a Federal employee for the purpose of any
21 law governing Federal employment.

22 (3) TECHNICAL ASSISTANCE.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), on request of the Commission, the

1 head of a Federal agency may provide technical
2 assistance to the Commission.

3 (B) PROHIBITION.—No Federal employees
4 may be detailed to the Commission.

5 **SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.**

6 The budgetary effects of this Act, for the purpose of
7 complying with the Statutory Pay-As-You-Go Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, submitted for printing in the Congressional Record
11 by the Chairman of the House Budget Committee, pro-
12 vided that such statement has been submitted prior to the
13 vote on passage.

Passed the House of Representatives April 26, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.