

COMMISSION TO STUDY THE POTENTIAL CREATION OF A
NATIONAL MUSEUM OF ASIAN PACIFIC AMERICAN HIS-
TORY AND CULTURE ACT

APRIL 25, 2022.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3525]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3525) to establish the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commission To Study the Potential Creation of a National Museum of Asian Pacific American History and Culture Act”.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) **IN GENERAL.**—There is established the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture (hereafter in this Act referred to as the “Commission”).

(b) **MEMBERSHIP.**—The Commission shall be composed of 8 members, of whom—

(1) 2 members shall be appointed by the majority leader of the Senate;

(2) 2 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(c) **QUALIFICATIONS.**—Members of the Commission shall be appointed to the Commission from among individuals, or representatives of institutions or entities, who possess—

(1)(A) a demonstrated commitment to the research, study, or promotion of Asian Pacific American history, art, political or economic status, or culture; and

- (B)(i) expertise in museum administration;
- (ii) expertise in fundraising for nonprofit or cultural institutions;
- (iii) experience in the study and teaching of Asian Pacific American history;
- (iv) experience in studying the issue of the representation of Asian Pacific Americans in art, life, history, and culture at the Smithsonian Institution; or
- (v) extensive experience in public or elected service;
- (2) experience in the administration of, or the planning for, the establishment of, museums; or
- (3) experience in the planning, design, or construction of museum facilities.
- (d) **DEADLINE FOR INITIAL APPOINTMENT.**—The initial members of the Commission shall be appointed not later than the date that is 90 days after the date of enactment of this Act.
- (e) **VACANCIES.**—A vacancy in the Commission—
 - (1) shall not affect the powers of the Commission; and
 - (2) shall be filled in the same manner as the original appointment was made.
- (f) **CHAIRPERSON.**—The Commission shall, by majority vote of all of the members, select 1 member of the Commission to serve as the Chairperson of the Commission.
- (g) **PROHIBITION.**—No employee of the Federal Government may serve as a member of the Commission.

SEC. 3. DUTIES OF THE COMMISSION.

(a) **REPORTS.**—

(1) **PLAN OF ACTION.**—The Commission shall submit to the President and Congress a report containing the recommendations of the Commission with respect to a plan of action regarding the feasibility of establishing and maintaining a National Museum of Asian Pacific American History and Culture in Washington, DC, and its environs (hereafter in this Act referred to as the “Museum”).

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

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

(B) The impact of the Museum on existing Asian Pacific American history-related museums.

(C) In consultation with the Smithsonian Institution, develop criteria for evaluating possible locations for the Museum in Washington, DC, and its environs.

(D) The feasibility of the Museum becoming part of the Smithsonian Institution, taking into account the Museum’s potential impact on the Smithsonian’s existing facilities maintenance backlog, collections storage needs, and identified construction or renovation costs for new or existing museums.

(E) The governance and organizational structure from which the Museum should operate.

(F) Best practices for engaging Asian Pacific Americans in the development and design of the Museum.

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

(3) **DEADLINE.**—The reports required under paragraphs (1) and (2) shall be submitted not later than the date that is 18 months after the date of the first meeting of the Commission.

(b) **FUNDRAISING PLAN.**—

(1) **IN GENERAL.**—The Commission shall develop a fundraising plan that will address the ability to support the establishment, operation, and maintenance of the Museum through contributions from the public.

(2) **CONSIDERATIONS.**—In developing the fundraising plan under paragraph (1), the Commission shall consider issues relating to funding the operations and maintenance of the Museum in perpetuity without reliance on appropriations of Federal funds.

(3) **INDEPENDENT REVIEW.**—The Commission shall obtain an independent review of the viability of the plan developed under paragraph (1) and such review shall include an analysis as to whether the plan is able to achieve the level of resources necessary to fund the construction of the Museum and the operations and maintenance of the Museum in perpetuity without reliance on appropriations of Federal funds.

(4) **SUBMISSION.**—The Commission shall submit the plan developed under paragraph (1) and the review conducted under paragraph (3) to the Committees on House Administration, Natural Resources, and Appropriations of the House of Representatives and the Committees on Rules and Administration, Energy and Natural Resources, and Appropriations of the Senate.

(c) **LEGISLATION TO CARRY OUT PLAN OF ACTION.**—Based on the recommendations contained in the report submitted under paragraphs (1) and (2) of subsection (a), the Commission shall submit for consideration to the Committees on House Administration, Natural Resources, and Appropriations of the House of Representatives and the Committees on Rules and Administration, Energy and Natural Resources, and Appropriations of the Senate recommendations for a legislative plan of action on the feasibility of establishing and constructing the Museum.

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

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION.—

(1) IN GENERAL.—A member of the Commission—

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

(B) shall serve without pay.

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

(3) **GIFTS, BEQUESTS, AND DEVICES.**—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or real or personal property for the purpose of aiding or facilitating the work of the Commission.

(4) **FEDERAL ADVISORY COMMITTEE ACT.**—The Commission shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

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

(c) FUNDING.—

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

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

(d) DIRECTOR AND STAFF OF COMMISSION.—

(1) DIRECTOR AND STAFF.—

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

(B) **RATES OF PAY.**—Rates of pay for persons employed under subparagraph (A) shall be consistent with the rates of pay allowed for employees of a temporary organization under section 3161 of title 5, United States Code.

(2) **NOT FEDERAL EMPLOYMENT.**—Any individual employed under this section shall not be considered a Federal employee for the purpose of any law governing Federal employment.

(3) TECHNICAL ASSISTANCE.—

(A) **IN GENERAL.**—Subject to subparagraph (B), on request of the Commission, the head of a Federal agency may provide technical assistance to the Commission.

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

PURPOSE OF THE BILL

The purpose of H.R. 3525 is to establish a Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3525 would create an eight-member panel—consisting of individuals with various expertise in museum planning or Asian Pacific American (APA) research and culture—to evaluate the viability of establishing the first museum dedicated to preserving the history, culture, and accomplishments of APA in Washington, D.C., possibly as part of the Smithsonian Institution. This measure

would require the commission to report recommendations for a plan of action for the establishment and maintenance of a National Museum of Asian Pacific American History and Culture, report the availability and cost of acquiring collections for the museum, identify potential locations for the facility, and determine its regional impact on other museums.

The commission would be required to develop a fundraising plan to support the establishment, operation, and maintenance of the museum through public contributions and to obtain an independent review of this fundraising plan, including an analysis of the resources necessary to fund the construction and maintenance of the museum without reliance on federal funds. The commission would have eighteen months to complete the full study and submit to Congress a legislative plan of action to establish and construct the museum.

COMMITTEE ACTION

H.R. 3525 was introduced on May 25, 2021, by Representative Grace Meng (D-NY). The bill was referred to the Committee on Natural Resources, and in addition to the Committee on House Administration. Within the Natural Resources Committee, the bill was referred to the Subcommittee on National Parks, Forests, and Public Lands. On December 7, 2021, the Subcommittee held a hearing on the bill. On February 16, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D-AZ) offered an amendment designated Grijalva #1. The amendment was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on National Parks, Forests, and Public Lands held on December 7, 2021.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 19, 2022.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3525, the Commission To Study the Potential Creation of a National Museum of Asian Pacific American History and Culture Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Madeleine Fox.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 3525, Commission To Study the Potential Creation of a National Museum of Asian Pacific American History and Culture Act			
As ordered reported by the House Committee on Natural Resources on February 16, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

H.R. 3525 would establish a commission to recommend a plan to establish and maintain a National Museum of Asian Pacific American History and Culture in the Washington, D.C. area. The eight-member commission would have 18 months to report to the Congress and the President on the feasibility of the museum and related issues, including a plan to raise funds to maintain the museum. Commission members would be reimbursed for travel expenses and federal agencies would be authorized to provide technical assistance. CBO estimates implementing H.R. 3525 would have an insignificant effect on discretionary costs.

Enacting H.R. 3525 would affect direct spending because the bill would authorize the commission to accept and spend monetary gifts. CBO estimates that the net effect on direct spending would be negligible over the 2022–2031 period.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to establish a Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

In reporting the bill favorably to the House of Representatives, the Committee on Natural Resources finds that the functions of the proposed advisory committee authorized in this bill would be better performed by such advisory committee than by one or more agencies or by an existing advisory committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

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.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

ZOE LOFGREN, CALIFORNIA
CHAIRPERSON

COMMITTEE CORRESPONDENCE

RODNEY DAVIS, ILLINOIS
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-2061
<https://cha.house.gov>

March 30, 2022

The Honorable Raúl M. Grijalva
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Grijalva:

I am writing to you concerning H.R. 3525. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on House Administration.

In the interest of permitting your committee to proceed expeditiously to floor consideration, the Committee on House Administration agrees to forego action on the bill. This is done with the understanding that the Committee on House Administration's jurisdictional interests over this and similar legislation are in no way diminished or altered. In addition, the Committee reserves its right to seek conferees on any provisions within its jurisdiction which are considered in a House-Senate conference and requests your support if such a request is made.

I would appreciate your response confirming this understanding with respect to H.R. 3525 and ask that a copy of our exchange of letters on this matter be included in your committee report on the bill and in the *Congressional Record* during consideration of the bill on the House floor.

Sincerely,



Zoe Lofgren
Chairperson

cc: The Honorable Nancy Pelosi, Speaker of the House
The Honorable Rodney Davis, Ranking Member, Committee on House Administration
The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

VIVIAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

April 5, 2022

The Honorable Zoe Lofgren
Chair
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515

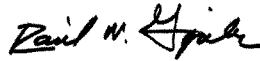
Dear Chair Lofgren,

I write to you concerning H.R. 3525, the "Commission To Study the Potential Creation of a National Museum of Asian Pacific American History and Culture Act."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on House Administration. I acknowledge that your Committee will not formally consider H.R. 3525 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction. I am pleased to support your request to name members of the Committee on House Administration to any conference committee to consider such provisions.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Rodney Davis, Ranking Member, Committee on House Administration
The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS
None.

