

115TH CONGRESS  
1ST SESSION

# H. R. 869

To establish the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2017

Ms. MENG (for herself, Ms. JUDY CHU of California, Mr. TED LIEU of California, Mr. MEEKS, Ms. VELÁZQUEZ, and Mr. SWALWELL of California) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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,*

3       **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”  
4 means the Commission to Study the Potential Cre-  
5 ation of a National Museum of Asian Pacific Amer-  
6 ican History and Culture established by section 3(a).

7 (2) MUSEUM.—The term “Museum” means the  
8 National Museum of Asian Pacific American History  
9 and Culture.

10 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

11 (a) IN GENERAL.—There is established the Commis-  
12 sion to Study the Potential Creation of a National Mu-  
13 seum of Asian Pacific American History and Culture.

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

16 (1) 2 members shall be appointed by the major-  
17 ity leader of the Senate;

18 (2) 2 members shall be appointed by the Speak-  
19 er of the House of Representatives;

20 (3) 2 members shall be appointed by the minor-  
21 ity leader of the Senate; and

22 (4) 2 members shall be appointed by the minor-  
23 ity leader of the House of Representatives.

24 (c) QUALIFICATIONS.—Members of the Commission  
25 shall be appointed to the Commission from among individ-

1 uals, or representatives of institutions or entities, who pos-  
2 sess—

3 (1)(A) a demonstrated commitment to the re-  
4 search, study, or promotion of Asian Pacific Amer-  
5 ican history, art, political or economic status, or cul-  
6 ture; and

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

8 (ii) expertise in fundraising for nonprofit or cul-  
9 tural institutions;

10 (iii) experience in the study and teaching of  
11 Asian Pacific American history;

12 (iv) experience in studying the issue of the rep-  
13 resentation of Asian Pacific Americans in art, life,  
14 history, and culture at the Smithsonian Institution;  
15 or

16 (v) extensive experience in public or elected  
17 service;

18 (2) experience in the administration of, or the  
19 planning for, the establishment of, museums; or

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

22 (d) PROHIBITION.—No employee of the Federal Gov-  
23 ernment may serve as a member of the Commission.

24 (e) DEADLINE FOR INITIAL APPOINTMENT.—The  
25 initial members of the Commission shall be appointed not

1 later than the date that is 90 days after the date of enact-  
2 ment of this Act.

3 (f) VACANCIES.—A vacancy in the Commission—

4 (1) shall not affect the powers of the Commis-  
5 sion; and

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

8 (g) CHAIRPERSON.—The Commission shall, by ma-  
9 jority vote of all of the members, select 1 member of the  
10 Commission to serve as the Chairperson of the Commis-  
11 sion.

12 **SEC. 4. DUTIES OF THE COMMISSION.**

13 (a) REPORTS.—

14 (1) PLAN OF ACTION.—The Commission shall  
15 submit to the President and Congress a report con-  
16 taining the recommendations of the Commission  
17 with respect to a plan of action for the establishment  
18 and maintenance of a National Museum of Asian  
19 Pacific American History and Culture in Wash-  
20 ington, DC.

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

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

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

4 (C) Potential locations for the Museum in  
5 Washington, DC, and its environs.

6 (D) Whether the Museum should be part  
7 of the Smithsonian Institution.

8 (E) The governance and organizational  
9 structure from which the Museum should oper-  
10 ate.

11 (F) Best practices for engaging Asian Pa-  
12 cific Americans in the development and design  
13 of the Museum.

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

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

20 (b) FUNDRAISING PLAN.—

21 (1) IN GENERAL.—The Commission shall de-  
22 velop a fundraising plan to support the establish-  
23 ment, operation, and maintenance of the Museum  
24 through contributions from the public.

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

6           (3) INDEPENDENT REVIEW.—The Commission  
7       shall obtain an independent review of the viability of  
8       the plan developed under paragraph (1) and such re-  
9       view shall include an analysis as to whether the plan  
10      is likely to achieve the level of resources necessary  
11      to fund the construction of the Museum and the op-  
12      erations and maintenance of the Museum in per-  
13      petuity without reliance on appropriations of Federal  
14      funds.

15          (4) SUBMISSION.—The Commission shall sub-  
16      mit the plan developed under paragraph (1) and the  
17      review conducted under paragraph (3) to the Com-  
18      mittees on Transportation and Infrastructure,  
19      House Administration, Natural Resources, and Ap-  
20      propriations of the House of Representatives and the  
21      Committees on Rules and Administration, Energy  
22      and Natural Resources, and Appropriations of the  
23      Senate.

24          (c) LEGISLATION TO CARRY OUT PLAN OF AC-  
25      TION.—Based on the recommendations contained in the

1 report submitted under paragraphs (1) and (2) of sub-  
2 section (a), the Commission shall submit for consideration  
3 to the Committees on Transportation and Infrastructure,  
4 House Administration, Natural Resources, and Appropria-  
5 tions of the House of Representatives and the Committees  
6 on Rules and Administration, Energy and Natural Re-  
7 sources, and Appropriations of the Senate recommenda-  
8 tions for a legislative plan of action to establish and con-  
9 struct the Museum.

10 (d) NATIONAL CONFERENCE.—Not later than 18  
11 months after the date on which the initial members of the  
12 Commission are appointed under section 3, the Commis-  
13 sion may, in carrying out the duties of the Commission  
14 under this section, convene a national conference relating  
15 to the Museum, to be comprised of individuals committed  
16 to the advancement of the life, art, history, and culture  
17 of Asian Pacific Americans.

18 **SEC. 5. DIRECTOR AND STAFF OF COMMISSION.**

19 (a) DIRECTOR AND STAFF.—

20 (1) IN GENERAL.—The Commission may em-  
21 ploy and compensate an executive director and any  
22 other additional personnel that are necessary to en-  
23 able the Commission to perform the duties of the  
24 Commission.

1           (2) RATES OF PAY.—Rates of pay for persons  
2       employed under paragraph (1) shall be consistent  
3       with the rates of pay allowed for employees of a tem-  
4       porary organization under section 3161 of title 5,  
5       United States Code.

6           (b) NOT FEDERAL EMPLOYMENT.—Any individual  
7       employed under this Act shall not be considered a Federal  
8       employee for the purpose of any law governing Federal  
9       employment.

10          (c) TECHNICAL ASSISTANCE.—

11           (1) IN GENERAL.—Subject to paragraph (2), on  
12       request of the Commission, the head of a Federal  
13       agency may provide technical assistance to the Com-  
14       mission.

15           (2) PROHIBITION.—No Federal employees may  
16       be detailed to the Commission.

17 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

18          (a) COMPENSATION.—

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

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

24           (B) shall serve without pay.

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

6       (b) GIFTS, BEQUESTS, DEVISES.—The Commission  
7       may solicit, accept, use, and dispose of gifts, bequests, or  
8       devises of money, services, or real or personal property for  
9       the purpose of aiding or facilitating the work of the Com-  
10      mission.

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

14      **SEC. 7. TERMINATION.**

15      The Commission shall terminate on the date that is  
16      30 days after the date on which the final versions of the  
17      reports required under section 4 are submitted.

18      **SEC. 8. FUNDING.**

19      (a) IN GENERAL.—The Commission shall be solely  
20      responsible for acceptance of contributions for, and pay-  
21      ment of the expenses of, the Commission.

22      (b) PROHIBITION.—No Federal funds may be obli-  
23      gated to carry out this Act.

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