

Public Law 117–140
117th Congress

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.

June 13, 2022
[H.R. 3525]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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.

Commission To
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National
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History and
Culture Act.

Appointments.

(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.**—

Recommendations.

(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.

Consultation.

(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.

Deadline.

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 DEVISES.—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.

SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

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

Approved June 13, 2022.

LEGISLATIVE HISTORY—H.R. 3525:

HOUSE REPORTS: No. 117–297, Pt. 1 (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 168 (2022):

Apr. 26, considered and passed House.

May 19, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2022):

June 13, Presidential remarks.

