

**Suspend the Rules and Pass the Bill, H.R. 3525, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# 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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Ms. MENG (for herself, Mr. PASCRELL, Mr. TAKANO, Ms. NORTON, Mr. DANNY K. DAVIS of Illinois, Mr. LIEU, Mrs. CAROLYN B. MALONEY of New York, Mr. CASE, Mr. CARSON, Mr. SWALWELL, Mr. LOWENTHAL, Ms. DELBENE, Mr. SUOZZI, Mr. RASKIN, Mr. KHANNA, Ms. JAYAPAL, Mr. TORRES of New York, Ms. ESHOO, Ms. LEE of California, Mr. NADLER, Ms. CLARK of Massachusetts, Ms. WILLIAMS of Georgia, Ms. STRICKLAND, Mr. POCAN, Ms. CHU, Mrs. NAPOLITANO, Mr. KAHELE, Mr. BOWMAN, Ms. JACOBS of California, and Mr. SOTO) 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”.

7 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

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

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

14 (1) 2 members shall be appointed by the major-  
15 ity leader of the Senate;

16 (2) 2 members shall be appointed by the Speak-  
17 er of the House of Representatives;

18 (3) 2 members shall be appointed by the minor-  
19 ity leader of the Senate; and

20 (4) 2 members shall be appointed by the minor-  
21 ity leader of the House of Representatives.

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

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

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

6           (ii) expertise in fundraising for nonprofit or cul-  
7           tural institutions;

8           (iii) experience in the study and teaching of  
9           Asian Pacific American history;

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

14          (v) extensive experience in public or elected  
15          service;

16          (2) experience in the administration of, or the  
17          planning for, the establishment of, museums; or

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

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

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

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

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

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

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

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

12          (a) REPORTS.—

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

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 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.