

115TH CONGRESS
1ST SESSION

H. R. 868

To establish within the Smithsonian Institution the National Museum of Asian Pacific American History and Culture, and for other purposes.

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 House Administration, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, 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

A BILL

To establish within the Smithsonian Institution the 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 “National Museum of
5 Asian Pacific American History and Culture Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) BOARD OF REGENTS.—The term “Board of
2 Regents” means the Board of Regents of the Smith-
3 sonian Institution.

4 (2) COUNCIL.—The term “Council” means the
5 National Museum of Asian Pacific American History
6 and Culture Council established by section 4.

7 (3) MUSEUM.—The term “Museum” means the
8 National Museum of Asian Pacific American History
9 and Culture established by section 3.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of the Smithsonian Institution.

12 **SEC. 3. ESTABLISHMENT OF MUSEUM.**

13 (a) ESTABLISHMENT.—There is established within
14 the Smithsonian Institution a museum to be known as the
15 “National Museum of Asian Pacific American History and
16 Culture”.

17 (b) PURPOSE.—The purpose of the Museum shall be
18 to provide for—

19 (1) the collection, study, and establishment of
20 programs relating to Asian Pacific American life,
21 art, history, and culture;

22 (2) the creation and maintenance of permanent
23 and temporary exhibits documenting the history of
24 Asian Pacific American life, art, history, and cul-
25 ture;

1 (3) the collection and study of artifacts and
2 documents relating to Asian Pacific American life,
3 art, history, and culture; and

4 (4) collaboration between the Museum and
5 other museums, Asian American and Native Amer-
6 ican Pacific Islander-serving institutions, historical
7 societies, educational institutions, and other organi-
8 zations that promote the study or appreciation of
9 Asian Pacific American life, art, history, or culture,
10 including collaboration concerning—

11 (A) development of cooperative programs
12 and exhibitions;

13 (B) identification, management, and care
14 of collections; and

15 (C) training of museum professionals.

16 **SEC. 4. COUNCIL.**

17 (a) **ESTABLISHMENT.**—There is established within
18 the Smithsonian Institution a council to be known as the
19 “National Museum of Asian Pacific American History and
20 Culture Council”.

21 (b) **DUTIES.**—

22 (1) **IN GENERAL.**—The Council shall—

23 (A) make recommendations to the Board
24 of Regents concerning the planning, design, and
25 construction of the Museum;

1 (B) advise and assist the Board of Regents
2 on all matters relating to the administration,
3 operation, maintenance, and preservation of the
4 Museum;

5 (C) recommend annual operating budgets
6 for the Museum to the Board of Regents;

7 (D) report annually to the Board of Re-
8 gents on the acquisition, disposition, and dis-
9 play of objects relating to Asian Pacific Amer-
10 ican life, art, history, and culture; and

11 (E) adopt bylaws for the operation of the
12 Council.

13 (2) PRINCIPAL RESPONSIBILITIES.—The Coun-
14 cil, subject to the general policies of the Board of
15 Regents, shall have sole authority to—

16 (A) purchase, accept, borrow, and other-
17 wise acquire artifacts for addition to the collec-
18 tions of the Museum;

19 (B) loan, exchange, sell, and otherwise dis-
20 pose of any part of the collections of the Mu-
21 seum, but only if the funds generated by that
22 disposition are used for additions to the collec-
23 tions of the Museum; or

24 (C) specify criteria with respect to the use
25 of the collections and resources of the Museum,

1 including policies on programming, education,
2 exhibitions, and research.

3 (3) OTHER RESPONSIBILITIES.—The Council,
4 subject to the general policies of the Board of Re-
5 gents, shall have authority—

6 (A) to provide for preservation, restoration,
7 and maintenance of the collections of the Mu-
8 seum; and

9 (B) to solicit, accept, use, and dispose of
10 gifts, bequests, and devises of personal property
11 for the purpose of aiding and facilitating the
12 work of the Museum.

13 (c) COMPOSITION AND APPOINTMENT.—

14 (1) IN GENERAL.—The Council shall be com-
15 posed of 19 voting members as provided under para-
16 graph (2).

17 (2) VOTING MEMBERS.—The Council shall in-
18 clude the following voting members:

19 (A) The Secretary of the Smithsonian In-
20 stitution.

21 (B) One member of the Board of Regents,
22 appointed by the Board of Regents.

23 (C) Seventeen individuals appointed by the
24 Board of Regents—

1 (i) taking into consideration individ-
 2 uals recommended by organizations and
 3 entities that are committed to the advance-
 4 ment of knowledge of Asian Pacific Amer-
 5 ican life, art, history, and culture; and

6 (ii) taking into consideration individ-
 7 uals recommended by the members of the
 8 Council.

9 (3) INITIAL APPOINTMENTS.—The Board of
 10 Regents shall make initial appointments to the
 11 Council under paragraph (2) not later than 180
 12 days after the date of enactment of this Act.

13 (d) TERMS.—

14 (1) IN GENERAL.—Except as provided in this
 15 subsection, each appointed member of the Council
 16 shall be appointed for a term of 3 years.

17 (2) INITIAL APPOINTEES.—As designated by
 18 the Board of Regents at the time of appointment, of
 19 the voting members first appointed under subsection

20 (c)(2)(C)—

21 (A) six members shall be appointed for a
 22 term of 1 year;

23 (B) six members shall be appointed for a
 24 term of 2 years; and

1 (C) five members shall be appointed for a
2 term of 3 years.

3 (3) REAPPOINTMENT.—A member of the Coun-
4 cil may be reappointed, except that no individual
5 may serve on the Council for a total of more than
6 2 terms. For purposes of this paragraph, the num-
7 ber of terms an individual serves on the Council
8 shall not include any portion of a term for which an
9 individual is appointed to fill a vacancy under para-
10 graph (4)(B).

11 (4) VACANCIES.—

12 (A) IN GENERAL.—A vacancy on the
13 Council—

14 (i) shall not affect the powers of the
15 Council; and

16 (ii) shall be filled in the same manner
17 as the original appointment was made.

18 (B) TERM.—Any member of the Council
19 appointed to fill a vacancy occurring before the
20 expiration of the term for which the member's
21 predecessor was appointed shall be appointed
22 for the remainder of that term.

23 (e) COMPENSATION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), a member of the Council shall serve with-
3 out pay.

4 (2) TRAVEL EXPENSES.—A member of the
5 Council shall be allowed travel expenses, including
6 per diem in lieu of subsistence, at rates authorized
7 for an employee of an agency under subchapter I of
8 chapter 57 of title 5, United States Code, while
9 away from the home or regular place of business of
10 the member in the performance of the duties of the
11 Council.

12 (f) CHAIRPERSON.—By a majority vote of its voting
13 members, the Council shall elect a chairperson from its
14 members.

15 (g) MEETINGS.—

16 (1) IN GENERAL.—The Council shall meet at
17 the call of the chairperson or on the written request
18 of a majority of the voting members of the Council,
19 but not fewer than twice each year.

20 (2) INITIAL MEETINGS.—During the 1-year pe-
21 riod beginning on the date of the first meeting of the
22 Council, the Council shall meet not fewer than 4
23 times for the purpose of carrying out the duties of
24 the Council under this Act.

1 (h) QUORUM.—A majority of the voting members of
2 the Council holding office shall constitute a quorum for
3 the purpose of conducting business, but a lesser number
4 may receive information on behalf of the Council.

5 **SEC. 5. DIRECTOR AND STAFF OF THE MUSEUM.**

6 (a) DIRECTOR.—

7 (1) IN GENERAL.—The Museum shall have a
8 Director who shall be appointed by the Secretary,
9 taking into consideration individuals recommended
10 by the Council.

11 (2) DUTIES.—The Director shall manage the
12 Museum subject to the policies of the Board of Re-
13 gents.

14 (b) STAFF.—The Secretary may appoint two addi-
15 tional employees to serve under the Director, except that
16 such additional employees may be appointed without re-
17 gard to the provisions of title 5, United States Code, gov-
18 erning appointments in the competitive service.

19 (c) PAY.—The employees appointed by the Secretary
20 under subsection (b) may be paid without regard to the
21 provisions of chapter 51 and subchapter III of chapter 53
22 of title 5, United States Code, relating to classification
23 of positions and General Schedule pay rates.

24 **SEC. 6. EDUCATIONAL AND LIAISON PROGRAMS.**

25 (a) IN GENERAL.—

1 (1) PROGRAMS AUTHORIZED.—The Director of
2 the Museum may carry out educational and liaison
3 programs in support of the goals of the Museum.

4 (2) SPECIFIC ACTIVITIES DESCRIBED.—In car-
5 rying out this section, the Director shall—

6 (A) carry out educational programs relat-
7 ing to Asian Pacific American life, art, history,
8 and culture, including—

9 (i) programs using digital, electronic,
10 and interactive technologies; and

11 (ii) programs carried out in collabora-
12 tion with elementary schools, secondary
13 schools, and postsecondary schools; and

14 (B) consult with the Director of the Insti-
15 tute of Museum and Library Services con-
16 cerning the grant and scholarship programs
17 carried out under subsection (b).

18 (b) GRANT AND SCHOLARSHIP PROGRAMS.—In con-
19 sultation with the Council and the Director of the Mu-
20 seum, the Director of the Institute of Museum and Li-
21 brary Services shall establish—

22 (1) a grant program with the purpose of im-
23 proving operations, care of collections, and develop-
24 ment of professional management at Asian Pacific
25 American museums;

1 (2) a grant program with the purpose of pro-
2 viding internship and fellowship opportunities at
3 Asian Pacific American museums; and

4 (3) a scholarship program with the purpose of
5 assisting individuals who are pursuing careers or
6 carrying out studies in the arts, humanities, and
7 sciences in the study of Asian Pacific American life,
8 art, history, and culture.

9 **SEC. 7. BUILDING FOR THE NATIONAL MUSEUM OF ASIAN**
10 **PACIFIC AMERICAN HISTORY AND CULTURE.**

11 (a) IN GENERAL.—

12 (1) LOCATION.—

13 (A) IN GENERAL.—Not later than 12
14 months after the date of the enactment of this
15 Act, the Board of Regents, in consultation with
16 the Secretary of the Interior, the Commission of
17 Fine Arts, the National Capital Planning Com-
18 mission, and other Federal and local agencies,
19 shall designate a site for the Museum.

20 (B) TRANSFER TO SMITHSONIAN INSTITU-
21 TION.—If the site designated for the Museum is
22 in an area that is under the administrative ju-
23 risdiction of a Federal agency, as soon as prac-
24 ticable after the date on which the designation
25 is made, the head of the Federal agency shall

1 transfer to the Smithsonian Institution admin-
2 istrative jurisdiction over the area.

3 (C) CONSULTATION.—The Board of Re-
4 gents shall carry out its duties under this para-
5 graph in consultation with the following:

6 (i) The Chair of the National Capital
7 Planning Commission.

8 (ii) The Chair of the Commission on
9 Fine Arts.

10 (iii) The Chair of the Presidential
11 Commission referred to in section 8.

12 (iv) The Chair and Ranking Member
13 of each of the following committees:

14 (I) The Committee on Rules and
15 Administration of the Senate.

16 (II) The Committee on House
17 Administration of the House of Rep-
18 resentatives.

19 (III) The Committee on Trans-
20 portation and Infrastructure of the
21 House of Representatives.

22 (IV) The Committee on Appro-
23 priations of the Senate.

1 (V) The Committee on Appro-
2 priations of the House of Representa-
3 tives.

4 (2) CONSTRUCTION OF BUILDING.—The Board
5 of Regents, in consultation with the Council, may
6 plan, design, and construct a building for the Mu-
7 seum, which shall be located at the site designated
8 by the Board of Regents under this paragraph.

9 (3) NONAPPLICABILITY OF PROVISIONS RELAT-
10 ING TO MONUMENTS AND COMMEMORATIVE
11 WORKS.—Chapter 89 of title 40, United States
12 Code, shall not apply with respect to the Museum.

13 (b) COST SHARING.—The Board of Regents shall
14 pay—

15 (1) 50 percent of the costs of carrying out this
16 section from Federal funds; and

17 (2) 50 percent of the costs of carrying out this
18 section from non-Federal sources.

19 **SEC. 8. CONSIDERATION OF RECOMMENDATIONS OF PRESI-**
20 **DENTIAL COMMISSION.**

21 In carrying out their duties under this Act, the Coun-
22 cil and the Board of Regents shall take into consideration
23 the reports and plans submitted by the National Museum

1 of Asian Pacific American History and Culture Plan for
2 Action Presidential Commission.

