

110TH CONGRESS
2D SESSION

H. R. 6883

To establish a commission to study the establishment of the National Museum of the American People in Washington, DC, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2008

Mr. HINCHEY (for himself, Mr. BISHOP of New York, Mr. RANGEL, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mrs. MALONEY of New York, Mr. NADLER, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish a commission to study the establishment of the National Museum of the American People in Washington, DC, 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 Commission
5 to Study the Establishment of the National Museum of
6 the American People Act of 2008”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The United States was created and built by
2 peoples from every land, and these people made this
3 Nation the world’s economic, military, scientific, and
4 cultural leader.

5 (2) Canada and Mexico, the nations bordering
6 the United States, have major museums in or near
7 their capital cities telling the story of the making of
8 their peoples.

9 (3) Americans do not have a comprehensive and
10 accurate picture of all of the peoples who created
11 and continue to build this country.

12 (4) Few foreigners know the story of the peo-
13 ples who came to be Americans, nor the story of the
14 people from their own nations who came to this
15 land.

16 (5) A museum telling the story of the making
17 of the American people belongs on or near the Na-
18 tional Mall in Washington, DC.

19 **SEC. 3. ESTABLISHMENT.**

20 There is established a commission to be known as the
21 “National Commission to Study the Establishment of the
22 National Museum of the American People” (in this Act
23 referred to as the “Commission”).

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

2 (a) IN GENERAL.—The Commission shall conduct a
3 study regarding the feasibility and desirability of estab-
4 lishing a National Museum of the American People in
5 Washington, DC (in this Act referred to as the “Mu-
6 seum”) that tells the full story of the making of the Amer-
7 ican people. The Museum would do the following:

8 (1) Tell the story of—

9 (A) who the people that migrated to Amer-
10 ica were before they came to this land;

11 (B) where they came from;

12 (C) why they left their homeland;

13 (D) how they got here;

14 (E) where they first settled;

15 (F) where they moved after they arrived;

16 (G) how they became Americans; and

17 (H) how they transformed our Nation.

18 (2) Through exhibits or other suitable means,
19 describe—

20 (A) the arrival of the first peoples thou-
21 sands of years ago;

22 (B) important events in the history of our
23 Nation associated with the period from 1607 to
24 1820, including migrations from Western Eu-
25 rope, the near extinction of American Indians,
26 the African slave trade, the creation of the Na-

1 tion, and the expansion of the Nation to encom-
2 pass new peoples;

3 (C) the great century of immigration from
4 around the world to across this Nation, from
5 1820 through 1924, and the further expansion
6 of the Nation; and

7 (D) the continuing story of immigration to
8 and migration within this Nation, from 1924 to
9 the present.

10 (3) Include access to genealogical information.

11 (4) Provide a comprehensive educational experi-
12 ence about the making of the American people, in-
13 cluding educational materials which would be made
14 available to students and other interested persons
15 around the Nation.

16 (5) Bring together in one institution scholars
17 and scholarly resources to foster comprehensive re-
18 search about the story of the making of the Amer-
19 ican people.

20 (b) PUBLIC MEETINGS.—The Commission shall con-
21 vene at least one public meeting, and may convene addi-
22 tional public meetings, about the Museum starting not
23 later than 6 months after the Commission's initial meeting
24 under section 5(h). In addition to the general public, the
25 Commission may invite to participate in meetings under

1 this subsection individuals committed to the advancement
2 of the comprehensive understanding of the immigration
3 and migration of all peoples to what is now the United
4 States.

5 (c) REPORT.—

6 (1) CONTENTS OF REPORT.—The Commission
7 shall transmit to the President and the Congress, in-
8 cluding to the appropriate congressional committees,
9 a report which shall contain a detailed statement of
10 the findings, conclusions, and recommendations of
11 the Commission, subject to the following:

12 (A) PLAN OF ACTION FOR ESTABLISH-
13 MENT AND MAINTENANCE OF A MUSEUM.—The
14 Commission shall make recommendations with
15 respect to a plan of action for the establishment
16 and maintenance of the Museum.

17 (B) SUMMARY OF ISSUES.—The Commis-
18 sion shall examine and report on the following
19 issues:

20 (i) Possible locations for the Museum
21 in Washington, DC, on or near the Na-
22 tional Mall. These locations may include
23 existing buildings, such as the Agriculture
24 Department's Whitten Building, as well as
25 sites for a new building near the National

1 Mall, such as the Banneker Overlook site.
2 In determining the suitability of these
3 sites, the Commission shall consult with
4 the National Capital Planning Commis-
5 sion, the United States Commission of
6 Fine Arts, the National Park Service, and
7 the General Services Administration.

8 (ii) The governing and organizational
9 structure in accordance with which the
10 Museum should operate.

11 (iii) The likely impact of the Museum
12 on regional, State, local, and ethnic muse-
13 ums that tell a segment of the story of the
14 making of the American people, including
15 how those museums could be supported by
16 the Museum.

17 (iv) Building a coalition to advocate
18 and raise funds for the Museum.

19 (v) Possible components of the Mu-
20 seum, including the following:

21 (I) The permanent exhibition, in-
22 cluding a proposed process for devel-
23 oping the Museum's detailed storyline.

1 (II) A Center for Advanced Stud-
2 ies of the American People, including
3 its scope.

4 (III) A National Genealogical
5 Center, including proposals for serv-
6 ing as a national repository of genea-
7 logical information, tie-ins with promi-
8 nent genealogical centers, and the ex-
9 ploration of using DNA to trace the
10 migration patterns of individuals' an-
11 cestors.

12 (IV) Collections, including the
13 availability and cost of collections to
14 be acquired and housed by the Mu-
15 seum, both on-site and in a secure off-
16 site facility, to store, catalog, study,
17 and preserve the objects in such col-
18 lections for posterity.

19 (V) A National Archives and Li-
20 brary of American Migration and Im-
21 migration, including the development
22 of a major archives consisting of items
23 that shed light on migration and im-
24 migration to what is now the United
25 States, such as documents, maps,

1 photographs, oral histories, film and
2 video, music, art, personal papers and
3 memoirs, and tie-ins to the National
4 Archives and other holdings world-
5 wide, and including proposals for
6 making these holdings available to the
7 public by various means.

8 (VI) An Education Resource
9 Center, including proposals for devel-
10 oping curricula and background mate-
11 rial based on the Museum's story, to
12 be made available for students, teach-
13 ers, teacher training programs, Mu-
14 seum-based educators, Museum class-
15 rooms, and a computer-based informa-
16 tion center geared towards students at
17 various grade levels.

18 (VII) Public programs and an
19 auditorium in which to hold them, in-
20 cluding guidance for a variety of lec-
21 tures, symposia, and cultural pro-
22 grams fashioned after other museum
23 programs.

24 (VIII) Special exhibitions and
25 spaces in which to hold them that

1 would allow for the exploration of a
2 variety of subjects related to the pur-
3 poses of the Museum.

4 (IX) Traveling and online exhibi-
5 tions, including those that could be
6 tailored for a particular State or lo-
7 cale.

8 (X) A film center, including de-
9 velopment of a film and video library
10 of documentary and feature films
11 touching on the Museum's themes,
12 and a film theater at the Museum to
13 show these films to visitors.

14 (XI) A world food court, includ-
15 ing a restaurant and cafeteria to serve
16 Museum visitors and others.

17 (XII) A museum bookstore and
18 gift shop, which would sell items fit-
19 ting a range of tastes and budgets.

20 (XIII) A Peopling of America
21 Center which, in conjunction with the
22 National Park Service, would study
23 sites throughout the Nation where
24 events of significant migration and
25 immigration history took place and

1 would designate such sites as Peopling
2 of America national historic land-
3 marks.

4 (C) COST AND FUND-RAISING PLAN.—The
5 Commission shall include in its report—

6 (i) an estimate of the cost of—

7 (I) constructing a new building
8 and remodeling existing buildings;

9 (II) fabricating the permanent
10 exhibition; and

11 (III) operating the Museum and
12 its components, based on the experi-
13 ence of other museums; and

14 (ii) a fund-raising plan to support—

15 (I) the creation of the Museum,
16 its exhibitions, and other capital costs
17 through private donations, including
18 donations from other national govern-
19 ments; and

20 (II) the operation of the Museum
21 and its governing body through a pub-
22 lic-private partnership modeled after
23 other national museums in Wash-
24 ington, DC.

1 (D) LEGISLATION TO CARRY OUT PLAN OF
2 ACTION.—Based on the recommendations con-
3 tained in the plan of action described in sub-
4 paragraph (A), the summary of issues described
5 in subparagraph (B), the cost and fund-raising
6 plan described in subparagraph (C), and the
7 input from public meetings under subsection
8 (b), the Commission shall draft a legislative
9 plan of action to create and construct the Mu-
10 seum, including proposed legislation.

11 (2) DEFINITION.—For the purposes of this sec-
12 tion, the term “appropriate congressional commit-
13 tees” means the Committee on Transportation and
14 Infrastructure of the House of Representatives, the
15 Committee on Natural Resources of the House of
16 Representatives, the Committee on Energy and Nat-
17 ural Resources of the Senate, and the Committees
18 on Appropriations of the House of Representatives
19 and the Senate.

20 (3) DEADLINE.—The Commission shall trans-
21 mit the report as required under this section not
22 later than 18 months after the date of the Commis-
23 sion’s initial meeting under section 5(h).

1 **SEC. 5. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—The Commission
3 shall be composed of 17 members appointed, not later
4 than 120 days after the date of the enactment of this Act,
5 as follows:

6 (1) 5 individuals appointed by the President,
7 not more than 3 of whom may be of the same polit-
8 ical party.

9 (2) 4 individuals appointed by the Speaker of
10 the House of Representatives.

11 (3) 4 individuals appointed by the majority
12 leader of the Senate.

13 (4) 2 individuals appointed by the minority
14 leader of the House of Representatives.

15 (5) 2 individuals appointed by the minority
16 leader of the Senate.

17 (b) QUALIFICATIONS.—Members of the Commission
18 shall be chosen from among individuals or representatives
19 of institutions or entities who possess either—

20 (1) a demonstrated commitment to the research
21 and study of the migration and immigration of all
22 or various peoples to what is now the United States;

23 (2) expertise in establishing, building, or de-
24 signing a museum;

25 (3) expertise in creating a major story-telling
26 museum exhibition;

1 (4) expertise in fund-raising for nonprofit orga-
2 nizations or cultural institutions;

3 (5) experience in Federal or statewide public or
4 elected service; or

5 (6) experience as chief executive or board mem-
6 ber of a major museum, academic institution, or na-
7 tional foundation.

8 (c) TERMS.—

9 (1) IN GENERAL.—Each member shall be ap-
10 pointed for the life of the Commission.

11 (2) VACANCIES.—A vacancy in the Commission
12 shall not affect its powers, and shall be filled in the
13 manner in which the original appointment was
14 made.

15 (d) BASIC PAY.—

16 (1) RATES OF PAY.—Except as provided in
17 paragraph (2), members shall each be entitled to re-
18 ceive the daily equivalent of the annual rate of basic
19 pay for level IV of the Executive Schedule for each
20 day during which they are engaged in the actual per-
21 formance of duties vested in the Commission.

22 (2) PROHIBITION OF COMPENSATION OF FED-
23 ERAL EMPLOYEES.—Members of the Commission
24 who are full-time officers or employees of the United
25 States, or Members of Congress, may not receive ad-

1 ditional pay, allowances, or benefits by reason of
2 their service on the Commission.

3 (e) TRAVEL EXPENSES.—Each member of the Com-
4 mission shall receive travel expenses, including per diem
5 in lieu of subsistence, in accordance with applicable provi-
6 sions of subchapter I of chapter 57 of title 5, United
7 States Code.

8 (f) QUORUM.—A majority of the members of the
9 Commission shall constitute a quorum but a lesser number
10 may hold hearings.

11 (g) CHAIRPERSON.—The Chairperson of the Commis-
12 sion shall be designated by the President at the time of
13 appointment.

14 (h) INITIAL MEETING.—The Commission shall meet
15 and begin the operations of the Commission at the call
16 of the Chairperson, not later than 60 days after the date
17 as of which a majority of the members have been ap-
18 pointed.

19 **SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**
20 **AND CONSULTANTS; VOLUNTEERS.**

21 (a) DIRECTOR.—The Commission shall have a Direc-
22 tor who shall be appointed by the Chairperson. The Chair-
23 person may fix the rate of pay for the Director without
24 regard to the provisions of chapter 51 and subchapter III
25 of chapter 53 of title 5, United States Code, relating to

1 classification and General Schedule pay rates, except that
2 the Director may not receive pay in excess of the rate of
3 basic pay for level IV of the Executive Schedule.

4 (b) STAFF.—The Director, in consultation with the
5 Chairperson, may appoint and fix the pay of additional
6 personnel. A rate of pay fixed under this subsection may
7 not exceed the maximum rate of basic pay for grade GS–
8 15 of the General Schedule.

9 (c) EXPERTS AND CONSULTANTS.—The Commission
10 may procure temporary and intermittent services under
11 section 3109(b) of title 5, United States Code, but at rates
12 for individuals not to exceed the daily equivalent of the
13 annual rate of basic pay for level IV of the Executive
14 Schedule.

15 (d) STAFF OF FEDERAL AGENCIES.—Upon request
16 of the Chairperson, the head of any Federal department
17 or agency may detail, without reimbursement, any of the
18 personnel of that department or agency to the Commission
19 to assist it in carrying out its duties under this Act.

20 (e) TRAVEL EXPENSES.—Each member of the staff
21 of the Commission shall receive travel expenses, including
22 per diem in lieu of subsistence, in accordance with applica-
23 ble provisions of subchapter I of chapter 57 of title 5,
24 United States Code.

1 (f) **AUTHORITY TO ACCEPT VOLUNTARY SERV-**
2 **ICES.**—Notwithstanding the provisions of section 1342 of
3 title 31, United States Code, the Commission may accept
4 and use the services of volunteers. The Commission may
5 reimburse a volunteer for local travel and office supplies,
6 and for other travel expenses, including per diem in lieu
7 of subsistence, as authorized by section 5703 of title 5,
8 United States Code. A person providing volunteer services
9 to the Commission shall be considered an employee of the
10 Federal Government in the performance of those services
11 for the purposes of the following provisions of law:

12 (1) Chapter 81 of title 5, United States Code,
13 relating to compensation for work-related injuries.

14 (2) Chapter 171 of title 28, United States
15 Code, relating to tort claims.

16 (3) Chapter 11 of title 18, United States Code,
17 relating to conflicts of interest.

18 **SEC. 7. POWERS OF THE COMMISSION.**

19 (a) **HEARINGS AND SESSIONS.**—The Commission
20 may, for the purpose of carrying out this Act, hold hear-
21 ings, sit and act at times and places, take testimony, and
22 receive evidence as the Commission considers appropriate.

23 (b) **POWERS OF MEMBERS AND AGENTS.**—Any mem-
24 ber or agent of the Commission may, if authorized by the

1 Commission, take any action which the Commission is au-
2 thorized to take by this section.

3 (c) OBTAINING OFFICIAL DATA.—The Commission
4 may secure directly from any department or agency of the
5 United States information necessary to enable it to carry
6 out its responsibilities. Upon request of the Chairperson
7 of the Commission, the head of that department or agency
8 shall furnish that information to the Commission.

9 (d) GIFTS, BEQUESTS, AND DEVISES.—To the extent
10 or in the amounts provided in advance in appropriation
11 Acts, the following may occur:

12 (1) The Commission may accept, use, and dis-
13 pose of gifts, bequests, or devises of services or prop-
14 erty, both real and personal, for the purpose of aid-
15 ing or facilitating the work of the Commission.
16 Gifts, bequests, or devises of money and proceeds
17 from sales of property received as gifts, bequests, or
18 devises shall be deposited in the Treasury in a sepa-
19 rate fund and shall be available for disbursement
20 upon order of the Commission.

21 (2) Upon request of the Commission, the Sec-
22 retary of the Treasury may invest and reinvest, in
23 securities of the United States, any money contained
24 in the fund authorized in paragraph (1). Income ac-
25 cruing from such securities, and from any other

1 property accepted to the credit of the fund, shall be
2 disbursed upon order of the Commission.

3 (3) Upon termination of the Commission, all
4 gifts, bequests, and devises accepted by the Commis-
5 sion under paragraph (1) shall be held by the agency
6 administering the work of the Commission. Upon es-
7 tablishment of the Museum, the Commission or
8 agency, as the case may be, holding the gifts, be-
9 quests, and devises accepted under paragraph (1)
10 shall turn them over to the National Museum of the
11 American People.

12 (e) **MAILS.**—The Commission may use the United
13 States mails in the same manner and under the same con-
14 ditions as other departments and agencies of the United
15 States.

16 (f) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon re-
17 quest of the Chairperson of the Commission, the Adminis-
18 trator of General Services shall provide to the Commis-
19 sion, on a reimbursable basis, the administrative support
20 and other services necessary for the Commission to carry
21 out its responsibilities under this Act. These administra-
22 tive services may include human resources management,
23 budget, leasing, accounting, and payroll services.

24 (g) **CONTRACT AUTHORITY.**—To the extent or in the
25 amounts provided in advance in appropriation Acts, the

1 Commission may enter into contracts with and com-
2 pensate government and private agencies or persons for
3 the conduct of activities necessary to the discharge of its
4 duties and responsibilities. A contract, lease, or other legal
5 agreement entered into by the Commission may not extend
6 beyond the date of the termination of the Commission.

7 **SEC. 8. FEDERAL ADVISORY COMMITTEE ACT.**

8 The Commission is not subject to the Federal Advi-
9 sory Committee Act (5 U.S.C. App.).

10 **SEC. 9. TERMINATION.**

11 (a) IN GENERAL.—The Commission shall terminate
12 not later than 90 days after the date on which it transmits
13 its report pursuant to section 4(e), or not later than 30
14 days after the date of enactment of an Act of Congress
15 establishing the Museum, whichever comes first.

16 (b) DISPOSITION OF RECORDS AND PAPERS.—

17 (1) IF MUSEUM IS NOT ESTABLISHED BEFORE
18 COMMISSION TERMINATES.—If the Museum is not
19 established before the Commission terminates, all
20 records and papers of the Commission shall—

21 (A) not later than the date on which the
22 Commission terminates, be delivered to the Ar-
23 chivist of the United States for deposit in the
24 National Archives and Records Administration;
25 and

1 (B) upon establishment of the Museum, be
2 delivered to the Museum.

3 (2) IF MUSEUM IS ESTABLISHED BEFORE COM-
4 MISSION TERMINATES.—If the Museum is estab-
5 lished before the Commission terminates, all records
6 and papers of the Commission shall be delivered to
7 the Museum not later than the date on which the
8 Commission terminates.

9 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There is authorized to be appro-
11 priated such sums as may be necessary to carry out this
12 Act.

13 (b) AVAILABILITY.—Amounts made available under
14 subsection (a) shall remain available until expended, or
15 until the termination of the Commission, whichever comes
16 first.

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