

116TH CONGRESS  
1ST SESSION

# H. R. 2420

To establish within the Smithsonian Institution the National Museum of the American Latino, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

Mr. SERRANO (for himself, Mr. HURD of Texas, Mr. CÁRDENAS, Ms. HERRERA BEUTLER, Ms. GARCIA of Texas, Mr. CASTRO of Texas, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. CORREA, Mr. KING of New York, Mr. SOTO, Mrs. NAPOLITANO, Mr. DUFFY, Ms. VELÁZQUEZ, Ms. LEE of California, Mr. GRIJALVA, Mr. GONZALEZ of Ohio, Ms. SÁNCHEZ, and Mr. NEWHOUSE) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, 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 within the Smithsonian Institution the National Museum of the American Latino, 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 the American Latino Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The United States is a symbol of democ-  
4 racy, freedom, and economic opportunity around the  
5 world, and the legacy of Latinos is deeply rooted in  
6 the very fabric of the history, democracy, freedom,  
7 and economic opportunity of the United States.

8 (2) There exists no national museum within the  
9 Smithsonian Institution that is devoted to the docu-  
10 mentation and explication of Latino life, art, history,  
11 and culture.

12 (3) The establishment of the National Museum  
13 of the American Latino will be consistent with the  
14 purposes of the Smithsonian Institution, created by  
15 Congress in 1846, “for the increase and diffusion of  
16 knowledge”.

17 (4) The National Museum of the American  
18 Latino—

19 (A) will be the keystone for people in the  
20 United States and other Smithsonian Institu-  
21 tion visitors to learn about Latino contributions  
22 to life, art, history, and culture in the United  
23 States at its signature location on the National  
24 Mall; and

25 (B) will serve as a gateway for visitors to  
26 view other Latino exhibitions, collections, and

1 programming at other Smithsonian Institution  
2 facilities and museums throughout the United  
3 States and the territories of the United States.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

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

9 (2) BOARD OF TRUSTEES.—The term “Board  
10 of Trustees” means the Board of Trustees of the  
11 National Museum of the American Latino as estab-  
12 lished by section 5.

13 (3) DIRECTOR.—The term “Director” means  
14 the Director of the National Museum of the Amer-  
15 ican Latino.

16 (4) MUSEUM.—The term “Museum” means the  
17 National Museum of the American Latino estab-  
18 lished by section 4.

19 (5) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Smithsonian Institution.

21 **SEC. 4. ESTABLISHMENT OF MUSEUM.**

22 (a) ESTABLISHMENT.—There is established within  
23 the Smithsonian Institution a museum to be known as the  
24 “National Museum of the American Latino”.

25 (b) PURPOSES.—The purposes of the Museum are—

1           (1) to illuminate the story of the United States  
2 for the benefit of all by featuring Latino contribu-  
3 tions; and

4           (2) to provide for—

5               (A) the collection, study, research, publica-  
6 tion, and establishment of exhibitions and pro-  
7 grams relating to Latino life, art, history, and  
8 culture that encompass—

9                   (i) Latino contributions to the early  
10 history of what now encompasses the  
11 United States of America and its terri-  
12 tories;

13                   (ii) Latino contributions in the armed  
14 services from the earliest days of the  
15 American Revolution to current military  
16 activities in defense of our freedoms;

17                   (iii) Latino contributions to the free-  
18 dom, well-being, and economic prosperity  
19 of all people in the United States through  
20 historical movements;

21                   (iv) entrepreneurial and charitable ac-  
22 tivities of Latinos;

23                   (v) contributions by Latinos to—

24                       (I) the social, natural, and phys-  
25 ical sciences; and

1 (II) art, history, and culture, in-  
2 cluding food, music, dance, film, the-  
3 ater, sports, and other forms of pop-  
4 ular culture in the United States; and

5 (B) collaboration between the Museum,  
6 other museums and research centers of the  
7 Smithsonian Institution, and other museums  
8 and educational institutions throughout the  
9 United States and abroad, to promote the study  
10 and appreciation of Latino life, art, history, cul-  
11 ture, and its impact on society in the United  
12 States, including collaboration concerning joint  
13 research projects, programs, exhibitions, collec-  
14 tion management, and training of museum  
15 staff.

16 **SEC. 5. BOARD OF TRUSTEES.**

17 (a) ESTABLISHMENT.—There is established within  
18 the Smithsonian Institution a Board of Trustees of the  
19 Museum with the duties, powers, and authority specified  
20 in this section.

21 (b) DUTIES.—

22 (1) IN GENERAL.—The Board of Trustees—

23 (A) shall—

24 (i) make recommendations to the  
25 Board of Regents concerning the location,

1 planning, design, and construction of the  
2 Museum;

3 (ii) recommend annual operating  
4 budgets for the Museum to the Board of  
5 Regents;

6 (iii) adopt bylaws for the Board of  
7 Trustees;

8 (iv) report annually to the Board of  
9 Regents on the acquisition, disposition,  
10 and display of Latino collections, objects  
11 and artifacts, and on other appropriate  
12 matters; and

13 (v) advise and assist the Board of Re-  
14 gents on all matters relating to the admin-  
15 istration, operation, maintenance, and  
16 preservation of the Museum, including  
17 long-term maintenance; and

18 (B) may delegate the duties described in  
19 clauses (i) through (iv) of subparagraph (A) to  
20 the Director.

21 (2) PRINCIPAL RESPONSIBILITIES.—Subject to  
22 the general policies of the Board of Regents, the  
23 Board of Trustees shall have the sole authority to—

1 (A) purchase, accept, borrow, or otherwise  
2 acquire artifacts and other objects for addition  
3 to the collections of the Museum;

4 (B) loan, exchange, sell, or otherwise dis-  
5 pose of any part of the collections of the Mu-  
6 seum, with the proceeds of such transactions to  
7 be used for additions to the collections of the  
8 Museum; and

9 (C) specify criteria with respect to the use  
10 of the collections and resources of the Museum,  
11 including policies on programming, education,  
12 exhibitions, and research with respect to—

13 (i) the life, art, history, culture, and  
14 other aspects of Latinos in the United  
15 States and the territories of the United  
16 States;

17 (ii) the role of Latinos in the history  
18 of the United States from the arrival of  
19 the first explorers to the Americas to the  
20 present;

21 (iii) the contributions of Latinos to  
22 society and culture in the United States,  
23 and exploring what it means to be an  
24 American; and

1 (iv) sharing how values in the United  
2 States such as resiliency, optimism, and  
3 spirituality are reflected in Latino history  
4 and culture.

5 (3) OTHER RESPONSIBILITIES.—Subject to the  
6 general policies of the Board of Regents, the Board  
7 of Trustees shall have authority to—

8 (A) provide for preservation, restoration,  
9 and maintenance of the collections of the Mu-  
10 seum; and

11 (B) solicit, accept, use, and dispose of  
12 gifts, bequests, and devises of personal and real  
13 property for the purpose of aiding and facili-  
14 tating the work of the Museum.

15 (c) COMPOSITION AND APPOINTMENT.—

16 (1) IN GENERAL.—The Board of Trustees shall  
17 be composed of not more than 19 voting members  
18 as provided under paragraph (2).

19 (2) VOTING MEMBERS.—The Board of Trustees  
20 shall include the following voting members:

21 (A) The Secretary of the Smithsonian In-  
22 stitution.

23 (B) The Under Secretary of Museums and  
24 Research of the Smithsonian Institution.



1 (C) The chair of the Smithsonian National  
2 Latino Board.

3 (D) One member of the Board of Regents,  
4 appointed by the Board of Regents.

5 (E) Two Members of Congress, 1 from  
6 each political party, designated by the Congres-  
7 sional Hispanic Caucus and the Congressional  
8 Hispanic Conference.

9 (F) Thirteen individuals who shall be ap-  
10 pointed by the Board of Regents after taking  
11 into consideration—

12 (i) efforts to have a politically and  
13 geographically diverse representation on  
14 the Board of Trustees reflecting States  
15 and territories with significant Latino pop-  
16 ulations;

17 (ii) individuals recommended by mem-  
18 bers of the Board of Trustees; and

19 (iii) individuals recommended by orga-  
20 nizations and entities that are committed  
21 to the advancement of knowledge of Latino  
22 life, art, history, and culture.

23 (3) INITIAL APPOINTMENTS.—The Board of  
24 Regents shall make initial appointments to the  
25 Board of Trustees under paragraph (2) not later

1 than 180 days after the date of enactment of this  
2 Act.

3 (d) TERMS OF SERVICE.—

4 (1) IN GENERAL.—Except as provided in this  
5 subsection, each appointed member of the Board of  
6 Trustees shall be appointed for a term of 3 years.

7 (2) INITIAL APPOINTEES.—As designated by  
8 the Board of Regents at the time of appointment, of  
9 the voting members first appointed under subpara-  
10 graph (F) of subsection (c)(2)—

11 (A) Five members shall be appointed for a  
12 term of 1 year;

13 (B) Four members shall be appointed for  
14 a term of 2 years; and

15 (C) Four members shall be appointed for  
16 a term of 3 years.

17 (3) REAPPOINTMENT.—A member of the Board  
18 of Trustees may be reappointed, except that no indi-  
19 vidual may serve on the Board of Trustees for a  
20 total of more than 2 full terms. For purposes of this  
21 paragraph, the number of terms an individual serves  
22 on the Board of Trustees shall not include any por-  
23 tion of a term for which an individual is appointed  
24 to fill a vacancy under paragraph (4)(B).

25 (4) VACANCIES.—

1 (A) IN GENERAL.—A vacancy on the  
2 Board of Trustees—

3 (i) shall not affect the powers of the  
4 Board of Trustees; and

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

7 (B) TERM.—Any member of the Board of  
8 Trustees appointed to fill a vacancy occurring  
9 before the expiration of the term for which the  
10 member's predecessor was appointed shall be  
11 appointed for the remainder of that term.

12 (e) COMPENSATION.—

13 (1) IN GENERAL.—Except as provided in para-  
14 graph (2), a member of the Board of Trustees shall  
15 serve without pay.

16 (2) TRAVEL EXPENSES.—A member of the  
17 Board of Trustees shall be allowed travel expenses,  
18 including per diem in lieu of subsistence, at rates  
19 authorized for an employee of an agency under sub-  
20 chapter I of chapter 57 of title 5, United States  
21 Code, while away from the home or regular place of  
22 business of the member in the performance of the  
23 duties of the Board of Trustees.

1 (f) CHAIRPERSON.—By a majority vote of its voting  
2 members, the Board of Trustees shall elect a chairperson  
3 from its members.

4 (g) MEETINGS.—

5 (1) IN GENERAL.—The Board of Trustees shall  
6 meet at the call of the chairperson or on the written  
7 request of a majority of the voting members of the  
8 Board of Trustees, but not fewer than twice each  
9 year.

10 (2) MEETING FORMAT.—Regularly scheduled  
11 meetings and special meetings may be conducted in-  
12 person, telephonically, electronically, or by any  
13 means appropriate as determined by the chairperson.

14 (h) QUORUM.—A majority of the voting members of  
15 the Board of Trustees holding office shall constitute a  
16 quorum for the purpose of conducting business, but a less-  
17 er number may receive information on behalf of the Board  
18 of Trustees.

19 **SEC. 6. DIRECTOR AND STAFF OF MUSEUM.**

20 (a) DIRECTOR.—

21 (1) IN GENERAL.—The Museum shall have a  
22 Director who shall be appointed by the Secretary in  
23 consultation with Board of Trustees. The Secretary  
24 may appoint an interim Director to oversee the ini-

1        tial activity of establishing the Museum until a per-  
2        manent Director is selected.

3            (2) DUTIES.—The Director shall manage the  
4        Museum subject to the policies of the Board of Re-  
5        gents and the Board of Trustees.

6            (b) STAFF.—The Secretary may appoint 2 additional  
7        employees to serve under the Director, except that such  
8        additional employees may be appointed without regard to  
9        the provisions of title 5, United States Code, governing  
10       appointments in the competitive service.

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

16       **SEC. 7. EDUCATIONAL AND LIAISON PROGRAMS.**

17          (a) IN GENERAL.—

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

21            (2) SPECIFIC ACTIVITIES.—In carrying out this  
22       section, the Director shall—

23            (A) carry out educational programs relat-  
24            ing to Latino life, art, history, and culture, in-  
25            cluding—

1 (i) programs using digital, electronic,  
2 and interactive technologies; and

3 (ii) programs carried out in collabora-  
4 tion with elementary schools, secondary  
5 schools, and postsecondary schools; and

6 (B) consult with the Director of the Insti-  
7 tute of Museum and Library Services con-  
8 cerning the grant programs carried out under  
9 subsection (b).

10 (b) GRANT PROGRAMS.—

11 (1) IN GENERAL.—The Director of the Institute  
12 of Museum and Library Services, in consultation  
13 with the Board of Trustees and the Director of the  
14 Museum, shall establish and carry out—

15 (A) a grant program with the purpose of  
16 improving operations, care of collections, cul-  
17 turally appropriate public outreach, and devel-  
18 opment of professional management at Amer-  
19 ican Latino museums;

20 (B) a grant program with the purpose of  
21 providing internship and fellowship opportuni-  
22 ties at American Latino museums;

23 (C) a scholarship program, in partnership  
24 with Hispanic-serving institutions, minority-  
25 serving institutions, historically black colleges

1 and universities, and other institutions of high-  
2 er education, with the purpose of assisting indi-  
3 viduals who are pursuing careers or carrying  
4 out studies in the arts, humanities, and sciences  
5 in the study of American Latino life, art, his-  
6 tory, and culture;

7 (D) in cooperation with other museums,  
8 historical societies, and educational institutions,  
9 a grant program with the purpose of promoting  
10 the understanding of the Latin American dias-  
11 pora in the United States; and

12 (E) a grant program under which an  
13 American Latino museum (including a non-  
14 profit education organization the primary mis-  
15 sion of which is to promote the study of the  
16 Latin American diaspora in the United States)  
17 may use funds provided under the grant to in-  
18 crease an endowment fund established by the  
19 museum (or organization) as of October 1,  
20 2019, for the purposes of enhancing educational  
21 programming, and maintaining and operating  
22 traveling educational exhibits.

23 (2) CLARIFICATION OF TREATMENT OF MU-  
24 SEUM.—In this subsection, the term “American  
25 Latino museum” does not include the Museum.

1           (3) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated to the Insti-  
3           tute of Museum and Library Services to carry out  
4           this subsection—

5                   (A) \$15,000,000 for fiscal year 2020; and

6                   (B) such sums as may be necessary for fis-  
7           cal year 2021 and each succeeding fiscal year.

8 **SEC. 8. NATIONAL MUSEUM OF THE AMERICAN LATINO**  
9                   **BUILDING AND SUPPORT FACILITIES.**

10          (a) IN GENERAL.—

11               (1) LOCATION.—

12                   (A) IN GENERAL.—Not later than 24  
13           months after the date of the enactment of this  
14           Act, the Board of Regents shall designate a site  
15           for the Museum.

16                   (B) SITES FOR CONSIDERATION.—In des-  
17           ignating a site under subparagraph (A), the  
18           Board of Regents shall select from among the  
19           following sites in the District of Columbia:

20                       (i) The Arts and Industries Building  
21                       of the Smithsonian Institution, located on  
22                       the National Mall at 900 Jefferson Drive,  
23                       Southwest, Washington, District of Colum-  
24                       bia.



1           (ii) A vacant area bounded by Inde-  
2           pendence Avenue, Jefferson Drive, Raoul  
3           Wallenberg Place, and 14th Street South-  
4           west, currently under the jurisdiction of  
5           the National Park Service.

6           (iii) The area bounded by 3rd Street  
7           and 1st Street, Northwest and Constitu-  
8           tion Avenue and Pennsylvania Avenue,  
9           Northwest, as measured from curb to curb,  
10          currently under the jurisdiction of the Ar-  
11          chitect of the Capitol.

12          (iv) The facility and grounds on the  
13          National Mall between 12th and 14th  
14          Streets, Southwest, and Jefferson Drive  
15          and Independence Avenue, Southwest, cur-  
16          rently under the jurisdiction of the Depart-  
17          ment of Agriculture.

18          (v) Any other appropriate location as  
19          identified by the Board of Trustees or  
20          Board of Regents.

21          (C) TRANSFER TO SMITHSONIAN INSTITU-  
22          TION.—Except with respect to a site described  
23          in clause (i) of subparagraph (B), if the site  
24          designated for the Museum is in an area that  
25          is under the administrative jurisdiction of an-

1 other Federal entity, as soon as practicable  
2 after the date on which the designation is made,  
3 the head of the Federal entity shall transfer to  
4 the Smithsonian Institution administrative ju-  
5 risdiction over the area selected for the site of  
6 the Museum.

7 (D) CONSULTATION.—The Board of Re-  
8 gents shall carry out its duties under this para-  
9 graph in consultation with the following:

10 (i) The Chair of the National Capital  
11 Planning Commission.

12 (ii) The Chair of the Commission of  
13 Fine Arts.

14 (iii) The Chair and Vice Chair of the  
15 Commission referred to in section 9.

16 (iv) The Chair of the Building and  
17 Site Subcommittee of the Commission re-  
18 ferred to in section 9.

19 (v) The Chair and ranking minority  
20 member of each of the following Commit-  
21 tees:

22 (I) The Committee on Rules and  
23 Administration of the Senate.

1 (II) The Committee on House  
2 Administration of the House of Rep-  
3 resentatives.

4 (III) The Committee on Trans-  
5 portation and Infrastructure of the  
6 House of Representatives.

7 (IV) The Committee on Appro-  
8 priations of the House of Representa-  
9 tives.

10 (V) The Committee on Appro-  
11 priations of the Senate.

12 (vi) The Architect of the Capitol.

13 (2) SIZE OF BUILDING.—The building con-  
14 structed or modified to serve as the Museum shall  
15 occupy no less than the recommended square footage  
16 set forth in the report submitted by the Commission  
17 to Study the Potential Creation of a National Mu-  
18 seum of the American Latino established under sec-  
19 tion 333 of the Consolidated Natural Resources Act  
20 of 2008 (Public Law 110–229; 122 Stat. 784).

21 (3) CONSTRUCTION OF BUILDING.—The Board  
22 of Regents, in consultation with the Board of Trust-  
23 ees and other appropriate Federal and local agencies  
24 is authorized to prepare plans, design, and construct  
25 a building or modify an existing building for the Mu-

1 seum, which shall be located at the site selected by  
2 the Board of Regents under this subsection.

3 (4) NONAPPLICABILITY OF PROVISIONS RELAT-  
4 ING TO MONUMENTS, COMMEMORATIVE, AND OTHER  
5 WORKS ON THE NATIONAL MALL.—Chapter 89 of  
6 title 40, United States Code, shall not apply with re-  
7 spect to the Museum.

8 (b) COST SHARING.—The Board of Regents shall  
9 pay—

10 (1) 50 percent of the costs of carrying out this  
11 section from Federal funds; and

12 (2) 50 percent of the costs of carrying out this  
13 section from non-Federal sources.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated such sums as are nec-  
16 essary to carry out this section.

17 **SEC. 9. CONSIDERATION OF RECOMMENDATIONS OF COM-**  
18 **MISSION.**

19 In carrying out their duties under this Act, the Board  
20 of Trustees and the Board of Regents shall take into con-  
21 sideration the reports and plans submitted by the Commis-  
22 sion to Study the Potential Creation of a National Mu-  
23 seum of the American Latino established under section  
24 333 of the Consolidated Natural Resources Act of 2008  
25 (Public Law 110–229; 122 Stat. 784).

1 **SEC. 10. CONGRESSIONAL BUDGET ACT COMPLIANCE.**

2 Authority under this Act to enter into contracts or  
3 to make payments shall be effective in any fiscal year only  
4 to the extent provided in advance in an appropriations  
5 Act.

6 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—There are authorized to be appro-  
8 priated to the Smithsonian Institution to carry out this  
9 Act, other than sections 7(b) and 8—

10 (1) \$20,000,000 for fiscal year 2020; and

11 (2) such sums as are necessary for each fiscal  
12 year thereafter.

13 (b) AVAILABILITY.—Amounts appropriated pursuant  
14 to the authorization of appropriations under subsection (a)  
15 shall remain available until expended.

16 (c) USE OF FUNDS FOR FUNDRAISING.—Amounts  
17 appropriated pursuant to the authorization under this sec-  
18 tion may be used to conduct fundraising in support of the  
19 Museum from private sources.

○