

116TH CONGRESS
2^D SESSION

H. R. 2420

IN THE SENATE OF THE UNITED STATES

JULY 29, 2020

Received; read twice and referred to the Committee on Rules and
Administration

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Museum of
3 the American Latino Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

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

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

20 (4) The National Museum of the American
21 Latino—

22 (A) will be the keystone for people in the
23 United States and other Smithsonian Institu-
24 tion visitors to learn about Latino contributions
25 to life, art, history, and culture in the United

1 States at its signature location on the National
2 Mall; and

3 (B) will serve as a gateway for visitors to
4 view other Latino exhibitions, collections, and
5 programming at other Smithsonian Institution
6 facilities and museums throughout the United
7 States and the territories of the United States.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

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

13 (2) BOARD OF TRUSTEES.—The term “Board
14 of Trustees” means the Board of Trustees of the
15 National Museum of the American Latino as estab-
16 lished by section 5.

17 (3) DIRECTOR.—The term “Director” means
18 the Director of the National Museum of the Amer-
19 ican Latino.

20 (4) MUSEUM.—The term “Museum” means the
21 National Museum of the American Latino estab-
22 lished by section 4.

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

1 **SEC. 4. ESTABLISHMENT OF MUSEUM.**

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

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

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

9 (2) to provide for—

10 (A) the collection, study, research, publica-
11 tion, and establishment of exhibitions and pro-
12 grams relating to Latino life, art, history, and
13 culture that encompass—

14 (i) Latino contributions to the early
15 history of what now encompasses the
16 United States of America and its terri-
17 tories;

18 (ii) Latino contributions in the armed
19 services from the earliest days of the
20 American Revolution to current military
21 activities in defense of our freedoms;

22 (iii) Latino contributions to the free-
23 dom, well-being, and economic prosperity
24 of all people in the United States through
25 historical movements;

1 (iv) entrepreneurial and charitable ac-
2 tivities of Latinos;

3 (v) contributions by Latinos to—

4 (I) the social, natural, and phys-
5 ical sciences; and

6 (II) art, history, and culture, in-
7 cluding food, music, dance, film, the-
8 ater, sports, and other forms of pop-
9 ular culture in the United States; and

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

21 **SEC. 5. BOARD OF TRUSTEES.**

22 (a) ESTABLISHMENT.—There is established within
23 the Smithsonian Institution a Board of Trustees of the
24 Museum with the duties, powers, and authority specified
25 in this section.

1 (b) DUTIES.—

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

3 (A) shall—

4 (i) make recommendations to the
5 Board of Regents concerning the location,
6 planning, design, and construction of the
7 Museum;

8 (ii) recommend annual operating
9 budgets for the Museum to the Board of
10 Regents;

11 (iii) adopt bylaws for the Board of
12 Trustees;

13 (iv) report annually to the Board of
14 Regents on the acquisition, disposition,
15 and display of Latino collections, objects
16 and artifacts, and on other appropriate
17 matters; and

18 (v) advise and assist the Board of Re-
19 gents on all matters relating to the admin-
20 istration, operation, maintenance, and
21 preservation of the Museum, including
22 long-term maintenance; and

23 (B) may delegate the duties described in
24 clauses (i) through (iv) of subparagraph (A) to
25 the Director.

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

4 (A) purchase, accept, borrow, or otherwise
5 acquire artifacts and other objects for addition
6 to the collections of the Museum;

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

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

16 (i) the life, art, history, culture, and
17 other aspects of Latinos in the United
18 States and the territories of the United
19 States;

20 (ii) the role of Latinos in the history
21 of the United States from the arrival of
22 the first explorers to the Americas to the
23 present;

24 (iii) the contributions of Latinos to
25 society and culture in the United States,

1 and exploring what it means to be an
2 American; and

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

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

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

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

17 (4) ENSURING DIVERSITY OF POLITICAL VIEW-
18 POINTS IN EXHIBITS AND PROGRAMS.—In carrying
19 out its duties, the Board of Trustees shall ensure
20 that the exhibits and programs of the Museum re-
21 flect the diversity of the political viewpoints held by
22 Latinos of the United States on the events and
23 issues relating to the history of Latinos in the
24 United States.

25 (c) COMPOSITION AND APPOINTMENT.—

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

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

6 (A) The Secretary of the Smithsonian In-
7 stitution.

8 (B) The Under Secretary of Museums and
9 Research of the Smithsonian Institution.

10 (C) The chair of the Smithsonian National
11 Latino Board.

12 (D) One member of the Board of Regents,
13 appointed by the Board of Regents.

14 (E) Two Members of Congress, one from
15 each political party, designated by the Congres-
16 sional Hispanic Caucus and the Congressional
17 Hispanic Conference.

18 (F) Thirteen individuals who shall be ap-
19 pointed by the Board of Regents after taking
20 into consideration—

21 (i) efforts to have a politically and
22 geographically diverse representation on
23 the Board of Trustees reflecting States
24 and territories with significant Latino pop-
25 ulations;

1 (ii) individuals recommended by mem-
2 bers of the Board of Trustees; and

3 (iii) individuals recommended by orga-
4 nizations and entities that are committed
5 to the advancement of knowledge of Latino
6 life, art, history, and culture.

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

12 (d) TERMS OF SERVICE.—

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

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

20 (A) Five members shall be appointed for a
21 term of 1 year;

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

24 (C) Four members shall be appointed for
25 a term of 3 years.

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

9 (4) VACANCIES.—

10 (A) IN GENERAL.—A vacancy on the
11 Board of Trustees—

12 (i) shall not affect the powers of the
13 Board of Trustees; and

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

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

21 (e) COMPENSATION.—

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

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

9 (f) CHAIRPERSON.—By a majority vote of its voting
10 members, the Board of Trustees shall elect a chairperson
11 from its members.

12 (g) MEETINGS.—

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

18 (2) MEETING FORMAT.—Regularly scheduled
19 meetings and special meetings may be conducted in-
20 person, telephonically, electronically, or by any
21 means appropriate as determined by the chairperson.

22 (h) QUORUM.—A majority of the voting members of
23 the Board of Trustees holding office shall constitute a
24 quorum for the purpose of conducting business, but a less-

1 er number may receive information on behalf of the Board
2 of Trustees.

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

4 (a) DIRECTOR.—

5 (1) IN GENERAL.—The Museum shall have a
6 Director who shall be appointed by the Secretary in
7 consultation with Board of Trustees. The Secretary
8 may appoint an interim Director to oversee the ini-
9 tial activity of establishing the Museum until a per-
10 manent Director is selected.

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

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. 7. 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.—In carrying out this
5 section, the Director shall—

6 (A) carry out educational programs relat-
7 ing to Latino life, art, history, and culture, in-
8 cluding—

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 programs carried out under
17 subsection (b).

18 (b) GRANT PROGRAMS.—

19 (1) IN GENERAL.—The Director of the Institute
20 of Museum and Library Services, in consultation
21 with the Board of Trustees and the Director of the
22 Museum, shall establish and carry out—

23 (A) a grant program with the purpose of
24 improving operations, care of collections, cul-
25 turally appropriate public outreach, and devel-

1 opment of professional management at Ameri-
2 can Latino museums;

3 (B) a grant program with the purpose of
4 providing internship and fellowship opportuni-
5 ties at American Latino museums;

6 (C) a scholarship program, in partnership
7 with Hispanic-serving institutions, minority-
8 serving institutions, historically black colleges
9 and universities, and other institutions of high-
10 er education, with the purpose of assisting indi-
11 viduals who are pursuing careers or carrying
12 out studies in the arts, humanities, and sciences
13 in the study of American Latino life, art, his-
14 tory, and culture;

15 (D) in cooperation with other museums,
16 historical societies, and educational institutions,
17 a grant program with the purpose of promoting
18 the understanding of the Latin American dias-
19 pora in the United States; and

20 (E) a grant program under which an
21 American Latino museum (including a non-
22 profit education organization the primary mis-
23 sion of which is to promote the study of the
24 Latin American diaspora in the United States)
25 may use funds provided under the grant to in-

1 crease an endowment fund established by the
 2 museum (or organization) as of October 1,
 3 2020, for the purposes of enhancing educational
 4 programming, and maintaining and operating
 5 traveling educational exhibits.

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

9 (3) AUTHORIZATION OF APPROPRIATIONS.—
 10 There are authorized to be appropriated to the Insti-
 11 tute of Museum and Library Services to carry out
 12 this subsection—

13 (A) \$15,000,000 for fiscal year 2021; and

14 (B) such sums as may be necessary for fis-
 15 cal year 2022 and each succeeding fiscal year.

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

18 (a) IN GENERAL.—

19 (1) LOCATION.—

20 (A) IN GENERAL.—Not later than 24
 21 months after the date of the enactment of this
 22 Act, the Board of Regents shall designate a site
 23 for the Museum.

24 (B) SITES FOR CONSIDERATION.—In des-
 25 ignating a site under subparagraph (A), the

1 Board of Regents shall select from among the
2 following sites in the District of Columbia:

3 (i) The Arts and Industries Building
4 of the Smithsonian Institution, located on
5 the National Mall at 900 Jefferson Drive,
6 Southwest, Washington, District of Colum-
7 bia.

8 (ii) A vacant area bounded by Inde-
9 pendence Avenue, Jefferson Drive, Raoul
10 Wallenberg Place, and 14th Street South-
11 west, currently under the jurisdiction of
12 the National Park Service.

13 (iii) The area bounded by 3rd Street
14 and 1st Street, Northwest and Constitu-
15 tion Avenue and Pennsylvania Avenue,
16 Northwest, as measured from curb to curb,
17 currently under the jurisdiction of the Ar-
18 chitect of the Capitol.

19 (iv) The facility and grounds on the
20 National Mall between 12th and 14th
21 Streets, Southwest, and Jefferson Drive
22 and Independence Avenue, Southwest, cur-
23 rently under the jurisdiction of the Depart-
24 ment of Agriculture.

1 (v) Any other appropriate location as
2 identified by the Board of Trustees or
3 Board of Regents.

4 (C) TRANSFER TO SMITHSONIAN INSTITU-
5 TION.—Except with respect to a site described
6 in clause (i) of subparagraph (B), if the site
7 designated for the Museum is in an area that
8 is under the administrative jurisdiction of an-
9 other Federal entity, as soon as practicable
10 after the date on which the designation is made,
11 the head of the Federal entity shall transfer to
12 the Smithsonian Institution administrative ju-
13 risdiction over the area selected for the site of
14 the Museum.

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

18 (i) The Chair of the National Capital
19 Planning Commission.

20 (ii) The Chair of the Commission of
21 Fine Arts.

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

1 (iv) The Chair of the Building and
2 Site Subcommittee of the Commission re-
3 ferred to in section 9.

4 (v) The Chair and ranking minority
5 member of each of the following Commit-
6 tees:

7 (I) The Committee on Rules and
8 Administration of the Senate.

9 (II) The Committee on House
10 Administration of the House of Rep-
11 resentatives.

12 (III) The Committee on Trans-
13 portation and Infrastructure of the
14 House of Representatives.

15 (IV) The Committee on Appro-
16 priations of the House of Representa-
17 tives.

18 (V) The Committee on Appro-
19 priations of the Senate.

20 (vi) The Architect of the Capitol.

21 (2) SIZE OF BUILDING.—The building con-
22 structed or modified to serve as the Museum shall
23 occupy no less than the recommended square footage
24 set forth in the report submitted by the Commission
25 to Study the Potential Creation of a National Mu-

1 seum of the American Latino established under sec-
2 tion 333 of the Consolidated Natural Resources Act
3 of 2008 (Public Law 110–229; 122 Stat. 784).

4 (3) CONSTRUCTION OF BUILDING.—The Board
5 of Regents, in consultation with the Board of Trust-
6 ees and other appropriate Federal and local agencies
7 is authorized to prepare plans, design, and construct
8 a building or modify an existing building for the Mu-
9 seum, which shall be located at the site selected by
10 the Board of Regents under this subsection.

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

16 (b) COST SHARING.—The Board of Regents shall
17 pay—

18 (1) 50 percent of the costs of carrying out this
19 section from Federal funds; and

20 (2) 50 percent of the costs of carrying out this
21 section from non-Federal sources.

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

1 **SEC. 9. CONSIDERATION OF RECOMMENDATIONS OF COM-**
2 **MISSION.**

3 In carrying out their duties under this Act, the Board
4 of Trustees and the Board of Regents shall take into con-
5 sideration the reports and plans submitted by the Commis-
6 sion to Study the Potential Creation of a National Mu-
7 seum of the American Latino established under section
8 333 of the Consolidated Natural Resources Act of 2008
9 (Public Law 110–229; 122 Stat. 784).

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

11 Authority under this Act to enter into contracts or
12 to make payments shall be effective in any fiscal year only
13 to the extent provided in advance in an appropriations
14 Act.

15 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

19 (1) \$20,000,000 for fiscal year 2021; and

20 (2) such sums as are necessary for each fiscal
21 year thereafter.

22 (b) AVAILABILITY.—Amounts appropriated pursuant
23 to the authorization of appropriations under subsection (a)
24 shall remain available until expended.

25 (c) USE OF FUNDS FOR FUNDRAISING.—Amounts
26 appropriated pursuant to the authorization under this sec-

- 1 tion may be used to conduct fundraising in support of the
- 2 Museum from private sources.

Passed the House of Representatives July 27, 2020.

Attest: CHERYL L. JOHNSON,
Clerk.