Suspend the Rules and Pass the Bill H.R. 2420 With an Amendment

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

116TH CONGRESS
1ST SESSION
H. R. 2420

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

IN THE HOUSE OF REPRESENTATIVES
APRIL 30, 2020

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

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 Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States is a symbol of democracy, freedom, and economic opportunity around the world, and the legacy of Latinos is deeply rooted in the very fabric of the history, democracy, freedom, and economic opportunity of the United States.

(2) There exists no national museum within the Smithsonian Institution that is devoted to the documentation and explication of Latino life, art, history, and culture.

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

(4) The National Museum of the American Latino—

   (A) will be the keystone for people in the United States and other Smithsonian Institution visitors to learn about Latino contributions to life, art, history, and culture in the United
States at its signature location on the National Mall; and

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

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term “Board of Regents” means the Board of Regents of the Smithsonian Institution.

(2) BOARD OF TRUSTEES.—The term “Board of Trustees” means the Board of Trustees of the National Museum of the American Latino as established by section 5.

(3) DIRECTOR.—The term “Director” means the Director of the National Museum of the American Latino.

(4) MUSEUM.—The term “Museum” means the National Museum of the American Latino established by section 4.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Smithsonian Institution.
SEC. 4. ESTABLISHMENT OF MUSEUM.

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

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

(1) to illuminate the story of the United States for the benefit of all by featuring Latino contributions; and

(2) to provide for—

(A) the collection, study, research, publication, and establishment of exhibitions and programs relating to Latino life, art, history, and culture that encompass—

(i) Latino contributions to the early history of what now encompasses the United States of America and its territories;

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

(iii) Latino contributions to the freedom, well-being, and economic prosperity of all people in the United States through historical movements;
(iv) entrepreneurial and charitable ac-
tivities of Latinos;

(v) contributions by Latinos to—

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

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

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

SEC. 5. BOARD OF TRUSTEES.

(a) E STABLISHMENT.—There is established within
the Smithsonian Institution a Board of Trustees of the
Museum with the duties, powers, and authority specified
in this section.
(b) DUTIES.—

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

(A) shall—

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

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

(iii) adopt bylaws for the Board of Trustees;

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

(v) advise and assist the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the Museum, including long-term maintenance; and

(B) may delegate the duties described in clauses (i) through (iv) of subparagraph (A) to the Director.
(2) **Principal Responsibilities.**—Subject to the general policies of the Board of Regents, the Board of Trustees shall have the sole authority to—

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

(B) loan, exchange, sell, or otherwise dispose of any part of the collections of the Museum, with the proceeds of such transactions to be used for additions to the collections of the Museum; and

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

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

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

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

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

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

(A) provide for preservation, restoration, and maintenance of the collections of the Museum; and

(B) solicit, accept, use, and dispose of gifts, bequests, and devises of personal and real property for the purpose of aiding and facilitating the work of the Museum.

(4) ENSURING DIVERSITY OF POLITICAL VIEWPOINTS IN EXHIBITS AND PROGRAMS.—In carrying out its duties, the Board of Trustees shall ensure that the exhibits and programs of the Museum reflect the diversity of the political viewpoints held by Latinos of the United States on the events and issues relating to the history of Latinos in the United States.

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

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

(A) The Secretary of the Smithsonian Institution.

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

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

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

(E) Two Members of Congress, 1 from each political party, designated by the Congressional Hispanic Caucus and the Congressional Hispanic Conference.

(F) Thirteen individuals who shall be appointed by the Board of Regents after taking into consideration—

(i) efforts to have a politically and geographically diverse representation on the Board of Trustees reflecting States and territories with significant Latino populations;
(ii) individuals recommended by members of the Board of Trustees; and

(iii) individuals recommended by organizations and entities that are committed to the advancement of knowledge of Latino life, art, history, and culture.

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

(d) TERMS OF SERVICE.—

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

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

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

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

(C) Four members shall be appointed for a term of 3 years.
(3) REAPPOINTMENT.—A member of the Board of Trustees may be reappointed, except that no individual may serve on the Board of Trustees for a total of more than 2 full terms. For purposes of this paragraph, the number of terms an individual serves on the Board of Trustees shall not include any portion of a term for which an individual is appointed to fill a vacancy under paragraph (4)(B).

(4) VACANCIES.—

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

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

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

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

(e) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Board of Trustees shall serve without pay.
(2) TRAVEL EXPENSES.—A member of the Board of Trustees shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board of Trustees.

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

(g) MEETINGS.—

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

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

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

SEC. 6. DIRECTOR AND STAFF OF MUSEUM.

(a) DIRECTOR.—

(1) IN GENERAL.—The Museum shall have a Director who shall be appointed by the Secretary in consultation with Board of Trustees. The Secretary may appoint an interim Director to oversee the initial activity of establishing the Museum until a permanent Director is selected.

(2) DUTIES.—The Director shall manage the Museum subject to the policies of the Board of Regents and the Board of Trustees.

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

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

SEC. 7. EDUCATIONAL AND LIAISON PROGRAMS.

(a) IN GENERAL.—
(1) Programs Authorized.—The Director of the Museum may carry out educational and liaison programs in support of the goals of the Museum.

(2) Specific Activities.—In carrying out this section, the Director shall—

(A) carry out educational programs relating to Latino life, art, history, and culture, including—

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

(ii) programs carried out in collaboration with elementary schools, secondary schools, and postsecondary schools; and

(B) consult with the Director of the Institute of Museum and Library Services concerning the grant programs carried out under subsection (b).

(b) Grant Programs.—

(1) In General.—The Director of the Institute of Museum and Library Services, in consultation with the Board of Trustees and the Director of the Museum, shall establish and carry out—

(A) a grant program with the purpose of improving operations, care of collections, culturally appropriate public outreach, and devel-
opment of professional management at American Latino museums;

(B) a grant program with the purpose of providing internship and fellowship opportunities at American Latino museums;

(C) a scholarship program, in partnership with Hispanic-serving institutions, minority-serving institutions, historically black colleges and universities, and other institutions of higher education, with the purpose of assisting individuals who are pursuing careers or carrying out studies in the arts, humanities, and sciences in the study of American Latino life, art, history, and culture;

(D) in cooperation with other museums, historical societies, and educational institutions, a grant program with the purpose of promoting the understanding of the Latin American diaspora in the United States; and

(E) a grant program under which an American Latino museum (including a non-profit education organization the primary mission of which is to promote the study of the Latin American diaspora in the United States) may use funds provided under the grant to in-
crease an endowment fund established by the museum (or organization) as of October 1, 2020, for the purposes of enhancing educational programming, and maintaining and operating traveling educational exhibits.

(2) Clarification of Treatment of Museum.—In this subsection, the term “American Latino museum” does not include the Museum.

(3) Authorization of Appropriations.—There are authorized to be appropriated to the Institute of Museum and Library Services to carry out this subsection—

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

(B) such sums as may be necessary for fiscal year 2022 and each succeeding fiscal year.

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

(a) In General.—

(1) Location.—

(A) In General.—Not later than 24 months after the date of the enactment of this Act, the Board of Regents shall designate a site for the Museum.

(B) Sites for Consideration.—In designing a site under subparagraph (A), the
Board of Regents shall select from among the following sites in the District of Columbia:

(i) The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia.

(ii) A vacant area bounded by Independence Avenue, Jefferson Drive, Raoul Wallenberg Place, and 14th Street Southwest, currently under the jurisdiction of the National Park Service.

(iii) The area bounded by 3rd Street and 1st Street, Northwest and Constitution Avenue and Pennsylvania Avenue, Northwest, as measured from curb to curb, currently under the jurisdiction of the Architect of the Capitol.

(iv) The facility and grounds on the National Mall between 12th and 14th Streets, Southwest, and Jefferson Drive and Independence Avenue, Southwest, currently under the jurisdiction of the Department of Agriculture.
(v) Any other appropriate location as identified by the Board of Trustees or Board of Regents.

(C) Transfer to Smithsonian Institution.—Except with respect to a site described in clause (i) of subparagraph (B), if the site designated for the Museum is in an area that is under the administrative jurisdiction of another Federal entity, as soon as practicable after the date on which the designation is made, the head of the Federal entity shall transfer to the Smithsonian Institution administrative jurisdiction over the area selected for the site of the Museum.

(D) Consultation.—The Board of Regents shall carry out its duties under this paragraph in consultation with the following:

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

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

(iii) The Chair and Vice Chair of the Commission referred to in section 9.
(iv) The Chair of the Building and Site Subcommittee of the Commission referred to in section 9.

(v) The Chair and ranking minority member of each of the following Committees:

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

(II) The Committee on House Administration of the House of Representatives.

(III) The Committee on Transportation and Infrastructure of the House of Representatives.

(IV) The Committee on Appropriations of the House of Representatives.

(V) The Committee on Appropriations of the Senate.

(vi) The Architect of the Capitol.

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

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

(4) NONAPPLICABILITY OF PROVISIONS RELAT-
ing to monuments, commemorative, and other
works on the national Mall.—Chapter 89 of
title 40, United States Code, shall not apply with re-
spect to the Museum.

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated such sums as are nec-
nessary to carry out this section.
SEC. 9. CONSIDERATION OF RECOMMENDATIONS OF COMMISSION.

In carrying out their duties under this Act, the Board of Trustees and the Board of Regents shall take into consideration the reports and plans submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino established under section 333 of the Consolidated Natural Resources Act of 2008 (110 Public Law 229, 122 Stat. 784).

SEC. 10. CONGRESSIONAL BUDGET ACT COMPLIANCE.

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

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Smithsonian Institution to carry out this Act, other than sections 7(b) and 8—

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

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

(b) Availability.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

(c) Use of Funds for Fundraising.—Amounts 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.