

**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)**

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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, 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

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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,*

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, 1 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 2 additional  
15 employees to serve under the Director, except that such  
16 additional employees may be appointed without regard to  
17 the provisions of title 5, United States Code, governing  
18 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 Amer-  
2           ican 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 (110 Public Law 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 (110 Public Law 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.