

# Calendar No. 600

116TH CONGRESS  
2D SESSION

# H. R. 2420

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IN THE SENATE OF THE UNITED STATES

JULY 29, 2020

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

DECEMBER 3, 2020

Reported by Mr. BLUNT, without amendment

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## 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 Representatives 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”.

6 **SEC. 2. FINDINGS.**

7       Congress finds the following:

8           (1) The United States is a symbol of democracy, freedom, and economic opportunity around the

1 world, and the legacy of Latinos is deeply rooted in  
2 the very fabric of the history, democracy, freedom,  
3 and economic opportunity of the United States.

4 (2) There exists no national museum within the  
5 Smithsonian Institution that is devoted to the docu-  
6 mentation and explication of Latino life, art, history,  
7 and culture.

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

13 (4) The National Museum of the American  
14 Latino—

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

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

1   **SEC. 3. DEFINITIONS.**

2       In this Act:

3           (1) BOARD OF REGENTS.—The term “Board of  
4       Regents” means the Board of Regents of the Smith-  
5       sonian Institution.

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

10          (3) DIRECTOR.—The term “Director” means  
11       the Director of the National Museum of the Amer-  
12       ican Latino.

13          (4) MUSEUM.—The term “Museum” means the  
14       National Museum of the American Latino estab-  
15       lished by section 4.

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

18   **SEC. 4. ESTABLISHMENT OF MUSEUM.**

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

22          (b) PURPOSES.—The purposes of the Museum are—  
23              (1) to illuminate the story of the United States  
24       for the benefit of all by featuring Latino contribu-  
25       tions; and

26              (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 activities of Latinos;

(v) contributions by Latinos to—

(I) the social, natural, and physical sciences; and

(II) art, history, and culture, including food, music, dance, film, theater, sports, and other forms of popular culture in the United States; and

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

## 12 SEC. 5. BOARD OF TRUSTEES.

13       (a) ESTABLISHMENT.—There is established within  
14 the Smithsonian Institution a Board of Trustees of the  
15 Museum with the duties, powers, and authority specified  
16 in this section.

17 (b) DUTIES.—

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

19 (A) shall—

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

(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.

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

4                             (A) provide for preservation, restoration,  
5 and maintenance of the collections of the Mu-  
6 seum; and

7                             (B) solicit, accept, use, and dispose of  
8 gifts, bequests, and devises of personal and real  
9 property for the purpose of aiding and facili-  
10 tating the work of the Museum.

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

19                             (c) COMPOSITION AND APPOINTMENT.—

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

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

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

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

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

(ii) individuals recommended by members of the Board of Trustees; and

23 (iii) individuals recommended by orga-  
24 nizations and entities that are committed

1                   to the advancement of knowledge of Latino  
2                   life, art, history, and culture.

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

8                   (d) TERMS OF SERVICE.—

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

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

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

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

20                  (C) Four members shall be appointed for  
21                  a term of 3 years.

22                  (3) REAPPOINTMENT.—A member of the Board  
23                  of Trustees may be reappointed, except that no individual  
24                  may serve on the Board of Trustees for a  
25                  total of more than 2 full terms. For purposes of this

1       paragraph, the number of terms an individual serves  
2       on the Board of Trustees shall not include any por-  
3       tion of a term for which an individual is appointed  
4       to fill a vacancy under paragraph (4)(B).

5                     (4) VACANCIES.—

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

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

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

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

17                     (e) COMPENSATION.—

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

21                         (2) TRAVEL EXPENSES.—A member of the  
22        Board of Trustees shall be allowed travel expenses,  
23        including per diem in lieu of subsistence, at rates  
24        authorized for an employee of an agency under sub-  
25        chapter I of chapter 57 of title 5, United States

1       Code, while away from the home or regular place of  
2       business of the member in the performance of the  
3       duties of the Board of Trustees.

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

7       (g) MEETINGS.—

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

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

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

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

23       (a) DIRECTOR.—

24               (1) IN GENERAL.—The Museum shall have a  
25      Director who shall be appointed by the Secretary in

1       consultation with Board of Trustees. The Secretary  
2       may appoint an interim Director to oversee the ini-  
3       tial activity of establishing the Museum until a per-  
4       manent Director is selected.

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

8                 (b) STAFF.—The Secretary may appoint two addi-  
9       tional employees to serve under the Director, except that  
10      such additional employees may be appointed without re-  
11      gard to the provisions of title 5, United States Code, gov-  
12      erning appointments in the competitive service.

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

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

19                 (a) IN GENERAL.—

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

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

1                             (A) carry out educational programs relat-  
2                             ing to Latino life, art, history, and culture, in-  
3                             cluding—  
4                                 (i) programs using digital, electronic,  
5                             and interactive technologies; and  
6                                 (ii) programs carried out in collabora-  
7                             tion with elementary schools, secondary  
8                             schools, and postsecondary schools; and  
9                             (B) consult with the Director of the Insti-  
10                             tute of Museum and Library Services con-  
11                             cerning the grant programs carried out under  
12                             subsection (b).

13                             (b) GRANT PROGRAMS.—

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

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

23                                 (B) a grant program with the purpose of  
24                             providing internship and fellowship opportuni-  
25                             ties 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 increase 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.

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

4                         (3) AUTHORIZATION OF APPROPRIATIONS.—  
5         There are authorized to be appropriated to the Insti-  
6         tute of Museum and Library Services to carry out  
7         this subsection—

8                             (A) \$15,000,000 for fiscal year 2021; and  
9                             (B) such sums as may be necessary for fis-  
10                            cal year 2022 and each succeeding fiscal year.

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

13                         (a) IN GENERAL.—

14                         (1) LOCATION.—

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

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

23                                 (i) The Arts and Industries Building  
24                               of the Smithsonian Institution, located on  
25                               the National Mall at 900 Jefferson Drive,

1                   Southwest, Washington, District of Colum-  
2                   bia.

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

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

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

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

23                  (C) TRANSFER TO SMITHSONIAN INSTITU-  
24                  TION.—Except with respect to a site described  
25                  in clause (i) of subparagraph (B), if the site

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

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

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

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

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

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.

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

12 (vi) The Architect of the Capitol.

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

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.

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 (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 2021; 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.

**Calendar No. 600**

116<sup>TH</sup> CONGRESS  
2D SESSION  
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**AN ACT**

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

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DECEMBER 3, 2020

Reported without amendment