

Calendar No. 600

116TH CONGRESS
2D 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

DECEMBER 3, 2020

Reported by Mr. BLUNT, without amendment

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,*

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 democ-
9 racy, 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—

1 (A) the collection, study, research, publica-
2 tion, and establishment of exhibitions and pro-
3 grams relating to Latino life, art, history, and
4 culture that encompass—

5 (i) Latino contributions to the early
6 history of what now encompasses the
7 United States of America and its terri-
8 tories;

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

13 (iii) Latino contributions to the free-
14 dom, well-being, and economic prosperity
15 of all people in the United States through
16 historical movements;

17 (iv) entrepreneurial and charitable ac-
18 tivities of Latinos;

19 (v) contributions by Latinos to—

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

22 (II) art, history, and culture, in-
23 cluding food, music, dance, film, the-
24 ater, sports, and other forms of pop-
25 ular 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—

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

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

4 (iii) adopt bylaws for the Board of
5 Trustees;

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

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

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

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

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

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

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

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

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

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

22 (iv) sharing how values in the United
23 States such as resiliency, optimism, and
24 spirituality are reflected in Latino history
25 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:

1 (A) The Secretary of the Smithsonian In-
2 stitution.

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

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

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

9 (E) Two Members of Congress, one from
10 each political party, designated by the Congres-
11 sional Hispanic Caucus and the Congressional
12 Hispanic Conference.

13 (F) Thirteen individuals who shall be ap-
14 pointed by the Board of Regents after taking
15 into consideration—

16 (i) efforts to have a politically and
17 geographically diverse representation on
18 the Board of Trustees reflecting States
19 and territories with significant Latino pop-
20 ulations;

21 (ii) individuals recommended by mem-
22 bers 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 subpara-
15 graph (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 indi-
24 vidual 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;

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

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

15 (E) a grant program under which an
16 American Latino museum (including a non-
17 profit education organization the primary mis-
18 sion of which is to promote the study of the
19 Latin American diaspora in the United States)
20 may use funds provided under the grant to in-
21 crease an endowment fund established by the
22 museum (or organization) as of October 1,
23 2020, for the purposes of enhancing educational
24 programming, and maintaining and operating
25 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.

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

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

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

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

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:

24 (I) The Committee on Rules and
25 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 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.

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