

108TH CONGRESS
2D SESSION

H. R. 4863

To establish the Commission to Establish the National Museum of the American Latino to develop a plan of action for the establishment and maintenance within the Smithsonian Institution of the National Museum of the American Latino in Washington, D.C., and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2004

Mr. BECERRA (for himself, Ms. ROS-LEHTINEN, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. ACEVEDO-VILÁ, Mr. BACA, Mr. BROWN of Ohio, Mr. CARDOZA, Mr. DOGGETT, Mr. FROST, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. LEE, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. SOLIS, and Mr. UDALL of New Mexico) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To establish the Commission to Establish the National Museum of the American Latino to develop a plan of action for the establishment and maintenance within the Smithsonian Institution of the National Museum of the American Latino in Washington, D.C., 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 “Commission to Estab-
3 lish the National Museum of the American Latino Act of
4 2004”.

5 **SEC. 2. FINDINGS.**

6 Congress finds as follows:

7 (1) American Latinos are an ethnically and ra-
8 cially diverse population. Still, whether known by the
9 term “Hispanic” or “Latino,” or by the various na-
10 tional identities from which they obtain their eth-
11 nicity, American Latinos share a common heritage
12 rooted in the mixture of the cultures of the indige-
13 nous peoples of the American continent, of the Euro-
14 pean colonizers from Spain, and of Africans who
15 were brought to those colonies as slaves.

16 (2) While the history of the United States for-
17 mally dates from 1776, American civilization was al-
18 ready centuries old by then. Latinos were present on
19 the continent for more than 200 years prior to the
20 Declaration of Independence. Spanish colonists
21 founded the first permanent settlement on future
22 United States territory in St. Augustine, Florida in
23 1565. Indigenous nations that had thrived for cen-
24 turies prior to the landing of Columbus would later
25 mix with colonists of various ethnicities from Spain

1 to create a third culture, one that continues to thrive
2 in various forms throughout the Americas today.

3 (3) Since before our Nation's founding, Latinos
4 have come to this land searching for opportunity,
5 prosperity, and chance. In this regard, not much has
6 changed in over 3 centuries. Through every era of
7 our Nation's history, whether in the fields of plenty
8 or on the field of battle, a Latino presence was felt.
9 Since before the early colonization of the west,
10 Latinos have labored under the harsh sun to put
11 food on America's tables. From the earliest days of
12 American industry, Latinos have worked in our fac-
13 tories. Through every war and conflict, Latinos have
14 served honorably and proudly next to their fellow
15 Americans to defend the ideals of freedom, democ-
16 racy, and liberty worldwide, earning countless
17 awards for valor and sacrifice.

18 (4) The history, art, politics, economy, and cul-
19 ture of the United States have been enriched since
20 the Nation's founding by the influence of American
21 Latinos and their traditions and innovations. Both
22 native and foreign-born Latinos in the United States
23 continue to make significant contributions to the
24 arts and humanities, academia, and the popular cul-
25 ture that have benefited all Americans.

1 (5) According to the Bureau of the Census, the
2 population of American Latinos recently grew to be-
3 come the largest demographic minority group in the
4 country. As of July 2002, there were an estimated
5 38.8 million Latinos in the United States. One out
6 of every three of these is under the age of 18, and
7 four out of every 10 is under the age of 25. The
8 youthfulness and rapid growth of this population en-
9 sure that American Latinos will have a substantial
10 role in American life ranging from public policy to
11 popular entertainment. Greater understanding of
12 this role will benefit all of American society.

13 (6) The American Latino population historically
14 has been concentrated in certain regions of the
15 United States. In the last several decades, however,
16 there has been more dispersed growth of the commu-
17 nity throughout the entire country. In the southern
18 states other than Texas, most have seen the popu-
19 lation of Latinos, primarily immigrants, double be-
20 tween the years 1990 and 2000, adding to the mix-
21 ture of cultures already there as these individuals
22 adapt to Southern life.

23 (7) Despite the history and demography as well
24 as the ongoing contributions that American Latinos
25 make to the cultural life of the United States, there

1 remains a great gap in the level and quality of
2 awareness that other Americans possess about the
3 rich and diverse character of Latino culture and his-
4 tory. Sometimes the lack of awareness manifests
5 itself in the development of stereotypes or mis-
6 conceptions about Latinos. Greater effort is needed
7 at a national level to educate other Americans about
8 Latinos, and to celebrate and disseminate informa-
9 tion about Latino arts and history. Americans of all
10 backgrounds benefit from greater understanding of
11 the diversity that exists in the United States.

12 (8) The Smithsonian Institution is the world's
13 largest museum and research complex, with 16 mu-
14 seums in the District of Columbia and New York
15 City. The Smithsonian Institution museums, espe-
16 cially those on the National Mall, play a unique and
17 important role in educating visitors to the Nation's
18 capital about our history, arts, and culture. The
19 American people and international visitors recognize
20 the Smithsonian Institution as the premier American
21 museum, representing the vast diversity of cultural
22 history of the United States.

23 (9) After extensive dialogue, conferences, and
24 collaboration among educators, scholars, and com-
25 munity leaders, as well as museums, universities,

1 cultural, and public institutions, a task force ap-
2 pointed to examine the Smithsonian Institution's
3 representation of American Latinos in its permanent
4 exhibits and other public programs published "Will-
5 ful Neglect: The Smithsonian Institution and U.S.
6 Latinos" (May 1994) and "Toward a Shared Vision:
7 U.S. Latinos and the Smithsonian Institution" (Oc-
8 tober 1997). The reports indicate that the Smithso-
9 nian historically had a poor record of representing
10 Latinos. This criticism led to the creation of the
11 Smithsonian's Center for Latino Initiatives in 1998.

12 (10) The Center for Latino Initiatives has in-
13 creased the profile of Latino arts and culture and
14 should be commended for promoting diversity and
15 understanding of American Latino culture by the
16 Smithsonian's patrons. The Center's short history
17 has shown that American Latino exhibits and pro-
18 grams are well received by the public and by the
19 Latino community, which benefits from having some
20 representation at the Smithsonian. Still, the level of
21 representation at the Smithsonian of the Latino
22 community is far from where it should be given
23 American Latino history, demography, and contribu-
24 tions to the American cultural landscape.

1 (11) For these reasons, it is necessary to estab-
2 lish a commission to draft a plan of action for cre-
3 ating a National Museum of the American Latino
4 within the Smithsonian Institution, on or near the
5 National Mall in Washington, D.C.

6 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

7 (a) IN GENERAL.—There is established the Commis-
8 sion to Establish the National Museum of the American
9 Latino (hereafter in this Act referred to as the “Commis-
10 sion”).

11 (b) MEMBERSHIP.—The Commission shall consist of
12 23 members appointed not later than 6 months after the
13 date of the enactment of this Act as follows:

14 (1) The President shall appoint 7 voting mem-
15 bers.

16 (2) The Speaker of the House of Representa-
17 tives, the minority leader of the House of Represent-
18 atives, the Majority Leader of the Senate, and the
19 Minority Leader of the Senate shall each appoint 3
20 voting members.

21 (3) In addition to the members appointed under
22 paragraph (2), the Speaker of the House of Rep-
23 resentatives, the minority leader of the House of
24 Representatives, the Majority Leader of the Senate,

1 and the Minority Leader of the Senate shall each
2 appoint 1 nonvoting member.

3 (c) QUALIFICATIONS.—Members of the Commission
4 shall be chosen from among individuals, or representatives
5 of institutions or entities, who possess either—

6 (1) a demonstrated commitment to the re-
7 search, study, or promotion of American Latino life,
8 art, history, political or economic status, or culture,
9 together with—

10 (A) expertise in museum administration;

11 (B) expertise in fundraising for nonprofit
12 or cultural institutions;

13 (C) experience in the study and teaching of
14 Latino culture and history at the post-sec-
15 ondary level;

16 (D) experience in studying the issue of the
17 Smithsonian Institution's representation of
18 American Latino art, life, history, and culture;
19 or

20 (E) extensive experience in public or elect-
21 ed service; or

22 (2) experience in the administration of, or the
23 planning for the establishment of, museums devoted
24 to the study and promotion of the role of ethnic, ra-
25 cial, or cultural groups in American history.

1 **SEC. 4. FUNCTIONS OF THE COMMISSION.**

2 (a) **PLAN OF ACTION FOR ESTABLISHMENT AND**
3 **MAINTENANCE OF MUSEUM.**—The Commission shall sub-
4 mit a report to the President and the Congress containing
5 its recommendations with respect to a plan of action for
6 the establishment and maintenance within the Smithso-
7 nian Institution of the National Museum of the American
8 Latino in Washington, D.C. (hereafter in this Act referred
9 to as the “Museum”).

10 (b) **FUNDRAISING PLAN.**—The Commission shall de-
11 velop a fundraising plan for supporting the creation and
12 maintenance of the Museum through contributions by the
13 American people, and a separate plan on fundraising by
14 the American Latino community.

15 (c) **REPORT ON ISSUES.**—The Commission shall ex-
16 amine (in consultation with the Secretary of the Smithso-
17 nian Institution), and submit a report to the President
18 and the Congress on, the following issues:

19 (1) The availability and cost of collections to be
20 acquired and housed in the Museum.

21 (2) The impact of the Museum on regional
22 Hispanic- and Latino-related museums.

23 (3) Possible locations for the Museum on or ad-
24 jacent to the National Mall in Washington, D.C., to
25 be considered in consultation with the National Cap-
26 ital Planning Commission.

1 (4) The governance and organizational struc-
2 ture from which the Museum should operate.

3 (5) How to engage the American Latino com-
4 munity in the development and design of the Mu-
5 seum.

6 (d) LEGISLATION TO CARRY OUT PLAN OF AC-
7 TION.—Based on the recommendations contained in the
8 report submitted under subsection (a) and the report sub-
9 mitted under subsection (c), the Commission shall submit
10 for consideration to the Committee on Transportation and
11 Infrastructure of the House of Representatives, the Com-
12 mittee on House Administration of the House of Rep-
13 resentatives, the Committee on Rules and Administration
14 of the Senate, and the Committees on Appropriations of
15 the House of Representatives and Senate a legislative plan
16 of action to create and construct the Museum.

17 (e) NATIONAL CONFERENCE.—In carrying out its
18 functions under this section, the Commission shall convene
19 a national conference on the Museum, comprised of indi-
20 viduals committed to the advancement of American Latino
21 life, art, history, and culture, not later than 9 months
22 after the date of the enactment of this Act.

23 **SEC. 5. ADMINISTRATIVE PROVISIONS.**

24 (a) ADMINISTRATIVE SUPPORT SERVICES PROVIDED
25 BY SECRETARY OF THE INTERIOR.—The Secretary of the

1 Interior shall provide the Commission with the administra-
2 tive support services and facilities necessary for the Com-
3 mission to carry out its responsibilities under this Act.

4 (b) NO COMPENSATION FOR MEMBERS.—Members of
5 the Commission shall serve without pay, but shall receive
6 travel expenses, including per diem in lieu of subsistence,
7 in accordance with applicable provisions under subchapter
8 I of chapter 57 of title 5, United States Code, and shall
9 be reimbursed for other expenses incurred in carrying out
10 their duties under this Act.

11 (c) DIRECTOR AND STAFF.—Without regard to the
12 provisions of title 5, United States Code, governing ap-
13 pointments in the competitive service, and without regard
14 to the provisions of chapter 51 and subchapter III of chap-
15 ter 53 of that title relating to classification and General
16 Schedule pay rates, the Commission may appoint and fix
17 the pay of a Director and such other personnel as the
18 Commission considers appropriate.

19 **SEC. 6. DEADLINE FOR SUBMISSION OF REPORTS; TERMI-**
20 **NATION.**

21 (a) DEADLINE.—The Commission shall submit final
22 versions of the reports and plans required under section
23 4 not later than 18 months after the date of the enactment
24 of this Act.

1 (b) TERMINATION.—The Commission shall terminate
2 not later than 30 days after submitting the final versions
3 of reports and plans pursuant to subsection (a).

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated for carrying
6 out the activities of the Commission \$2,100,000 for fiscal
7 year 2005 and \$1,100,000 for fiscal year 2006.

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