

§ 80t–3. Director and staff of the Museum**(a) Director****(1) In general**

The Museum shall have a Director who shall be appointed by the Secretary, taking into consideration individuals recommended by the council established under section 80t–2 of this title.

(2) Duties

The Director shall manage the Museum subject to the policies of the Board of Regents.

(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 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 relating to classification of positions and General Schedule pay rates.

(Pub. L. 116–260, div. T, title I, §105, Dec. 27, 2020, 134 Stat. 2275.)

§ 80t–4. Educational and liaison programs**(a) Programs authorized**

The Director of the Museum may carry out educational and liaison programs in support of the goals of the Museum.

(b) Collaboration with schools

In carrying out this section, the Director shall carry out educational programs in collaboration with elementary schools, secondary schools, and postsecondary schools.

(Pub. L. 116–260, div. T, title I, §106, Dec. 27, 2020, 134 Stat. 2276.)

§ 80t–5. Building**(a) Location****(1) In general**

Not later than 2 years after December 27, 2020, the Board of Regents shall designate a site for the Museum.

(2) Sites for consideration

In designating a site under paragraph (1), the Board of Regents shall—

(A) select a site in the District of Columbia; and

(B) include the consideration of the following sites:

(i) The site known as the “South Monument site”, located on the National Mall and bordered by 14th Street Northwest, Jefferson Drive Southwest, Raoul Wallenberg Place Southwest, and Independence Ave Southwest.

(ii) The Northwest United States Capitol site, bordered by 3rd Street Northwest, Constitution Avenue Northwest, 1st Street Northwest, and Pennsylvania Ave Northwest.

(3) Factors considered

In designating a site under paragraph (1), the Board of Regents shall take into consideration each of the following factors:

(A) An estimate of the costs associated with each potential site.

(B) An assessment of the suitability of the space of each potential site, including size, proximity to other buildings and transportation, and other external environmental conditions, as appropriate.

(C) The recommendations of the Congressional Commission.

(4) Consultation

The Board of Regents shall carry out its duties under this subsection in consultation with each of the following:

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

(B) The Director of the National Park Service.

(C) The Chair of the National Capital Memorial Advisory Commission.

(D) The Chair of the Commission on Fine Arts.

(E) The Chair of the Congressional Commission.

(F) The Architect of the Capitol.

(G) The chair and ranking 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 Energy and Natural Resources of the Senate.

(iv) The Committee on Natural Resources of the House of Representatives.

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

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

(vii) The Committee on Appropriations of the Senate.

(5) Intent of Congress

It is the intent of Congress that the Museum be located on or near the National Mall, to the maximum extent practicable, in accordance with this section.

(b) Site under the jurisdiction of another Federal agency**(1) Written notification of agreement**

The Board of Regents shall not designate a site for the Museum that is under the administrative jurisdiction of another Federal agency or entity unless the head of the Federal agency or entity submits to each of the committees described in subsection (a)(4)(G) written notification stating that the head of the Federal agency or entity concurs with locating the Museum on the land or in the structure that is under the administrative jurisdiction of the Federal agency or entity.

(2) Transfer

As soon as practicable after the date on which Congress receives the written notification described in paragraph (1), the head of the

Federal agency or entity shall transfer to the Smithsonian Institution its administrative jurisdiction over the land or structure that has been designated as the site for the Museum.

(c) Construction of building

The Board of Regents, in consultation with the council established under section 80t-2 of this title, may plan, design, and construct a building for the Museum, which shall be located at the site designated by the Board of Regents under subsection (a), in accordance with this section.

(d) Commemorative Works Act

Chapter 89 of title 40 shall not apply with respect to the Museum, except that the Museum shall not be located in the Reserve (as defined in section 8902(a) of that title).

(e) 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.

(Pub. L. 116-260, div. T, title I, §107, Dec. 27, 2020, 134 Stat. 2276.)

§ 80t-6. Definitions

In this subchapter,¹ the following definitions apply:

- (1) The term “Board of Regents” means the Board of Regents of the Smithsonian Institution.
- (2) The term “Congressional Commission” means the Commission to Study the Potential Creation of a National Women’s History Museum, established under section 3056 of the Military Construction Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3810).
- (3) The term “Secretary” means the Secretary of the Smithsonian Institution.

(Pub. L. 116-260, div. T, title I, §108, Dec. 27, 2020, 134 Stat. 2277.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, and was translated as reading “this title”, meaning title I of div. T of Pub. L. 116-260, known as the Smithsonian American Women’s History Museum Act, which is classified to this subchapter, to reflect the probable intent of Congress.

Section 3056 of the Military Construction Authorization Act for Fiscal Year 2015, referred to in par. (2), is section 3056 of div. B of Pub. L. 113-291, Dec. 19, 2014, 128 Stat. 3810, which is not classified to the Code.

§ 80t-7. Authorization of appropriations

(a) In general

There are authorized to be appropriated to the Smithsonian Institution to carry out this subchapter,¹ including the planning, design, construction, and operation of the Museum established under section 80t-1 of this title, such

sums as may be necessary for fiscal year 2020 and each succeeding fiscal year.

(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 section may be used to conduct fundraising in support of the Museum from private sources.

(Pub. L. 116-260, div. T, title I, §109, Dec. 27, 2020, 134 Stat. 2278.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this Act”, and was translated as reading “this title”, meaning title I of div. T of Pub. L. 116-260, known as the Smithsonian American Women’s History Museum Act, which is classified to this subchapter, to reflect the probable intent of Congress.

SUBCHAPTER XVII—NATIONAL MUSEUM OF THE AMERICAN LATINO

§ 80u. National Museum of the American Latino

(a) 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.

(b) Definitions

In this section:

(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

¹ See References in Text note below.

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