

115TH CONGRESS
1ST SESSION

H. R. 2911

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2017

Ms. ROS-LEHTINEN (for herself, Mr. SERRANO, Mr. CURBELO of Florida, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CÁRDENAS, Mrs. TORRES, Mr. HURD, Mr. KING of New York, 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

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,*

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:

1 (1) The United States is a symbol of democ-
2 racy, freedom, and economic opportunity around the
3 world, and the legacy of Latinos is deeply rooted in
4 the very fabric of the history, democracy, freedom,
5 and economic opportunity of the United States.

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

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

15 (4) The National Museum of the American
16 Latino—

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

23 (B) will serve as a gateway for visitors to
24 view other Latino exhibitions, collections, and
25 programming at other Smithsonian Institution

1 facilities and museums throughout the United
2 States and the territories of the United States.

3 (5) The National Museum of the American
4 Latino will be unique among the museums of the
5 Smithsonian Institution in that a significant number
6 of the museum's staff will have joint positions
7 throughout the various other museums and research
8 centers of the Smithsonian Institution—

9 (A) resulting in a decreased need for re-
10 sources for the National Museum of the Amer-
11 ican Latino on the National Mall; and

12 (B) contributing to an integrated approach
13 in telling the story of the United States in ex-
14 hibits and collections throughout the Smithso-
15 nian Institution.

16 (6) By sharing resources (including funding
17 and staff) that are provided by direct appropriation
18 to the National Museum of the American Latino and
19 resources that are provided to other units of the
20 Smithsonian Institution, the National Museum of
21 the American Latino will serve as a key agent in
22 stimulating and increasing Smithsonian Institution
23 activities dedicated to the collection, preservation, re-
24 search, and exhibition of Latino historical and cul-
25 tural material reflecting the breadth and depth of

1 the experiences of Latino history and culture
2 throughout the Smithsonian Institution.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

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

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

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

20 **SEC. 4. ESTABLISHMENT OF MUSEUM.**

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

24 (b) PURPOSES.—The purposes of the Museum are—

1 (1) to illuminate the story of the United States
2 for the benefit of all by featuring Latino contribu-
3 tions; and

4 (2) to provide for—

5 (A) the collection, study, research, publica-
6 tion, and establishment of exhibitions and pro-
7 grams relating to Latino life, art, history, and
8 culture that encompass—

9 (i) Latino contributions to the early
10 history of what now encompasses the
11 United States of America and its terri-
12 tories;

13 (ii) Latino contributions in the armed
14 services from the earliest days of the
15 American Revolution to current military
16 activities in defense of our freedoms;

17 (iii) Latino contributions to the free-
18 dom, well-being, and economic prosperity
19 of all people in the United States through
20 historical movements;

21 (iv) entrepreneurial and charitable ac-
22 tivities of Latinos; and

23 (v) contributions by Latinos to—

24 (I) the social, natural, and phys-
25 ical sciences; and

1 (II) art, history, and culture, in-
2 cluding food, music, dance, film, the-
3 ater, sports, and other forms of pop-
4 ular culture in the United States; and
5 (B) collaboration between the Museum,
6 other museums and research centers of the
7 Smithsonian Institution, and other museums
8 and educational institutions throughout the
9 United States and abroad, to promote the study
10 and appreciation of Latino life, art, history, cul-
11 ture, and its impact on society in the United
12 States, including collaboration concerning joint
13 research projects, programs, exhibitions, collec-
14 tion management, and training of museum
15 staff.

16 **SEC. 5. BOARD OF TRUSTEES.**

17 (a) ESTABLISHMENT.—There is established within
18 the Smithsonian Institution a Board of Trustees of the
19 Museum with the duties, powers, and authority specified
20 in this section.

21 (b) DUTIES.—

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

23 (A) shall—

24 (i) make recommendations to the
25 Board of Regents concerning the location,

1 planning, design, and construction of the
2 Museum;

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

6 (iii) adopt bylaws for the Board of
7 Trustees;

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

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

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

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

23 (A) purchase, accept, borrow, or otherwise
24 acquire artifacts and other objects for addition
25 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 (c) COMPOSITION AND APPOINTMENT.—

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

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

17 (A) The Secretary of the Smithsonian In-
18 stitution.

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

21 (C) One member of the Board of Regents,
22 appointed by the Board of Regents.

23 (D) Two Members of Congress, one from
24 each political party, designated by the Congres-

1 sional Hispanic Caucus and the Congressional
2 Hispanic Conference.

3 (E) Fourteen individuals who shall be ap-
4 pointed by the Board of Regents after taking
5 into consideration—

6 (i) efforts to have a politically and
7 geographically diverse representation on
8 the Board of Trustees reflecting States
9 and territories with significant Latino pop-
10 ulations;

11 (ii) individuals recommended by mem-
12 bers of the Board of Trustees; and

13 (iii) individuals recommended by orga-
14 nizations and entities that are committed
15 to the advancement of knowledge of Latino
16 life, art, history, and culture.

17 (3) INITIAL APPOINTMENTS.—The Board of
18 Regents shall make initial appointments to the
19 Board of Trustees under paragraph (2) not later
20 than 180 days after the date of enactment of this
21 Act.

22 (d) TERMS OF SERVICE.—

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

1 (2) INITIAL APPOINTEES.—As designated by
2 the Board of Regents at the time of appointment, of
3 the voting members first appointed under subpara-
4 graph (E) of subsection (c)(2)—

5 (A) five members shall be appointed for a
6 term of 1 year;

7 (B) five members shall be appointed for a
8 term of 2 years; and

9 (C) four members shall be appointed for a
10 term of 3 years.

11 (3) REAPPOINTMENT.—A member of the Board
12 of Trustees may be reappointed, except that no indi-
13 vidual may serve on the Board of Trustees for a
14 total of more than 2 full terms. For purposes of this
15 paragraph, the number of terms an individual serves
16 on the Board of Trustees shall not include any por-
17 tion of a term for which an individual is appointed
18 to fill a vacancy under paragraph (4)(B).

19 (4) VACANCIES.—

20 (A) IN GENERAL.—A vacancy on the
21 Board of Trustees—

22 (i) shall not affect the powers of the
23 Board of Trustees; and

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

1 (B) TERM.—Any member of the Board of
2 Trustees appointed to fill a vacancy occurring
3 before the expiration of the term for which the
4 member’s predecessor was appointed shall be
5 appointed for the remainder of that term.

6 (e) COMPENSATION.—

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

10 (2) TRAVEL EXPENSES.—A member of the
11 Board of Trustees shall be allowed travel expenses,
12 including per diem in lieu of subsistence, at rates
13 authorized for an employee of an agency under sub-
14 chapter I of chapter 57 of title 5, United States
15 Code, while away from the home or regular place of
16 business of the member in the performance of the
17 duties of the Board of Trustees.

18 (f) CHAIRPERSON.—By a majority vote of its voting
19 members, the Board of Trustees shall elect a chairperson
20 from its members.

21 (g) MEETINGS.—

22 (1) IN GENERAL.—The Board of Trustees shall
23 meet at the call of the chairperson or on the written
24 request of a majority of the voting members of the

1 Board of Trustees, but not fewer than twice each
2 year.

3 (2) MEETING FORMAT.—Regularly scheduled
4 meetings and special meetings may be conducted in-
5 person, telephonically, electronically, or by any
6 means appropriate as determined by the chairperson.

7 (h) QUORUM.—A majority of the voting members of
8 the Board of Trustees holding office shall constitute a
9 quorum for the purpose of conducting business, but a less-
10 er number may receive information on behalf of the Board
11 of Trustees.

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

13 (a) DIRECTOR.—

14 (1) IN GENERAL.—The Museum shall have a
15 Director who shall be appointed by the Secretary in
16 consultation with the Board of Trustees. The Sec-
17 retary may appoint an interim Director to oversee
18 the initial activity of establishing the Museum until
19 a permanent Director is selected.

20 (2) DUTIES.—The Director shall manage the
21 Museum subject to the policies of the Board of Re-
22 gents and the Board of Trustees.

23 (b) STAFF.—The Secretary may appoint 2 additional
24 employees to serve under the Director, except that such
25 additional employees may be appointed without regard to

1 the provisions of title 5, United States Code, governing
2 appointments in the competitive service.

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

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

9 (a) IN GENERAL.—

10 (1) PROGRAMS AUTHORIZED.—The Director of
11 the Museum may carry out educational and liaison
12 programs in support of the goals of the Museum.

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

15 (A) carry out educational programs relat-
16 ing to Latino life, art, history, and culture, in-
17 cluding—

18 (i) programs using digital, electronic,
19 and interactive technologies; and

20 (ii) programs carried out in collabora-
21 tion with elementary schools, secondary
22 schools, and postsecondary schools; and

23 (B) consult with the Director of the Insti-
24 tute of Museum and Library Services con-

1 cerning the grant programs carried out under
2 subsection (b).

3 (b) GRANT PROGRAMS.—Notwithstanding any other
4 provision of law, the Director of the Institute of Museum
5 and Library Services, in consultation with the Museum
6 Director, is authorized to use funds from the appropria-
7 tions account appropriated under the heading “OFFICE OF
8 MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINIS-
9 TRATION” under the heading “INSTITUTE OF MUSEUM
10 AND LIBRARY SERVICES” to award grants in accordance
11 with the purposes described in section 4(b).

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

14 (a) IN GENERAL.—

15 (1) LOCATION.—

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

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

24 (i) The Arts and Industries Building
25 of the Smithsonian Institution, located on

1 the National Mall at 900 Jefferson Drive,
2 Southwest, Washington, District of Colum-
3 bia.

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

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

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

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

24 (C) TRANSFER TO SMITHSONIAN INSTITU-
25 TION.—Except with respect to a site described

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

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

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

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

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

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

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

1 (I) The Committee on Rules and
2 Administration of the Senate.

3 (II) The Committee on House
4 Administration of the House of Rep-
5 resentatives.

6 (III) The Committee on Trans-
7 portation and Infrastructure of the
8 House of Representatives.

9 (IV) The Committee on Appro-
10 priations of the House of Representa-
11 tives.

12 (V) The Committee on Appro-
13 priations of the Senate.

14 (vi) The Architect of the Capitol.

15 (2) CONSTRUCTION OF BUILDING.—The Board
16 of Regents, in consultation with the Board of Trust-
17 ees, the National Park Service, the Architect of the
18 Capitol, the Capitol Police, the Commission of Fine
19 Arts, the National Capitol Planning Commission,
20 and with other appropriate Federal and local agen-
21 cies is authorized to prepare plans, design, and con-
22 struct a building or modify an existing building for
23 the Museum, which shall be located at the site se-
24 lected by the Board of Regents under this sub-
25 section.

1 (3) NONAPPLICABILITY OF PROVISIONS RELAT-
2 ING TO MONUMENTS, COMMEMORATIVE, AND OTHER
3 WORKS ON THE NATIONAL MALL.—Chapter 89 of
4 title 40, United States Code, shall not apply with re-
5 spect to the Museum.

6 (b) COST SHARING.—The Board of Regents shall
7 pay—

8 (1) 50 percent of the costs of carrying out this
9 section from Federal funds; and

10 (2) 50 percent of the costs of carrying out this
11 section from non-Federal sources.

12 **SEC. 9. CONSIDERATION OF RECOMMENDATIONS OF COM-**
13 **MISSION.**

14 In carrying out their duties under this Act, the Board
15 of Trustees and the Board of Regents shall take into con-
16 sideration the reports and plans submitted by the Commis-
17 sion to Study the Potential Creation of a National Mu-
18 seum of the American Latino established under section
19 333 of the Consolidated Natural Resources Act of 2008
20 (Public Law 110–229; 122 Stat. 784).

21 **SEC. 10. CONGRESSIONAL BUDGET ACT COMPLIANCE.**

22 Authority under this Act to enter into contracts or
23 to make payments shall be effective in any fiscal year only
24 to the extent provided in advance in an appropriations
25 Act.

1 **SEC. 11. AUTHORIZATION OF FUNDING.**

2 (a) MUSEUM CONSTRUCTION.—Notwithstanding any
3 other provision of law, the Board of Regents is authorized
4 to allocate funds from the appropriations account appro-
5 priated under the heading “FACILITIES CAPITAL” under
6 the heading “SMITHSONIAN INSTITUTION” for design,
7 planning, and construction of the Museum established by
8 this Act.

9 (b) MUSEUM OPERATION.—Notwithstanding any
10 other provision of law, the Board of Regents is authorized
11 to allocate funds from the appropriations account appro-
12 priated under the heading “SALARIES AND EXPENSES”
13 under the heading “SMITHSONIAN INSTITUTION” for the
14 operation of the Museum established by this Act.

15 (c) USE OF FUNDS FOR FUNDRAISING.—Amounts
16 appropriated pursuant to the authorization under this sec-
17 tion may be used to conduct fundraising in support of the
18 Museum from private sources.

○