

117TH CONGRESS
2D SESSION

H. R. 9071

To establish the Commission to Study the Potential Creation of a National Museum of American LGBTQ+ History and Culture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2022

Mr. POCAN (for himself, Mr. TORRES of New York, Mr. TAKANO, Mr. PAPPAS, Mr. JONES, Ms. DAVIDS of Kansas, Mr. CICILLINE, Mr. SEAN PATRICK MALONEY of New York, Ms. CRAIG, Mr. AUCHINCLOSS, Ms. BARRAGÁN, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BROWN of Maryland, Mr. CARTER of Louisiana, Mr. CASTEN, Ms. CHU, Ms. CLARKE of New York, Ms. DEAN, Ms. DEGETTE, Ms. DELBENE, Mr. DEUTCH, Mrs. DINGELL, Mr. ESPAILLAT, Mr. EVANS, Mr. GOMEZ, Mr. GRIJALVA, Mr. HIGGINS of New York, Ms. JACOBS of California, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. KHANNA, Ms. LEE of California, Mr. LOWENTHAL, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MENG, Mr. NADLER, Ms. NEWMAN, Ms. NORTON, Mr. PANETTA, Mr. PAYNE, Mr. RASKIN, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, Mr. SOTO, Ms. STANSBURY, Ms. STEVENS, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mrs. TRAHAN, Mr. TRONE, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. BASS, Ms. WILD, Mr. MOULTON, and Mr. BOWMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on House Administration, and the Budget, 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 the Commission to Study the Potential Creation of a National Museum of American LGBTQ+ History and Culture, 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 “Commission To Study
5 the Potential Creation of a National Museum of American
6 LGBTQ+ History and Culture Act”.

7 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

8 (a) **IN GENERAL.**—There is established the Commis-
9 sion to Study the Potential Creation of a National Mu-
10 seum of American LGBTQ+ History and Culture (here-
11 after in this Act referred to as the “Commission”).

12 (b) **MEMBERSHIP.**—The Commission shall be com-
13 posed of 8 members, of whom—

14 (1) 2 members shall be appointed by the major-
15 ity leader of the Senate;

16 (2) 2 members shall be appointed by the Speak-
17 er of the House of Representatives;

18 (3) 2 members shall be appointed by the minor-
19 ity leader of the Senate; and

20 (4) 2 members shall be appointed by the minor-
21 ity leader of the House of Representatives.

22 (c) **QUALIFICATIONS.**—Members of the Commission
23 shall be appointed to the Commission from among individ-
24 uals, or representatives of institutions or entities, who pos-
25 sess—

1 (1)(A) a demonstrated commitment to the re-
2 search, study, or promotion of LGBTQ+ history,
3 art, political or economic status, or culture; and

4 (B)(i) expertise in museum administration;

5 (ii) expertise in fundraising for nonprofit or cul-
6 tural institutions;

7 (iii) experience in the study and teaching of
8 American LGBTQ+ history;

9 (iv) experience in studying the issue of the rep-
10 resentation of LGBTQ+ Americans in art, life, his-
11 tory, and culture at the Smithsonian Institution; or

12 (v) extensive experience in public or elected
13 service;

14 (2) experience in the administration of, or the
15 planning for, the establishment of museums; or

16 (3) experience in the planning, design, or con-
17 struction of museum facilities.

18 (d) DEADLINE FOR INITIAL APPOINTMENT.—The
19 initial members of the Commission shall be appointed not
20 later than the date that is 90 days after the date of enact-
21 ment of this Act.

22 (e) VACANCIES.—A vacancy in the Commission—

23 (1) shall not affect the powers of the Commis-
24 sion; and

1 (2) shall be filled in the same manner as the
2 original appointment was made.

3 (f) CHAIRPERSON.—The Commission shall, by major-
4 ity vote of all of the members, select 1 member of the
5 Commission to serve as the Chairperson of the Commis-
6 sion.

7 (g) PROHIBITION.—No employee of the Federal Gov-
8 ernment may serve as a member of the Commission.

9 **SEC. 3. DUTIES OF THE COMMISSION.**

10 (a) REPORTS.—

11 (1) PLAN OF ACTION.—The Commission shall
12 submit to the President and Congress a report con-
13 taining the recommendations of the Commission
14 with respect to a plan of action regarding the feasi-
15 bility of establishing and maintaining a National
16 Museum of American LGBTQ+ History and Cul-
17 ture (hereafter in this Act referred to as the “Mu-
18 seum”).

19 (2) REPORT ON ISSUES.—The Commission shall
20 submit to the President and Congress a report that
21 addresses the following issues:

22 (A) The availability and cost of collections
23 to be acquired and housed in the Museum.

24 (B) The impact of the Museum on existing
25 American LGBTQ+ history-related museums.

1 (C) In consultation with the Smithsonian
2 Institution, develop criteria for evaluating pos-
3 sible locations for the Museum.

4 (D) The feasibility of the Museum becom-
5 ing part of the Smithsonian Institution, taking
6 into account the Museum’s potential impact on
7 the Smithsonian’s existing facilities mainte-
8 nance backlog, collections storage needs, and
9 identified construction or renovation costs for
10 new or existing museums.

11 (E) The governance and organizational
12 structure from which the Museum should oper-
13 ate.

14 (F) Best practices for engaging LGBTQ+
15 Americans in the development and design of the
16 Museum.

17 (G) The cost of constructing, operating,
18 and maintaining the Museum.

19 (3) DEADLINE.—The reports required under
20 paragraphs (1) and (2) shall be submitted not later
21 than the date that is 18 months after the date of
22 the first meeting of the Commission.

23 (b) FUNDRAISING PLAN.—

24 (1) IN GENERAL.—The Commission shall de-
25 velop a fundraising plan that will address the ability

1 to support the establishment, operation, and mainte-
2 nance of the Museum through contributions from
3 the public.

4 (2) CONSIDERATIONS.—In developing the fund-
5 raising plan under paragraph (1), the Commission
6 shall consider issues relating to funding the oper-
7 ations and maintenance of the Museum in perpetuity
8 without reliance on appropriations of Federal funds.

9 (3) INDEPENDENT REVIEW.—The Commission
10 shall obtain an independent review of the viability of
11 the plan developed under paragraph (1) and such re-
12 view shall include an analysis as to whether the plan
13 is able to achieve the level of resources necessary to
14 fund the construction of the Museum and the oper-
15 ations and maintenance of the Museum in perpetuity
16 without reliance on appropriations of Federal funds.

17 (4) SUBMISSION.—The Commission shall sub-
18 mit the plan developed under paragraph (1) and the
19 review conducted under paragraph (3) to the Com-
20 mittees on House Administration, Natural Re-
21 sources, and Appropriations of the House of Rep-
22 resentatives and the Committees on Rules and Ad-
23 ministration, Energy and Natural Resources, and
24 Appropriations of the Senate.

1 (c) LEGISLATION TO CARRY OUT PLAN OF AC-
2 TION.—Based on the recommendations contained in the
3 report submitted under paragraphs (1) and (2) of sub-
4 section (a), the Commission shall submit for consideration
5 to the Committees on House Administration, Natural Re-
6 sources, and Appropriations of the House of Representa-
7 tives and the Committees on Rules and Administration,
8 Energy and Natural Resources, and Appropriations of the
9 Senate recommendations for a legislative plan of action
10 on the feasibility of establishing and constructing the Mu-
11 seum.

12 (d) NATIONAL CONFERENCE.—Not later than 18
13 months after the date on which the initial members of the
14 Commission are appointed under section 2, the Commis-
15 sion may, in carrying out the duties of the Commission
16 under this section, convene a national conference relating
17 to the Museum, to be comprised of individuals committed
18 to the advancement of the life, art, history, and culture
19 of LGBTQ+ Americans.

20 **SEC. 4. ADMINISTRATIVE PROVISIONS.**

21 (a) COMPENSATION.—

22 (1) IN GENERAL.—A member of the Commis-
23 sion—

1 (A) shall not be considered to be a Federal
2 employee for any purpose by reason of service
3 on the Commission; and

4 (B) shall serve without pay.

5 (2) TRAVEL EXPENSES.—A member of the
6 Commission shall be allowed a per diem allowance
7 for travel expenses, at rates consistent with those
8 authorized under subchapter I of chapter 57 of title
9 5, United States Code.

10 (3) GIFTS, BEQUESTS, AND DEVICES.—The
11 Commission may solicit, accept, use, and dispose of
12 gifts, bequests, or devises of money, services, or real
13 or personal property for the purpose of aiding or fa-
14 cilitating the work of the Commission.

15 (4) FEDERAL ADVISORY COMMITTEE ACT.—The
16 Commission shall not be subject to the Federal Advi-
17 sory Committee Act (5 U.S.C. App.).

18 (b) TERMINATION.—The Commission shall terminate
19 on the date that is 30 days after the date on which the
20 final versions of the reports required under section 3 are
21 submitted.

22 (c) FUNDING.—

23 (1) IN GENERAL.—The Commission shall be
24 solely responsible for acceptance of contributions for,
25 and payment of the expenses of, the Commission.

1 (2) PROHIBITION.—No Federal funds may be
2 obligated to carry out this Act.

3 (d) DIRECTOR AND STAFF OF COMMISSION.—

4 (1) DIRECTOR AND STAFF.—

5 (A) IN GENERAL.—The Commission may
6 employ and compensate an executive director
7 and any other additional personnel that are
8 necessary to enable the Commission to perform
9 the duties of the Commission.

10 (B) RATES OF PAY.—Rates of pay for per-
11 sons employed under subparagraph (A) shall be
12 consistent with the rates of pay allowed for em-
13 ployees of a temporary organization under sec-
14 tion 3161 of title 5, United States Code.

15 (2) NOT FEDERAL EMPLOYMENT.—Any indi-
16 vidual employed under this section shall not be con-
17 sidered a Federal employee for the purpose of any
18 law governing Federal employment.

19 (3) TECHNICAL ASSISTANCE.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), on request of the Commission, the
22 head of a Federal agency may provide technical
23 assistance to the Commission.

24 (B) PROHIBITION.—No Federal employees
25 may be detailed to the Commission.

1 **SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

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