

116TH CONGRESS  
1ST SESSION

# S. 1267

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

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## IN THE SENATE OF THE UNITED STATES

MAY 1, 2019

Mr. MENENDEZ (for himself, Mr. CORNYN, Ms. CORTEZ MASTO, Mrs. CAPITO, Mrs. FEINSTEIN, Mr. RUBIO, Ms. HARRIS, Mr. PORTMAN, Mr. BOOKER, and Ms. MCSALLY) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## 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:

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

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

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

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

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—

(A) the collection, study, research, publication, and establishment of exhibitions and programs relating to Latino life, art, history, and culture that encompass—

(i) Latino contributions to the early history of what now encompasses the United States of America and its territories;

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

(iii) Latino contributions to the freedom, well-being, and economic prosperity of all people in the United States through historical movements;

(iv) entrepreneurial and charitable activities of Latinos;

(v) contributions by Latinos to—

(I) the social, natural, and physical sciences; and

(II) art, history, and culture, including food, music, dance, film, theater, sports, and other forms of popular 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; and

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

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

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

24                       (B) loan, exchange, sell, or otherwise dis-  
25                       pose of any part of the collections of the Mu-

1           seum, with the proceeds of such transactions to  
2           be used for additions to the collections of the  
3           Museum; and

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

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

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

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

20          (iv) sharing how values in the United  
21          States such as resiliency, optimism, and  
22          spirituality are reflected in Latino history  
23          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, 1 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  
10                  a 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-

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

(b) GRANT PROGRAMS.—Notwithstanding any other provision of law, the Director of the Institute of Museum and Library Services, in consultation with the Museum Director, is authorized to use funds from the appropriations account appropriated under the heading “OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION” under the heading “INSTITUTE OF MUSEUM AND LIBRARY SERVICES” to award grants in accordance with the purposes described in section 4(b).

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

(a) IN GENERAL.—

(1) LOCATION.—

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

(B) SITES FOR CONSIDERATION.—In designating a site under subparagraph (A), the Board of Regents shall select from among the following sites in the District of Columbia:

(i) The Arts and Industries Building 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.

○