

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 the American Latino as established by subsection (d).

(3) Director

The term “Director” means the Director of the National Museum of the American Latino.

(4) Museum

The term “Museum” means the National Museum of the American Latino established by subsection (c).

(5) Secretary

The term “Secretary” means the Secretary of the Smithsonian Institution.

(c) Establishment of Museum

(1) Establishment

There is established within the Smithsonian Institution a museum to be known as the “National Museum of the American Latino”.

(2) Purposes

The purposes of the Museum are—

(A) to illuminate the story of the United States for the benefit of all by featuring Latino contributions; and

(B) to provide for—

(i) 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—

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

(bb) art, history, and culture, including food, music, dance, film, theater, sports, and other forms of popular culture in the United States; and

(ii) collaboration between the Museum, other museums and research centers of the Smithsonian Institution, and other museums and educational institutions throughout the United States and abroad, to promote the study and appreciation of Latino life, art, history, culture, and its impact on society in the United States, including collaboration concerning joint research projects, programs, exhibitions, collection management, and training of museum staff.

(d) Board of Trustees

(1) Establishment

There is established within the Smithsonian Institution a Board of Trustees of the Museum with the duties, powers, and authority specified in this subsection.

(2) Duties

(A) In general

The Board of Trustees—

(i) shall—

(I) make recommendations to the Board of Regents concerning the location, planning, design, and construction of the Museum;

(II) recommend annual operating budgets for the Museum to the Board of Regents;

(III) adopt bylaws for the Board of Trustees;

(IV) report annually to the Board of Regents on the acquisition, disposition, and display of Latino collections, objects and artifacts, and on other appropriate matters; and

(V) advise and assist the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the Museum, including long-term maintenance; and

(ii) may delegate the duties described in subclauses (I) through (IV) of clause (i) to the Director.

(B) Principal responsibilities

Subject to the general policies of the Board of Regents, the Board of Trustees shall have the sole authority to—

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

(ii) loan, exchange, sell, or otherwise dispose of any part of the collections of the Museum, with the proceeds of such transactions to be used for additions to the collections of the Museum; and

(iii) specify criteria with respect to the use of the collections and resources of the Museum, including policies on programming, education, exhibitions, and research with respect to—

(I) the life, art, history, culture, and other aspects of Latinos in the United States and the territories of the United States;

(II) the role of Latinos in the history of the United States from the arrival of the first explorers to the Americas to the present;

(III) the contributions of Latinos to society and culture in the United States, and exploring what it means to be an American; and

(IV) sharing how values in the United States such as resiliency, optimism, and spirituality are reflected in Latino history and culture.

(C) Other responsibilities

Subject to the general policies of the Board of Regents, the Board of Trustees shall have authority to—

(i) provide for preservation, restoration, and maintenance of the collections of the Museum; and

(ii) solicit, accept, use, and dispose of gifts, bequests, and devises of personal and real property for the purpose of aiding and facilitating the work of the Museum.

(D) Ensuring diversity of political viewpoints in exhibits and programs

In carrying out its duties, the Board of Trustees shall ensure that the exhibits and programs of the Museum reflect the diversity of the political viewpoints held by Latinos of the United States on the events and issues relating to the history of Latinos in the United States.

(3) Composition and appointment

(A) In general

The Board of Trustees shall be composed of not more than 19 voting members as provided under subparagraph (B).

(B) Voting members

The Board of Trustees shall include the following voting members:

(i) The Secretary of the Smithsonian Institution.

(ii) The Under Secretary of Museums and Research of the Smithsonian Institution.

(iii) The chair of the Smithsonian National Latino Board.

(iv) One member of the Board of Regents, appointed by the Board of Regents.

(v) Two Members of Congress, one from each political party, designated by the Congressional Hispanic Caucus and the Congressional Hispanic Conference.

(vi) Thirteen individuals who shall be appointed by the Board of Regents after taking into consideration—

(I) efforts to have a politically and geographically diverse representation on the Board of Trustees reflecting States and territories with significant Latino populations;

(II) individuals recommended by members of the Board of Trustees; and

(III) individuals recommended by organizations and entities that are committed to the advancement of knowledge of Latino life, art, history, and culture.

(C) Initial appointments

The Board of Regents shall make initial appointments to the Board of Trustees under subparagraph (B) not later than 180 days after December 27, 2020.

(4) Terms of service

(A) In general

Except as provided in this paragraph, each appointed member of the Board of Trustees shall be appointed for a term of 3 years.

(B) Initial appointees

As designated by the Board of Regents at the time of appointment, of the voting members first appointed under clause (vi) of paragraph (3)(B)—

(i) Five members shall be appointed for a term of 1 year;

(ii) Four members shall be appointed for a term of 2 years; and

(iii) Four members shall be appointed for a term of 3 years.

(C) Reappointment

A member of the Board of Trustees may be reappointed, except that no individual may serve on the Board of Trustees for a total of more than 2 full terms. For purposes of this subparagraph, the number of terms an individual serves on the Board of Trustees shall not include any portion of a term for which an individual is appointed to fill a vacancy under subparagraph (D)(ii).

(D) Vacancies

(i) In general

A vacancy on the Board of Trustees—

(I) shall not affect the powers of the Board of Trustees; and

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

(ii) Term

Any member of the Board of Trustees appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(5) Compensation**(A) In general**

Except as provided in subparagraph (B), a member of the Board of Trustees shall serve without pay.

(B) Travel expenses

A member of the Board of Trustees shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board of Trustees.

(6) Chairperson

By a majority vote of its voting members, the Board of Trustees shall elect a chairperson from its members.

(7) Meetings**(A) In general**

The Board of Trustees shall meet at the call of the chairperson or on the written request of a majority of the voting members of the Board of Trustees, but not fewer than twice each year.

(B) Meeting format

Regularly scheduled meetings and special meetings may be conducted in-person, telephonically, electronically, or by any means appropriate as determined by the chairperson.

(8) Quorum

A majority of the voting members of the Board of Trustees holding office shall constitute a quorum for the purpose of conducting business, but a lesser number may receive information on behalf of the Board of Trustees.

(e) Director and staff of Museum**(1) Director****(A) In general**

The Museum shall have a Director who shall be appointed by the Secretary in consultation with Board of Trustees. The Secretary may appoint an interim Director to oversee the initial activity of establishing the Museum until a permanent Director is selected.

(B) Duties

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

(2) Staff

The Secretary may appoint two 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.

(3) Pay

The employees appointed by the Secretary under paragraph (2) may be paid without regard to the provisions of chapter 51 and sub-

chapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates.

(f) Educational and liaison programs**(1) In general****(A) Programs authorized**

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

(B) Specific activities

In carrying out this subsection, the Director shall—

(i) carry out educational programs relating to Latino life, art, history, and culture, including—

(I) programs using digital, electronic, and interactive technologies; and

(II) programs carried out in collaboration with elementary schools, secondary schools, and postsecondary schools; and

(ii) consult with the Director of the Institute of Museum and Library Services concerning the grant programs carried out under paragraph (2).

(2) Grant programs**(A) In general**

The Director of the Institute of Museum and Library Services, in consultation with the Board of Trustees and the Director of the Museum, shall establish and carry out—

(i) a grant program with the purpose of improving operations, care of collections, culturally appropriate public outreach, and development of professional management at American Latino museums;

(ii) a grant program with the purpose of providing internship and fellowship opportunities at American Latino museums;

(iii) a scholarship program, in partnership with Hispanic-serving institutions, minority-serving institutions, historically black colleges and universities, and other institutions of higher education, with the purpose of assisting individuals who are pursuing careers or carrying out studies in the arts, humanities, and sciences in the study of American Latino life, art, history, and culture;

(iv) in cooperation with other museums, historical societies, and educational institutions, a grant program with the purpose of promoting the understanding of the Latin American diaspora in the United States; and

(v) a grant program under which an American Latino museum (including a nonprofit education organization the primary mission of which is to promote the study of the Latin American diaspora in the United States) may use funds provided under the grant to increase an endowment fund established by the museum (or organization) as of October 1, 2020, for the purposes of enhancing educational programming, and maintaining and operating traveling educational exhibits.

(B) Clarification of treatment of museum

In this paragraph, the term “American Latino museum” does not include the Museum.

(C) Authorization of appropriations

There are authorized to be appropriated to the Institute of Museum and Library Services to carry out this paragraph—

- (i) \$15,000,000 for fiscal year 2021; and
- (ii) such sums as may be necessary for fiscal year 2022 and each succeeding fiscal year.

(g) National Museum of the American Latino building and support facilities**(1) In general****(A) Location****(i) In general**

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

(ii) Sites for consideration

In designating a site under clause (i), the Board of Regents shall—

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

(II) include the consideration of the following sites:

(aa) The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia.

(bb) A vacant area bounded by Independence Avenue, Jefferson Drive, Raoul Wallenberg Place, and 14th Street Southwest, currently under the jurisdiction of the National Park Service.

(cc) The area bounded by 3rd Street and 1st Street, Northwest and Constitution Avenue and Pennsylvania Avenue, Northwest, as measured from curb to curb, currently under the jurisdiction of the Architect of the Capitol.

(dd) The facility and grounds on the National Mall between 12th and 14th Streets, Southwest, and Jefferson Drive and Independence Avenue, Southwest, currently under the jurisdiction of the Department of Agriculture.

(iii) Factors considered

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

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

(II) 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.

(III) The recommendations of the Commission referred to in subsection (h).

(iv) Consultation

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

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

(II) The Director of the National Park Service.

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

(IV) The Chair of the Commission of Fine Arts.

(V) The Chair and Vice Chair of the Commission referred to in subsection (h).

(VI) The Chair of the Building and Site Subcommittee of the Commission referred to in subsection (h).

(VII) The Architect of the Capitol.

(VIII) The Chair and ranking minority member of each of the following committees:

(aa) The Committee on Rules and Administration of the Senate.

(bb) The Committee on House Administration of the House of Representatives.

(cc) The Committee on Energy and Natural Resources of the Senate.

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

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

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

(gg) The Committee on Appropriations of the Senate.

(v) 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 subsection.

(B) Size of building

The building constructed or modified to serve as the Museum shall occupy no less than the recommended square footage set forth in the report submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino established under section 333 of the Consolidated Natural Resources Act of 2008 (Public Law 110-229; 122 Stat. 784).

(C) Construction of building

The Board of Regents, in consultation with the Board of Trustees and other appropriate Federal and local agencies is authorized to prepare plans, design, and construct a building or modify an existing building for the Museum, which shall be located at the site selected by the Board of Regents, in accordance with this subsection.

(2) Site under the jurisdiction of another Federal agency**(A) In general**

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 paragraph (1)(A)(iv)(VIII) 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.

(B) Transfer

As soon as practicable after the date on which the committees receive the written notification described in subparagraph (A), the head of the Federal agency or entity shall transfer to the Smithsonian Institution administrative jurisdiction over the land or structure that has been designated as the site for the Museum.

(3) Cost sharing

The Board of Regents shall pay—

(A) 50 percent of the costs of carrying out this subsection from Federal funds; and

(B) 50 percent of the costs of carrying out this subsection from non-Federal sources.

(4) 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).

(5) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(h) Consideration of recommendations of Commission

In carrying out their duties under this section, the Board of Trustees and the Board of Regents shall take into consideration the reports and plans submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino established under section 333 of the Consolidated Natural Resources Act of 2008 (Public Law 110-229; 122 Stat. 784).

(i) Congressional Budget Act compliance

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

(j) Authorization of appropriations

(1) In general

There are authorized to be appropriated to the Smithsonian Institution to carry out this section, other than subsections (f)(2) and (g)—

(A) \$20,000,000 for fiscal year 2021; and

(B) such sums as are necessary for each fiscal year thereafter.

(2) Availability

Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

(3) Use of funds for fundraising

Amounts appropriated pursuant to the authorization under this subsection may be used to conduct fundraising in support of the Museum from private sources.

(Pub. L. 116-260, div. T, title II, §201, Dec. 27, 2020, 134 Stat. 2278.)

REFERENCES IN TEXT

Section 333 of the Consolidated Natural Resources Act of 2008, referred to in subsecs. (g)(1)(B) and (h), is

section 333 of Pub. L. 110-229, title III, May 8, 2008, 122 Stat. 784, which is not classified to the Code.

CHAPTER 4—NATIONAL ZOOLOGICAL PARK

Sec.

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| 81. | Administration by Regents of Smithsonian Institution. |
| 82. | Aid in acquisition of collections. |
| 83. | Omitted. |
| 84. | Plans for buildings and bridges. |
| 85. | Concessions. |

§ 81. Administration by Regents of Smithsonian Institution

The National Zoological Park is placed under the direction of the Regents of the Smithsonian Institution, who are authorized to transfer to it any living specimens, whether of animals or plants, in their charge, to accept gifts for the park at their discretion, in the name of the United States, to make exchanges of specimens, and to administer and improve the said Zoological Park for the advancement of science and the instruction and recreation of the people.

(Apr. 30, 1890, ch. 173, §2, 26 Stat. 78; Pub. L. 87-360, Oct. 4, 1961, 75 Stat. 779.)

AMENDMENTS

1961—Pub. L. 87-360 inserted “and improve” after “administer”.

CENTRAL PARKING FACILITY

Pub. L. 115-178, June 1, 2018, 132 Stat. 1379, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Smithsonian National Zoological Park Central Parking Facility Authorization Act’.

“SEC. 2. FACILITY FOR IMPROVED VISITOR EXPERIENCE AND ACCESS AT THE NATIONAL ZOOLOGICAL PARK.

“(a) IN GENERAL.—In order to improve visitor experience and multi-modal access to the Smithsonian National Zoological Park, the Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a central parking facility on National Zoological Park property in the District of Columbia.

“(b) CENTRAL PARKING FACILITY.—The facility authorized under this section may include parking, transportation improvements, visitor amenities including restrooms, a pedestrian bridge to a midpoint entry of the National Zoological Park, and ancillary works to accommodate alternative uses of the facility.

“(c) FUNDING.—Construction of the facility described in this section shall be conducted with funds from non-appropriated sources.”

ESTABLISHMENT OF PARKS

The National Zoological Park was established under provisions of the District of Columbia Appropriation Act for the Fiscal Year 1890, act Mar. 2, 1889, ch. 370, §4, 25 Stat. 808, which constituted a commission to select from a certain district along Rock Creek a tract of land, including a section of the creek, suitable for a zoological park, and to purchase the land so selected, or take proceedings for the condemnation thereof, the United States to have title to the land on payment therefor to the owners.

The Rock Creek Park was established by act Sept. 27, 1890, ch. 1001, 26 Stat. 492.

The Potomac Park was established by act Mar. 3, 1897, ch. 375, 29 Stat. 624.

ADDITION OF LANDS

Certain parcels of land were added to the National Zoological Park by acts June 5, 1920, ch. 235, §1, 41 Stat. 892; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1384.