

117TH CONGRESS  
2D SESSION

# H. R. 9070

To establish within the Smithsonian Institution the National Museum of American LGBTQ+ History and Culture, and for other purposes.

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## 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 House Administration, and in addition to the Committee on 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

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## A BILL

To establish within the Smithsonian Institution the 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 “National Museum of  
5       American LGBTQ+ History and Culture Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) BOARD OF REGENTS.—The term “Board of  
9       Regents” means the Board of Regents of the Smith-  
10      sonian Institution.

11              (2) COUNCIL.—The term “Council” means the  
12      National Museum of American LGBTQ+ History  
13      and Culture Council established by section 4.

14              (3) MUSEUM.—The term “Museum” means the  
15      National Museum of American LGBTQ+ History  
16      and Culture established by section 3.

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

19       **SEC. 3. ESTABLISHMENT OF MUSEUM.**

20              (a) ESTABLISHMENT.—There is established within  
21      the Smithsonian Institution a museum to be known as the  
22      “National Museum of American LGBTQ+ History and  
23      Culture”.

24              (b) PURPOSE.—The purpose of the Museum shall be  
25      to provide for—

1           (1) the collection, study, and establishment of  
2           programs relating to American LGBTQ+ life, art,  
3           history, and culture;

4           (2) the creation and maintenance of permanent  
5           and temporary exhibits documenting the history of  
6           American LGBTQ+ life, art, history, and culture;

7           (3) the collection and study of artifacts and  
8           documents relating to American LGBTQ+ life, art,  
9           history, and culture; and

10          (4) collaboration between the Museum and  
11          other museums, LGBTQ+-serving institutions, his-  
12          torical societies, educational institutions, and other  
13          organizations that promote the study or appreciation  
14          of American LGBTQ+ life, art, history, or culture,  
15          including collaboration concerning—

16                (A) development of cooperative programs  
17                and exhibitions;

18                (B) identification, management, and care  
19                of collections; and

20                (C) training of museum professionals.

21 **SEC. 4. COUNCIL.**

22          (a) ESTABLISHMENT.—There is established within  
23          the Smithsonian Institution a council to be known as the  
24          “National Museum of American LGBTQ+ History and  
25          Culture Council”.

1 (b) DUTIES.—

2 (1) IN GENERAL.—The Council shall—

3 (A) make recommendations to the Board  
4 of Regents concerning the planning, design, and  
5 construction of the Museum;

6 (B) advise and assist the Board of Regents  
7 on all matters relating to the administration,  
8 operation, maintenance, and preservation of the  
9 Museum;

10 (C) recommend annual operating budgets  
11 for the Museum to the Board of Regents;

12 (D) report annually to the Board of Re-  
13 gents on the acquisition, disposition, and dis-  
14 play of objects relating to American LGBTQ+  
15 life, art, history, and culture; and

16 (E) adopt bylaws for the operation of the  
17 Council.

18 (2) PRINCIPAL RESPONSIBILITIES.—The Coun-  
19 cil, subject to the general policies of the Board of  
20 Regents, shall have sole authority to—

21 (A) purchase, accept, borrow, and other-  
22 wise acquire artifacts for addition to the collec-  
23 tions of the Museum;

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

seum, but only if the funds generated by that disposition are used for additions to the collections of the Museum; or

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

(3) OTHER RESPONSIBILITIES.—The Council, subject to the general policies of the Board of Regents, shall have authority—

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

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

(c) COMPOSITION AND APPOINTMENT.—

(1) IN GENERAL.—The Council shall be composed of 19 voting members as provided under paragraph (2).

(2) VOTING MEMBERS.—The Council shall include the following voting members:

(A) The Secretary of the Smithsonian Institution.

1 (B) One member of the Board of Regents,  
2 appointed by the Board of Regents.

3 (C) Seventeen individuals appointed by the  
4 Board of Regents—

5 (i) taking into consideration individ-  
6 uals recommended by organizations and  
7 entities that are committed to the advance-  
8 ment of knowledge of American LGBTQ+  
9 life, art, history, and culture; and

10 (ii) taking into consideration individ-  
11 uals recommended by the members of the  
12 Council.

13 (3) INITIAL APPOINTMENTS.—The Board of  
14 Regents shall make initial appointments to the  
15 Council under paragraph (2) not later than 180  
16 days after the date of enactment of this Act.

17 (d) TERMS.—

18 (1) IN GENERAL.—Except as provided in this  
19 subsection, each appointed member of the Council  
20 shall be appointed for a term of 3 years.

21 (2) INITIAL APPOINTEES.—As designated by  
22 the Board of Regents at the time of appointment, of  
23 the voting members first appointed under subsection  
24 (c)(2)(C)—

1 (A) six members shall be appointed for a  
2 term of 1 year;

3 (B) six members shall be appointed for a  
4 term of 2 years; and

5 (C) five members shall be appointed for a  
6 term of 3 years.

7 (3) REAPPOINTMENT.—A member of the Coun-  
8 cil may be reappointed, except that no individual  
9 may serve on the Council for a total of more than  
10 2 terms. For purposes of this paragraph, the num-  
11 ber of terms an individual serves on the Council  
12 shall not include any portion of a term for which an  
13 individual is appointed to fill a vacancy under para-  
14 graph (4)(B).

15 (4) VACANCIES.—

16 (A) IN GENERAL.—A vacancy on the  
17 Council—

18 (i) shall not affect the powers of the  
19 Council; and

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

22 (B) TERM.—Any member of the Council  
23 appointed to fill a vacancy occurring before the  
24 expiration of the term for which the member's

1 predecessor was appointed shall be appointed  
2 for the remainder of that term.

3 (e) COMPENSATION.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graph (2), a member of the Council shall serve with-  
6 out pay.

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

15 (f) CHAIRPERSON.—By a majority vote of its voting  
16 members, the Council shall elect a chairperson from its  
17 members.

18 (g) MEETINGS.—

19 (1) IN GENERAL.—The Council shall meet at  
20 the call of the chairperson or on the written request  
21 of a majority of the voting members of the Council,  
22 but not fewer than twice each year.

23 (2) INITIAL MEETINGS.—During the 1-year pe-  
24 riod beginning on the date of the first meeting of the  
25 Council, the Council shall meet not fewer than 4



1 times for the purpose of carrying out the duties of  
2 the Council under this Act.

3 (h) QUORUM.—A majority of the voting members of  
4 the Council holding office shall constitute a quorum for  
5 the purpose of conducting business, but a lesser number  
6 may receive information on behalf of the Council.

7 **SEC. 5. DIRECTOR AND STAFF OF THE MUSEUM.**

8 (a) DIRECTOR.—

9 (1) IN GENERAL.—The Museum shall have a  
10 Director who shall be appointed by the Secretary,  
11 taking into consideration individuals recommended  
12 by the Council.

13 (2) DUTIES.—The Director shall manage the  
14 Museum subject to the policies of the Board of Re-  
15 gents.

16 (b) STAFF.—The Secretary may appoint two addi-  
17 tional employees to serve under the Director, except that  
18 such additional employees may be appointed without re-  
19 gard to the provisions of title 5, United States Code, gov-  
20 erning appointments in the competitive service.

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

1 **SEC. 6. EDUCATIONAL AND LIAISON PROGRAMS.**

2 (a) IN GENERAL.—

3 (1) PROGRAMS AUTHORIZED.—The Director of  
4 the Museum may carry out educational and liaison  
5 programs in support of the goals of the Museum.

6 (2) SPECIFIC ACTIVITIES DESCRIBED.—In car-  
7 rying out this section, the Director shall—

8 (A) carry out educational programs relat-  
9 ing to American LGBTQ+ life, art, history,  
10 and culture, including—

11 (i) programs using digital, electronic,  
12 and interactive technologies; and

13 (ii) programs carried out in collabora-  
14 tion with elementary schools, secondary  
15 schools, and postsecondary schools; and

16 (B) consult with the Director of the Insti-  
17 tute of Museum and Library Services con-  
18 cerning the grant and scholarship programs  
19 carried out under subsection (b).

20 (b) GRANT AND SCHOLARSHIP PROGRAMS.—In con-  
21 sultation with the Council and the Director of the Mu-  
22 seum, the Director of the Institute of Museum and Li-  
23 brary Services shall establish—

24 (1) a grant program with the purpose of im-  
25 proving operations, care of collections, and develop-

1       ment of professional management at American  
2       LGBTQ+ museums;

3           (2) a grant program with the purpose of pro-  
4       viding internship and fellowship opportunities at  
5       American LGBTQ+ museums; and

6           (3) a scholarship program with the purpose of  
7       assisting individuals who are pursuing careers or  
8       carrying out studies in the arts, humanities, and  
9       sciences in the study of American LGBTQ+ life,  
10      art, history, and culture.

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