

118TH CONGRESS  
1ST SESSION

# H. R. 6101

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2023

Mr. POCAN (for himself, Mr. TAKANO, Ms. DAVIDS of Kansas, Mr. ROBERT GARCIA of California, Ms. BALINT, Mr. TORRES of New York, Mr. PAPPAS, Ms. CRAIG, and Mr. SORESENSEN) 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 LGBTQI+ 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 LGBTQI+ History and Culture Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4           (2) COUNCIL.—The term “Council” means the  
5 National Museum of American LGBTQI+ History  
6 and Culture Council established by section 4.

7           (3) MUSEUM.—The term “Museum” means the  
8 National Museum of American LGBTQI+ History  
9 and Culture established by section 3.

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

12 **SEC. 3. ESTABLISHMENT OF MUSEUM.**

13           (a) ESTABLISHMENT.—There is established within  
14 the Smithsonian Institution a museum to be known as the  
15 “National Museum of American LGBTQI+ History and  
16 Culture”.

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

19           (1) the collection, study, and establishment of  
20 programs relating to American LGBTQI+ life, art,  
21 history, and culture;

22           (2) the creation and maintenance of permanent  
23 and temporary exhibits documenting the history of  
24 American LGBTQI+ life, art, history, and culture;

1           (3) the collection and study of artifacts and  
2 documents relating to American LGBTQI+ life, art,  
3 history, and culture; and

4           (4) collaboration between the Museum and  
5 other museums, LGBTQI+-serving institutions, his-  
6 torical societies, educational institutions, and other  
7 organizations that promote the study or appreciation  
8 of American LGBTQI+ life, art, history, or culture,  
9 including collaboration concerning—

10                   (A) development of cooperative programs  
11 and exhibitions;

12                   (B) identification, management, and care  
13 of collections; and

14                   (C) training of museum professionals.

15 **SEC. 4. COUNCIL.**

16           (a) **ESTABLISHMENT.**—There is established within  
17 the Smithsonian Institution a council to be known as the  
18 “National Museum of American LGBTQI+ History and  
19 Culture Council”.

20           (b) **DUTIES.**—

21                   (1) **IN GENERAL.**—The Council shall—

22                           (A) make recommendations to the Board  
23 of Regents concerning the planning, design, and  
24 construction of the Museum;

1           (B) advise and assist the Board of Regents  
2           on all matters relating to the administration,  
3           operation, maintenance, and preservation of the  
4           Museum;

5           (C) recommend annual operating budgets  
6           for the Museum to the Board of Regents;

7           (D) report annually to the Board of Re-  
8           gents on the acquisition, disposition, and dis-  
9           play of objects relating to American LGBTQ+  
10          life, art, history, and culture; and

11          (E) adopt bylaws for the operation of the  
12          Council.

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

16               (A) purchase, accept, borrow, and other-  
17               wise acquire artifacts for addition to the collec-  
18               tions of the Museum;

19               (B) loan, exchange, sell, and otherwise dis-  
20               pose of any part of the collections of the Mu-  
21               seum, but only if the funds generated by that  
22               disposition are used for additions to the collec-  
23               tions of the Museum; or

24               (C) specify criteria with respect to the use  
25               of the collections and resources of the Museum,

1 including policies on programming, education,  
2 exhibitions, and research.

3 (3) OTHER RESPONSIBILITIES.—The Council,  
4 subject to the general policies of the Board of Re-  
5 gents, shall have authority—

6 (A) to provide for preservation, restoration,  
7 and maintenance of the collections of the Mu-  
8 seum; and

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

13 (c) COMPOSITION AND APPOINTMENT.—

14 (1) IN GENERAL.—The Council shall be com-  
15 posed of 19 voting members as provided under para-  
16 graph (2).

17 (2) VOTING MEMBERS.—The Council shall in-  
18 clude the following voting members:

19 (A) The Secretary of the Smithsonian In-  
20 stitution.

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

23 (C) Seventeen individuals appointed by the  
24 Board of Regents—

1 (i) taking into consideration individ-  
2 uals recommended by organizations and  
3 entities that are committed to the advance-  
4 ment of knowledge of American  
5 LGBTQI+ life, art, history, and culture;  
6 and

7 (ii) taking into consideration individ-  
8 uals recommended by the members of the  
9 Council.

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

14 (d) TERMS.—

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

18 (2) INITIAL APPOINTEES.—As designated by  
19 the Board of Regents at the time of appointment, of  
20 the voting members first appointed under subsection

21 (c)(2)(C)—

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

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

1 (C) five members shall be appointed for a  
2 term of 3 years.

3 (3) REAPPOINTMENT.—A member of the Coun-  
4 cil may be reappointed, except that no individual  
5 may serve on the Council for a total of more than  
6 2 terms. For purposes of this paragraph, the num-  
7 ber of terms an individual serves on the Council  
8 shall not include any portion of a term for which an  
9 individual is appointed to fill a vacancy under para-  
10 graph (4)(B).

11 (4) VACANCIES.—

12 (A) IN GENERAL.—A vacancy on the  
13 Council—

14 (i) shall not affect the powers of the  
15 Council; and

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

18 (B) TERM.—Any member of the Council  
19 appointed to fill a vacancy occurring before the  
20 expiration of the term for which the member's  
21 predecessor was appointed shall be appointed  
22 for the remainder of that term.

23 (e) COMPENSATION.—

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

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

12          (f) CHAIRPERSON.—By a majority vote of its voting  
13          members, the Council shall elect a chairperson from its  
14          members.

15          (g) MEETINGS.—

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

20               (2) INITIAL MEETINGS.—During the 1-year pe-  
21               riod beginning on the date of the first meeting of the  
22               Council, the Council shall meet not fewer than 4  
23               times for the purpose of carrying out the duties of  
24               the Council under this Act.



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

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

6 (a) DIRECTOR.—

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

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

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

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

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

25 (a) IN GENERAL.—

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

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

6           (A) carry out educational programs relat-  
7 ing to American LGBTQI+ life, art, history,  
8 and culture, including—

9           (i) programs using digital, electronic,  
10 and interactive technologies; and

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

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

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

22           (1) a grant program with the purpose of im-  
23 proving operations, care of collections, and develop-  
24 ment of professional management at American  
25 LGBTQI+ museums;

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

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

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