

118TH CONGRESS
1ST SESSION

H. R. 6102

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

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. SORENSEN) 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 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 “Commission To Study
5 the Potential Creation of a National Museum of American
6 LGBTQI+ History and Culture Act”.

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 (a) IN GENERAL.—There is established the Commis-
3 sion to Study the Potential Creation of a National Mu-
4 seum of American LGBTQI+ History and Culture (here-
5 after in this Act referred to as the “Commission”).

6 (b) MEMBERSHIP.—The Commission shall be com-
7 posed of 8 members, of whom—

8 (1) 2 members shall be appointed by the major-
9 ity leader of the Senate;

10 (2) 2 members shall be appointed by the Speak-
11 er of the House of Representatives;

12 (3) 2 members shall be appointed by the minor-
13 ity leader of the Senate; and

14 (4) 2 members shall be appointed by the minor-
15 ity leader of the House of Representatives.

16 (c) QUALIFICATIONS.—Members of the Commission
17 shall be appointed to the Commission from among individ-
18 uals, or representatives of institutions or entities, who pos-
19 sess—

20 (1)(A) a demonstrated commitment to the re-
21 search, study, or promotion of LGBTQI+ history,
22 art, political or economic status, or culture; and

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

24 (ii) expertise in fundraising for nonprofit or cul-
25 tural institutions;

1 (iii) experience in the study and teaching of
2 American LGBTQI+ history;

3 (iv) experience in studying the issue of the rep-
4 resentation of LGBTQI+ Americans in art, life, his-
5 tory, and culture at the Smithsonian Institution; or

6 (v) extensive experience in public or elected
7 service;

8 (2) experience in the administration of, or the
9 planning for, the establishment of museums; or

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

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

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

17 (1) shall not affect the powers of the Commis-
18 sion; and

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

21 (f) CHAIRPERSON.—The Commission shall, by major-
22 ity vote of all of the members, select 1 member of the
23 Commission to serve as the Chairperson of the Commis-
24 sion.

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

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

4 (a) REPORTS.—

5 (1) PLAN OF ACTION.—The Commission shall
6 submit to the President and Congress a report con-
7 taining the recommendations of the Commission
8 with respect to a plan of action regarding the feasi-
9 bility of establishing and maintaining a National
10 Museum of American LGBTQI+ History and Cul-
11 ture (hereafter in this Act referred to as the “Mu-
12 seum”).

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

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

18 (B) The impact of the Museum on existing
19 American LGBTQI+ history-related museums.

20 (C) In consultation with the Smithsonian
21 Institution, develop criteria for evaluating pos-
22 sible locations for the Museum.

23 (D) The feasibility of the Museum becom-
24 ing part of the Smithsonian Institution, taking
25 into account the Museum’s potential impact on

1 the Smithsonian’s existing facilities mainte-
2 nance backlog, collections storage needs, and
3 identified construction or renovation costs for
4 new or existing museums.

5 (E) The governance and organizational
6 structure from which the Museum should oper-
7 ate.

8 (F) Best practices for engaging
9 LGBTQI+ Americans in the development and
10 design of the Museum.

11 (G) The cost of constructing, operating,
12 and maintaining the Museum.

13 (3) DEADLINE.—The reports required under
14 paragraphs (1) and (2) shall be submitted not later
15 than the date that is 18 months after the date of
16 the first meeting of the Commission.

17 (b) FUNDRAISING PLAN.—

18 (1) IN GENERAL.—The Commission shall de-
19 velop a fundraising plan that will address the ability
20 to support the establishment, operation, and mainte-
21 nance of the Museum through contributions from
22 the public.

23 (2) CONSIDERATIONS.—In developing the fund-
24 raising plan under paragraph (1), the Commission
25 shall consider issues relating to funding the oper-

1 ations and maintenance of the Museum in perpetuity
2 without reliance on appropriations of Federal funds.

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

11 (4) SUBMISSION.—The Commission shall sub-
12 mit the plan developed under paragraph (1) and the
13 review conducted under paragraph (3) to the Com-
14 mittees on House Administration, Natural Re-
15 sources, and Appropriations of the House of Rep-
16 resentatives and the Committees on Rules and Ad-
17 ministration, Energy and Natural Resources, and
18 Appropriations of the Senate.

19 (c) LEGISLATION TO CARRY OUT PLAN OF AC-
20 TION.—Based on the recommendations contained in the
21 report submitted under paragraphs (1) and (2) of sub-
22 section (a), the Commission shall submit for consideration
23 to the Committees on House Administration, Natural Re-
24 sources, and Appropriations of the House of Representa-
25 tives and the Committees on Rules and Administration,

1 Energy and Natural Resources, and Appropriations of the
2 Senate recommendations for a legislative plan of action
3 on the feasibility of establishing and constructing the Mu-
4 seum.

5 (d) NATIONAL CONFERENCE.—Not later than 18
6 months after the date on which the initial members of the
7 Commission are appointed under section 2, the Commis-
8 sion may, in carrying out the duties of the Commission
9 under this section, convene a national conference relating
10 to the Museum, to be comprised of individuals committed
11 to the advancement of the life, art, history, and culture
12 of LGBTQI+ Americans.

13 **SEC. 4. ADMINISTRATIVE PROVISIONS.**

14 (a) COMPENSATION.—

15 (1) IN GENERAL.—A member of the Commis-
16 sion—

17 (A) shall not be considered to be a Federal
18 employee for any purpose by reason of service
19 on the Commission; and

20 (B) shall serve without pay.

21 (2) TRAVEL EXPENSES.—A member of the
22 Commission shall be allowed a per diem allowance
23 for travel expenses, at rates consistent with those
24 authorized under subchapter I of chapter 57 of title
25 5, United States Code.

1 (3) GIFTS, BEQUESTS, AND DEVISES.—The
2 Commission may solicit, accept, use, and dispose of
3 gifts, bequests, or devises of money, services, or real
4 or personal property for the purpose of aiding or fa-
5 cilitating the work of the Commission.

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

9 (b) TERMINATION.—The Commission shall terminate
10 on the date that is 30 days after the date on which the
11 final versions of the reports required under section 3 are
12 submitted.

13 (c) FUNDING.—

14 (1) IN GENERAL.—The Commission shall be
15 solely responsible for acceptance of contributions for,
16 and payment of the expenses of, the Commission.

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

19 (d) DIRECTOR AND STAFF OF COMMISSION.—

20 (1) DIRECTOR AND STAFF.—

21 (A) IN GENERAL.—The Commission may
22 employ and compensate an executive director
23 and any other additional personnel that are
24 necessary to enable the Commission to perform
25 the duties of the Commission.

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

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

10 (3) TECHNICAL ASSISTANCE.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (B), on request of the Commission, the
13 head of a Federal agency may provide technical
14 assistance to the Commission.

15 (B) PROHIBITION.—No Federal employees
16 may be detailed to the Commission.

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

18 The budgetary effects of this Act, for the purpose of
19 complying with the Statutory Pay-As-You-Go Act of 2010,
20 shall be determined by reference to the latest statement
21 titled “Budgetary Effects of PAYGO Legislation” for this
22 Act, submitted for printing in the Congressional Record
23 by the Chairman of the House Budget Committee, pro-

- 1 vided that such statement has been submitted prior to the
- 2 vote on passage.

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