

107TH CONGRESS  
1ST SESSION

# H. R. 1718

To establish the National Museum of African American History and Culture  
within the Smithsonian Institution.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2001

Mr. LEWIS of Georgia (for himself, Mr. WATTS of Oklahoma, Mr. GEPHARDT, Mr. ARMEY, Mr. FROST, Mr. BONIOR, Mr. RANGEL, Mr. HOYER, Mr. LAHOOD, Mr. FRANK, Mr. MCDERMOTT, Mr. ETHERIDGE, Mr. LAMPSON, Mr. BORSKI, Mr. MATHESON, Mr. STARK, Mr. DAVIS of Illinois, Mr. SANDERS, Mr. HONDA, Mr. TOM DAVIS of Virginia, Mr. PASCRELL, Ms. KAPTUR, Mr. HOUGHTON, Mr. LUCAS of Oklahoma, Mr. BISHOP, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. LEE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. WATT of North Carolina, Mr. MCINTYRE, Mr. JOHNSON of Illinois, Mr. BARRETT, and Mr. LANTOS) 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 the National Museum of African American History and Culture within the Smithsonian Institution.

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   African American History and Culture Act of 2001”.

6   **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) During the history of our Nation, the  
9   United States has grown into a symbol of democracy  
10   and freedom around the world, and the legacy of Af-  
11   rican Americans is rooted in the very fabric of our  
12   Nation’s democracy and freedom.

13               (2) There exists no national museum within the  
14   Smithsonian Institution located on the National Mall  
15   that is devoted to the documentation of African  
16   American life, art, history, and culture and that en-  
17   compasses on a national level, the period of slavery,  
18   the era of reconstruction, the Harlem renaissance,  
19   the civil rights movement, and beyond.

20               (3) Slavery was an accepted practice in this Na-  
21   tion, authorized by the Government through legisla-  
22   tion such as the fugitive slave law of 1793 (1 Stat.  
23   302) and sanctioned by the Supreme Court in the  
24   Dred Scott decision (Scott v. Sanford, 60 U.S. 393  
25   (1857)).

11 (5) Leaders of the African American commu-  
12 nity in the 1950s and 1960s led this Nation in the  
13 civil rights movement with the intent of ending dis-  
14 crimination against African Americans. During this  
15 period, many African American churches were de-  
16 stroyed and countless individuals involved in this  
17 movement were often beaten and killed. Through the  
18 devotion and sacrifice of those leaders, the civil  
19 rights movement made great strides in ensuring  
20 equality for African Americans in this country.

21 (6) African Americans have enriched the cul-  
22 tural make-up of the United States by their con-  
23 tributions in the areas of science, medicine, the arts  
24 and humanities, sports, music, and dance.

12 (9) The Smithsonian African American Institu-  
13 tional Study recommended that the National Mu-  
14 seum of African American History and Culture be  
15 established in the Arts and Industries Building of  
16 the Smithsonian Institution.

22 (11) A National Museum of African American  
23 History and Culture will provide a continued and  
24 consistent African American presence on the Na-  
25 tional Mall.

(12) A National Museum of African American History and Culture will have the ability to administer other important facilities, including the African American Burial Ground National Historic Landmark in New York, New York, which holds the remains of more than 20,000 enslaved Africans and first-generation African Americans from the colonial era. The Secretary of the Smithsonian stated in 1998 that the African American Burial Ground affords the perfect opportunity to gain insight into the institution of slavery, as practiced in urban, rural, northern, and southern parts of the United States, and proposed that a partnership be formed among the Smithsonian, the National Park Service, and the General Services Administration to further develop the site.

(14) The National Museum of African American History and Culture will coordinate the collec-

1       tion of material related to African Americans, which  
2       is rapidly disappearing due to a lack of resources  
3       and trained professionals engaged in preservation.

4 (15) The work of the National Museum of Afri-  
5 can American History and Culture will be, fun-  
6 damentally, the same as the work of all museums in  
7 the United States that reflect and express the expe-  
8 riences of the people of the United States in an in-  
9 clusive manner.

10 SEC. 3. ESTABLISHMENT OF THE NATIONAL MUSEUM OF  
11 AFRICAN AMERICAN HISTORY AND CULTURE.

12 (a) ESTABLISHMENT.—There is established within  
13 the Smithsonian Institution the National Museum of Afri-  
14 can American History and Culture (hereafter referred to  
15 in this Act as the “Museum”), and the Smithsonian Insti-  
16 tution shall maintain and administer the Museum.

17 (b) PURPOSE.—The purpose of the Museum is to pro-  
18 vide for—

19 (1) the collection, study, and creation of scholar-  
20 arship relating to the African American diaspora  
21 that encompasses slavery, the era of reconstruction,  
22 the Harlem renaissance, the civil rights movement,  
23 and beyond;

24 (2) the creation and maintenance of permanent  
25 and temporary exhibits documenting African Amer-

1 ican slavery and African American life, art, history,  
2 and culture from slavery and the era of reconstruc-  
3 tion to the Harlem renaissance, the civil rights  
4 movement, and beyond;

5 (3) the collection and study of artifacts and  
6 documents relating to African American life, art,  
7 history, and culture and the African American dias-  
8 pora;

9 (4) the establishment of programs in coopera-  
10 tion with other museums, historical societies, edu-  
11 cational institutions, and other organizations that  
12 research and study modern day practices of slavery  
13 throughout the world;

14 (5) collaboration between the Museum and  
15 other African American museums, historically black  
16 colleges and universities, and other museums, histor-  
17 ical societies, educational institutions, and other or-  
18 ganizations that promote the study of the African  
19 American diaspora including collaboration  
20 regarding—

21 (A) development of cooperative programs  
22 and exhibitions;

23 (B) identification, management, and care  
24 of collections; and

1 (C) participation in the training of mu-  
2 seum professionals; and

3 (6) leadership and commitment to historical ac-  
4 curacy in the study, education, and exhibition of Af-  
5 rican American life, art, history, and culture in the  
6 Museum and throughout the United States.

## 7 SEC. 4. COUNCIL.

8 (a) ESTABLISHMENT.—There is established in the  
9 Smithsonian Institution the National Museum of African  
10 American History and Culture Council (hereafter referred  
11 to in this Act as the “Council”).

12 (b) DUTIES.—

23 (B) establish policy with respect to the util-  
24 lization of the collections and resources of the  
25 Museum, including policies on programming,

1 education, exhibitions, and research with re-  
2 spect to life, art, and culture of African Ameri-  
3 cans, the role of African Americans in the his-  
4 tory of the United States, from slavery to the  
5 present, and the contributions of African Amer-  
6 icans to society;

7 (C) purchase, accept, borrow, and other-  
8 wise acquire artifacts and other property for  
9 addition to the collections of the Museum;

10 (D) provide for restoration, preservation,  
11 and maintenance of the collections of the Mu-  
12 seum;

13 (E) loan, exchange, sell, and otherwise dis-  
14 pose of any part of the collections of the Mu-  
15 seum, but only if the funds generated by such  
16 disposition are used for additions to the collec-  
17 tions of the Museum or for programs carried  
18 out under section 6; and

19 (F) contract with and compensate Federal  
20 Government and private agencies or persons for  
21 supplies and services that would aid the work of  
22 the Museum, without regard to section 3709 of  
23 the Revised Statutes (41 U.S.C. 5).

24 (2) ADMINISTRATION.—Subject to subsection  
25 (l), the Board of Regents shall advise and assist the

1       Council on all matters relating to the administration,  
2       operation, maintenance, and preservation of the Mu-  
3       seum.

4               (3) ANNUAL REPORT TO CONGRESS.—Subject  
5       to subsection (l), the Council shall submit to Con-  
6       gress an annual report that—

7                       (A) provides a detailed account of the ac-  
8       tivities of the Council and the Museum;

9                       (B) recommends an annual budget for the  
10      Council and the Museum; and

11                       (C) identifies the future needs of the Coun-  
12      cil and the Museum.

13               (4) ANNUAL REPORT TO THE BOARD OF RE-  
14      GENTS.—Subject to subsection (l), the Council shall  
15      report annually to the Board of Regents on the ac-  
16      quisition, disposition, and display of African Amer-  
17      ican objects and artifacts and on other appropriate  
18      matters.

19               (c) COMPOSITION AND APPOINTMENT.—

20                       (1) IN GENERAL.—The Council shall be com-  
21      posed of 25 voting members as provided under para-  
22      graph (2) and 7 honorary nonvoting members as  
23      provided under paragraph (3).

24                       (2) VOTING MEMBERS.—

1 (A) IN GENERAL.—The Council shall in-  
2 clude the following voting members:

3 (i) The Secretary of the Smithsonian  
4 Institution.

5 (ii) An Assistant Secretary of the  
6 Smithsonian Institution appointed by the  
7 Board of Regents.

11 (i) 13 individuals of diverse disciplines  
12 and geographical residence who are com-  
13 mitted to the advancement of knowledge of  
14 African American history and culture ap-  
15 pointed as follows:

16 (I) 5 individuals shall be ap-  
17 pointed by the President from a list of  
18 nominees provided by the President  
19 pro tempore of the Senate in consulta-  
20 tion with the majority and minority  
21 leaders of the Senate.

22 (II) 5 individuals shall be ap-  
23 pointed by the President from a list of  
24 nominees provided by the Speaker of  
25 the House of Representatives in con-

1 sultation with the majority and minor-  
2 ity leaders of the House of Represent-  
3 atives.

4 (III) 3 individuals shall be ap-  
5 pointed by the President.

6 (ii) 10 individuals appointed as fol-  
7 lows:

8 (I) 5 individuals shall be ap-  
9 pointed by the President from a list of  
10 nominees, provided by the President  
11 pro tempore of the Senate in consulta-  
12 tion with the majority and minority  
13 leaders of the Senate, and rec-  
14 commended by the Association of Afri-  
15 can American Museums, the National  
16 African American Museum and Cul-  
17 ture Complex, historically black col-  
18 leges and universities, and cultural or  
19 other organizations committed to the  
20 advancement of knowledge of African  
21 American life, art, history and cul-  
22 ture.

23 (II) 5 individuals shall be ap-  
24 pointed by the President from a list of  
25 nominees, provided by the Speaker of

1 the House of Representatives in con-  
2 sultation with the majority and minor-  
3 ity leaders of the House of Represent-  
4 atives, and recommended by the Asso-  
5 ciation of African American Museums,  
6 the National African American Mu-  
7 seum and Culture Complex, histori-  
8 cally black colleges and universities,  
9 and cultural or other organizations  
10 committed to the advancement of  
11 knowledge of African American life,  
12 art, history and culture.

13 (C) SUBSEQUENT APPOINTMENTS.—A va-  
14 cancy created upon the expiration of the term  
15 of any member appointed under subparagraph  
16 (B) shall be filled in the manner provided under  
17 subsection (d)(2)(B).

21 (A) The Secretary of the Interior.  
22 (B) 3 Members of the House of Represent-  
23 atives appointed by the Speaker of the House of  
24 Representatives upon the recommendation of

1                   the majority and minority leaders of the House  
2                   of Representatives.

3                   (C) 3 Senators appointed by the President  
4                   pro tempore of the Senate upon the rec-  
5                   ommendation of the majority and minority lead-  
6                   ers of the Senate.

7                   (d) TERMS.—

8                   (1) IN GENERAL.—

9                   (A) INITIAL APPOINTMENT.—Except as  
10                   provided in this subsection, each initial voting  
11                   member of the Council appointed under sub-  
12                   section (c)(2)(B) and each honorary nonvoting  
13                   member initially appointed under subsection  
14                   (c)(3) shall be appointed for a term that termi-  
15                   nates 9 years after the date on which the Mu-  
16                   seum first opens to the general public.

17                   (B) SUBSEQUENT APPOINTMENTS.—Ex-  
18                   cept as provided in this subsection, each of the  
19                   members of the Council that are appointed to  
20                   a full term after the members described in sub-  
21                   paragraph (A) shall be appointed for a term of  
22                   6 years.

23                   (C) REAPPOINTMENT.—Members of the  
24                   Council may be reappointed for subsequent  
25                   terms.

## 1 (2) VACANCIES.—

2 (A) IN GENERAL.—Any member appointed  
3 to fill a vacancy occurring before the expiration  
4 of the term for which the member's predecessor  
5 was appointed shall be appointed only for the  
6 remainder of that term.7 (B) VOTING MEMBERS.—A vacancy among  
8 the voting members on the Council shall be  
9 filled with a member appointed by the President  
10 from a list of nominees provided by the Council.11 (C) MEMBERS OF CONGRESS.—If a mem-  
12 ber appointed to the Council under subpara-  
13 graph (B) or (C) of subsection (c)(3) ceases to  
14 hold the office that qualified such member for  
15 appointment, that member shall cease to be a  
16 member of the Council. Any vacancy among  
17 such members shall be filled in the manner in  
18 which the original appointment was made.19 (D) POWERS OF COUNCIL.—A vacancy on  
20 the Council, including among the honorary non-  
21 voting members, shall not affect the powers of  
22 the Council.

23 (e) COMPENSATION.—

9 (f) CHAIRPERSON.—The Council shall elect a chair-  
10 person by a majority vote of the voting members of the  
11 Council.

12 (g) MEETINGS.—

21 (h) QUORUM.—A majority of the voting members of  
22 the Council shall constitute a quorum for purposes of con-  
23 ducting business, but a lesser number may receive infor-  
24 mation on behalf of the Council.

25 (i) BYLAWS.—The Council shall adopt bylaws.

1       (j) POWERS OF MEMBERS AND AGENTS.—Any mem-  
2 ber or agent of the Council may, if authorized by a major-  
3 ity of the voting members of the Council, take any action  
4 that the Council is authorized to take by this Act.

5       (k) VOLUNTARY SERVICES.—Notwithstanding sec-  
6 tion 1342 of title 31, United States Code, the chairperson  
7 of the Council may accept for the Council voluntary serv-  
8 ices provided by a member of the Council.

9       (l) TRANSFER OF POWERS AND DUTIES.—

10       (1) IN GENERAL.—Except as provided in this  
11 subsection, the Council's powers and duties shall  
12 transfer to the Board of Regents 3 years after the  
13 date on which the Museum first opens to the general  
14 public.

15       (2) ADVISORY COUNCIL.—

16       (A) IN GENERAL.—3 years after the date  
17 on which the Museum first opens to the general  
18 public, the Council shall become an advisory  
19 council (hereafter referred to in this Act as the  
20 “Advisory Council”). The Advisory Council  
21 shall have the same membership as the Council  
22 had immediately before becoming the Advisory  
23 Council. The terms of the members of the  
24 Council shall continue uninterrupted when such  
25 members become members of the Advisory

1           Council. Subsections (c) through (f) and (h)  
2           through (j) shall apply to the Advisory Council  
3           in the same manner as such subsections applied  
4           to the Council immediately before the Council  
5           becomes the Advisory Council.

6           (B) DUTIES OF THE ADVISORY COUNCIL.—  
7           The Advisory Council shall advise the Board of  
8           Regents on matters related to the administra-  
9           tion, operation, and maintenance of the Mu-  
10           seum.

11           (C) MEETINGS.—The Advisory Council  
12           shall meet not fewer than 1 time each year.

13           (D) PERMANENT COMMITTEE.—Section 14  
14           of the Federal Advisory Committee Act (5  
15           U.S.C. App.) shall not apply to the Advisory  
16           Council.

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

18           (a) IN GENERAL.—The Council, subject to section  
19           4(l) and in consultation with the Board of Regents, shall  
20           appoint a Director who shall manage the Museum.

21           (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
22           LAWS.—

23           (1) APPOINTMENTS.—Subject to section 4(l),  
24           the Council may appoint the Director and any addi-  
25           tional personnel to serve under the Director, without

1 regard to the provisions of title 5, United States  
2 Code, governing appointments in the competitive  
3 service.

4 (2) PAY.—Subject to section 4(l), the Council  
5 may fix the pay of the Director at a rate not to ex-  
6 ceed the maximum rate of basic pay payable for level  
7 III of the Executive Schedule and fix the pay of  
8 such additional personnel as the Council considers  
9 appropriate.

10 **SEC. 6. OFFICE OF EDUCATION AND LIAISON PROGRAMS.**

11 (a) OFFICE ESTABLISHED.—There is established  
12 within the Museum, the Office of Education and Liaison  
13 Programs, which shall carry out educational programs  
14 with respect to the Museum and other programs in col-  
15 laboration with other African American museums.

16 (b) FUNCTIONS.—The Office of Education and Liai-  
17 son Programs shall—

18 (1) carry out public educational programs with-  
19 in the Museum relating to African American life,  
20 art, history, and culture, including programs uti-  
21 lizing digital, electronic, and interactive technologies,  
22 and programs in collaboration with elementary  
23 schools, secondary schools, and post-secondary  
24 schools; and

1 (2) collaborate with African American museums

2 by—

7 (B) providing internship and fellowship  
8 programs that allow individuals pursuing ca-  
9 reers or carrying out studies in the arts, hu-  
0 manities, and sciences to study African Amer-  
1 ican life, art, history and culture;

12 (C) providing scholarship programs to as-  
13 sist individuals who demonstrate a commitment  
14 to a career in African American museum man-  
15 agement in financing their studies; and

16 (D) collaborating with national and inter-  
17 national organizations that address the issue of  
18 slavery in the international community.

19 SEC. 7. LOCATION OF THE NATIONAL MUSEUM OF AFRICAN  
20 AMERICAN HISTORY AND CULTURE.

21 (a) MAIN BUILDING.—The Council, in consultation  
22 with the Board of Regents, is authorized to plan, design,  
23 reconstruct, and renovate the Arts and Industries Build-  
24 ing of the Smithsonian Institution and the surrounding  
25 site to house the Museum. The Council, subject to section

1 4(l), shall consider expanding, and is authorized to ex-  
2 pand, the Arts and Industries Building horizontally,  
3 vertically, and below ground.

4 (b) ADDITIONAL FACILITIES.—

5 (1) ADJACENT FACILITIES.—

6 (A) IN GENERAL.—If the Council deter-  
7 mines that facilities in addition to the Arts and  
8 Industries Building of the Smithsonian Institu-  
9 tion are needed for the Museum, the Council,  
10 subject to section 4(l) and in consultation with  
11 the Administrator of General Services and the  
12 National Capital Planning Commission, is au-  
13 thorized to—

14 (i) identify a site for the additional fa-  
15 cilities;

16 (ii) acquire real property for the addi-  
17 tional facilities;

18 (iii) design the additional facilities;  
19 and

20 (iv)(I) construct a building for the ad-  
21 ditional facilities; or

22 (II) reconstruct and renovate a build-  
23 ing for the additional facilities.

1 (B) LOCATION.—Any additional facilities  
2 for the Museum shall be located, if feasible, on  
3 or adjacent to the National Mall.

4 (C) PURCHASE AUTHORITY.—After con-  
5 sultation with the Administrator of General  
6 Services and the National Capital Planning  
7 Commission, the Council, subject to section  
8 4(l), may purchase, with the consent of the  
9 owner thereof, any real property on or adjacent  
10 to the National Mall for such additional facil-  
11 ties.

12 (D) TRANSFER AUTHORITY.—For the pur-  
13 pose of securing additional facilities, any de-  
14 partment or agency of the United States is au-  
15 thorized to transfer to the Council any interest  
16 of such department or agency in real property  
17 located on or adjacent to the National Mall, and  
18 the Council, subject to section 4(l) and after  
19 consultation with the Administrator of General  
20 Services and the National Capital Planning  
21 Commission, may accept any such interest in  
22 such property.

23 (2) FEASIBILITY STUDY FOR AFRICAN BURIAL  
24 GROUND FACILITY.—Subject to section 4(l) and in  
25 consultation with the Director of the National Park

1       Service and the Administrator of General Services,  
2       the Council shall arrange for a study of the African  
3       Burial Ground National Historic Landmark in New  
4       York, New York, to determine the feasibility and  
5       cost of acquiring a site for, planning, designing, and  
6       constructing a significant facility consisting of a mu-  
7       seum and visitors center at or near the site.

8       (c) COST-SHARING.—The Council shall pay ½ of the  
9       total cost of carrying out this section from appropriated  
10      funds (except with respect to the study under paragraph  
11      (2)(A) for which the Council shall pay 100 percent from  
12      funds appropriated under section 10(b)(3)). The Council  
13      shall pay the remainder of such costs from non-Federal  
14      sources.

15       (d) COMMEMORATIVE WORKS ACT.—Any building to  
16      house the Museum, including any additional facilities for  
17      the Museum, is not a commemorative work for purposes  
18      of the Commemorative Works Act (40 U.S.C. 1001 et  
19      seq.).

20 **SEC. 8. NATIONAL MALL.**

21       In this Act, the term “National Mall” means the Na-  
22      tional Mall (United States Government Reservations 3, 4,  
23      5, and 6) in the District of Columbia.

1 **SEC. 9. AUTHORITY.**

2 Authority under this Act to enter into contracts or  
3 to make payments is effective in any fiscal year only to  
4 the extent provided in advance in an appropriations act,  
5 except as provided under section 10(b)(4).

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) **RENOVATION.**—There is authorized to be appro-  
8 priated such sums as may be necessary to carry out the  
9 activities authorized under section 7, other than section  
10 7(b)(2)(A).

11 (b) **OPERATION AND MAINTENANCE.**—

12 (1) **IN GENERAL.**—There is authorized to be  
13 appropriated to the Council to carry out this Act,  
14 other than sections 6 and 7—

15 (A) \$15,000,000 for fiscal year 2002; and  
16 (B) such sums as may be necessary for  
17 each succeeding fiscal year.

18 (2) **OFFICE OF EDUCATION AND LIAISON PRO-  
19 GRAMS.**—There is authorized to be appropriated to  
20 the Council to carry out section 6, \$10,000,000 for  
21 fiscal year 2002 and for each succeeding fiscal year.

22 (3) **AFRICAN BURIAL GROUND FEASIBILITY  
23 STUDY.**—There is authorized to be appropriated  
24 \$3,000,000 for fiscal year 2002 to carry out section  
25 7(b)(2)(A).

## 5 SEC. 11. AMENDMENT.

6 Section 5580 of the Revised Statutes (20 U.S.C. 42)  
7 is amended in subsection (b)(2) by inserting “the National  
8 Museum of African American History and Culture,” after  
9 “Performing Arts.”.

○