

108TH CONGRESS
1ST SESSION

H. R. 3491

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2003

Received

AN ACT

To establish within the Smithsonian Institution the National Museum of African American 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Museum of
3 African American History and Culture Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) since its founding, the United States has
7 grown into a symbol of democracy and freedom
8 around the world, and the legacy of African Ameri-
9 cans is rooted in the very fabric of the democracy
10 and freedom of the United States;

11 (2) there exists no national museum within the
12 Smithsonian Institution that—

13 (A) is devoted to the documentation of Af-
14 rican American life, art, history, and culture;
15 and

16 (B) encompasses, on a national level—

17 (i) the period of slavery;

18 (ii) the era of Reconstruction;

19 (iii) the Harlem renaissance;

20 (iv) the civil rights movement; and

21 (v) other periods associated with Afri-
22 can American life, art, history, and cul-
23 ture; and

24 (3) a National Museum of African American
25 History and Culture would be dedicated to the col-
26 lection, preservation, research, and exhibition of Af-

1 rican American historical and cultural material re-
2 flecting the breadth and depth of the experiences of
3 individuals of African descent living in the United
4 States.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

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

10 (2) COUNCIL.—The term “Council” means the
11 National Museum of African American History and
12 Culture Council established by section 5.

13 (3) MUSEUM.—The term “Museum” means the
14 National Museum of African American History and
15 Culture established by section 4.

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

18 **SEC. 4. ESTABLISHMENT OF MUSEUM.**

19 (a) ESTABLISHMENT.—There is established within
20 the Smithsonian Institution a museum to be known as the
21 “National Museum of African American History and Cul-
22 ture”.

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

1 (1) the collection, study, and establishment of
2 programs relating to African American life, art, his-
3 tory, and culture that encompass—

4 (A) the period of slavery;

5 (B) the era of Reconstruction;

6 (C) the Harlem renaissance;

7 (D) the civil rights movement; and

8 (E) other periods of the African American
9 diaspora;

10 (2) the creation and maintenance of permanent
11 and temporary exhibits documenting the history of
12 slavery in America and African American life, art,
13 history, and culture during the periods referred to in
14 paragraph (1);

15 (3) the collection and study of artifacts and
16 documents relating to African American life, art,
17 history, and culture; and

18 (4) collaboration between the Museum and
19 other museums, historically black colleges and uni-
20 versities, historical societies, educational institutions,
21 and other organizations that promote the study or
22 appreciation of African American life, art, history,
23 or culture, including collaboration concerning—

24 (A) development of cooperative programs
25 and exhibitions;

1 (B) identification, management, and care
2 of collections; and

3 (C) training of museum professionals.

4 **SEC. 5. COUNCIL.**

5 (a) ESTABLISHMENT.—There is established within
6 the Smithsonian Institution a council to be known as the
7 “National Museum of African American History and Cul-
8 ture Council”.

9 (b) DUTIES.—

10 (1) IN GENERAL.—The Council shall—

11 (A) make recommendations to the Board
12 of Regents concerning the planning, design, and
13 construction of the Museum;

14 (B) advise and assist the Board of Regents
15 on all matters relating to the administration,
16 operation, maintenance, and preservation of the
17 Museum;

18 (C) recommend annual operating budgets
19 for the Museum to the Board of Regents;

20 (D) report annually to the Board of Re-
21 gents on the acquisition, disposition, and dis-
22 play of objects relating to African American
23 life, art, history, and culture; and

24 (E) adopt bylaws for the operation of the
25 Council.

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

4 (A) purchase, accept, borrow, and other-
5 wise acquire artifacts for addition to the collec-
6 tions of the Museum;

7 (B) loan, exchange, sell, and otherwise dis-
8 pose of any part of the collections of the Mu-
9 seum, but only if the funds generated by that
10 disposition are used for additions to the collec-
11 tions of the Museum; or

12 (C) specify criteria with respect to the use
13 of the collections and resources of the Museum,
14 including policies on programming, education,
15 exhibitions, and research with respect to—

16 (i) the life, art, history, and culture of
17 African Americans;

18 (ii) the role of African Americans in
19 the history of the United States from the
20 period of slavery to the present; and

21 (iii) the contributions of African
22 Americans to society.

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

1 (A) to provide for preservation, restoration,
2 and maintenance of the collections of the Mu-
3 seum; and

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

8 (c) COMPOSITION AND APPOINTMENT.—

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

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

14 (A) The Secretary of the Smithsonian In-
15 stitution.

16 (B) 1 member of the Board of Regents,
17 appointed by the Board of Regents.

18 (C) 17 individuals appointed by the Board
19 of Regents—

20 (i) taking into consideration individ-
21 uals recommended by organizations and
22 entities that are committed to the advance-
23 ment of knowledge of African American
24 life, art, history, and culture; and

1 (ii) taking into consideration individ-
2 uals recommended by the members of the
3 Council.

4 (3) INITIAL APPOINTMENTS.—The Board of
5 Regents shall make initial appointments to the
6 Council under paragraph (2) not later than 180
7 days after the date of enactment of this Act.

8 (d) TERMS.—

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

12 (2) INITIAL APPOINTEES.—As designated by
13 the Board of Regents at the time of appointment, of
14 the voting members first appointed under subpara-
15 graph (C) of subsection (c)(2)—

16 (A) 6 members shall be appointed for a
17 term of 1 year;

18 (B) 6 members shall be appointed for a
19 term of 2 years; and

20 (C) 5 members shall be appointed for a
21 term of 3 years.

22 (3) REAPPOINTMENT.—A member of the Coun-
23 cil may be reappointed, except that no individual
24 may serve on the Council for a total of more than
25 2 terms. For purposes of this paragraph, the num-

ber of terms an individual serves on the Council shall not include any portion of a term for which an individual is appointed to fill a vacancy under paragraph (4)(B).

(4) VACANCIES.—

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

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

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

(B) TERM.—Any member of the Council 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.

(e) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Council shall serve without pay.

(2) TRAVEL EXPENSES.—A member of the Council 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

1 away from the home or regular place of business of
2 the member in the performance of the duties of the
3 Council.

4 (f) CHAIRPERSON.—By a majority vote of its voting
5 members, the Council shall elect a chairperson from its
6 members.

7 (g) MEETINGS.—

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

12 (2) INITIAL MEETINGS.—During the 1-year pe-
13 riod beginning on the date of the first meeting of the
14 Council, the Council shall meet not fewer than 4
15 times for the purpose of carrying out the duties of
16 the Council under this Act.

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

21 **SEC. 6. DIRECTOR AND STAFF OF THE MUSEUM.**

22 (a) DIRECTOR.—

23 (1) IN GENERAL.—The Museum shall have a
24 Director who shall be appointed by the Secretary,

1 taking into consideration individuals recommended
2 by the Council.

3 (2) DUTIES.—The Director shall manage the
4 Museum subject to the policies of the Board of Re-
5 gents.

6 (b) STAFF.—The Secretary may appoint 2 additional
7 employees to serve under the Director, except that such
8 additional employees may be appointed without regard to
9 the provisions of title 5, United States Code, governing
10 appointments in the competitive service.

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

16 **SEC. 7. EDUCATIONAL AND LIAISON PROGRAMS.**

17 (a) IN GENERAL.—

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

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

23 (A) carry out educational programs relat-
24 ing to African American life, art, history, and
25 culture, including—

1 (i) programs using digital, electronic,
2 and interactive technologies; and

3 (ii) programs carried out in collabora-
4 tion with elementary schools, secondary
5 schools, and postsecondary schools; and

6 (B) consult with the Director of the Insti-
7 tute of Museum and Library Services con-
8 cerning the grant and scholarship programs
9 carried out under subsection (b).

10 (b) GRANT AND SCHOLARSHIP PROGRAMS.—

11 (1) IN GENERAL.—In consultation with the
12 Council and the Director of the Museum, the Direc-
13 tor of the Institute of Museum and Library Services
14 shall establish—

15 (A) a grant program with the purpose of
16 improving operations, care of collections, and
17 development of professional management at Af-
18 rican American museums;

19 (B) a grant program with the purpose of
20 providing internship and fellowship opportuni-
21 ties at African American museums;

22 (C) a scholarship program with the pur-
23 pose of assisting individuals who are pursuing
24 careers or carrying out studies in the arts, hu-

manities, and sciences in the study of African American life, art, history, and culture;

(D) in cooperation with other museums, historical societies, and educational institutions, a grant program with the purpose of promoting the understanding of modern-day practices of slavery throughout the world; and

(E) a grant program under which an African-American museum (including a nonprofit education organization the primary mission of which is to promote the study of African-American diaspora) may use the funds provided under the grant to increase an endowment fund established by the museum (or organization) as of May 1, 2003, for the purposes of—

(i) enhancing educational programming; and

(ii) maintaining and operating traveling educational exhibits.

(2) AUTHORIZATION OF APPROPRIATIONS.—

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

(A) \$15,000,000 for fiscal year 2004; and

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

3 **SEC. 8. BUILDING FOR THE NATIONAL MUSEUM OF AFRI-**
4 **CAN AMERICAN HISTORY AND CULTURE.**

5 (a) IN GENERAL.—

6 (1) LOCATION.—

7 (A) IN GENERAL.—Not later than 12
8 months after the date of the enactment of this
9 Act, the Board of Regents shall designate a site
10 for the Museum.

11 (B) SITES FOR CONSIDERATION.—In des-
12 ignating a site under subparagraph (A), the
13 Board of Regents shall select from among the
14 following sites in the District of Columbia:

15 (i) The Arts and Industries Building
16 of the Smithsonian Institution, located on
17 the National Mall at 900 Jefferson Drive,
18 Southwest, Washington, District of Colum-
19 bia.

20 (ii) The area bounded by Constitution
21 Avenue, Madison Drive, and 14th and
22 15th Streets, Northwest.

23 (iii) The site known as the “Liberty
24 Loan site”, located on 14th Street South-
25 west at the foot of the 14th Street Bridge.

1 (iv) The site known as the “Banneker
2 Overlook site”, located on 10th Street
3 Southwest at the foot of the L’Enfant
4 Plaza Promenade.

5 (C) AVAILABILITY OF SITE.—

6 (i) IN GENERAL.—A site described in
7 subparagraph (B) shall remain available
8 until the date on which the Board of Re-
9 gents designates a site for the Museum
10 under subparagraph (A).

11 (ii) TRANSFER TO SMITHSONIAN IN-
12 STITUTION.—Except with respect to a site
13 described in clause (i) of subparagraph
14 (B), if the site designated for the Museum
15 is in an area that is under the administra-
16 tive jurisdiction of a Federal agency, as
17 soon as practicable after the date on which
18 the designation is made, the head of the
19 Federal agency shall transfer to the Smith-
20 sonian Institution administrative jurisdic-
21 tion over the area.

22 (D) CONSULTATION.—The Board of Re-
23 gents shall carry out its duties under this para-
24 graph in consultation with the following:

1 (i) The Chair of the National Capital
2 Planning Commission.

3 (ii) The Chair of the Commission on
4 Fine Arts.

5 (iii) The Chair and Vice Chair of the
6 Presidential Commission referred to in sec-
7 tion 10.

8 (iv) The Chair of the Building and
9 Site Subcommittee of the Presidential
10 Commission referred to in section 10.

11 (v) The Chair and ranking minority
12 member of each of the following Commit-
13 tees:

14 (I) The Committee on Rules and
15 Administration of the Senate.

16 (II) The Committee on House
17 Administration of the House of Rep-
18 resentatives.

19 (III) The Committee on Trans-
20 portation and Infrastructure of the
21 House of Representatives.

22 (IV) The Committee on Appro-
23 priations of the House of Representa-
24 tives.

1 (V) The Committee on Appro-
2 priations of the Senate.

3 (2) CONSTRUCTION OF BUILDING.—The Board
4 of Regents, in consultation with the Council, may
5 plan, design, and construct a building for the Mu-
6 seum, which shall be located at the site designated
7 by the Board of Regents under this paragraph.

8 (3) NONAPPLICABILITY OF PROVISIONS RELAT-
9 ING TO MONUMENTS AND COMMEMORATIVE
10 WORKS.—Chapter 89 of title 40, United States
11 Code, shall not apply with respect to the Museum.

12 (b) COST SHARING.—The Board of Regents shall
13 pay—

14 (1) 50 percent of the costs of carrying out this
15 section from Federal funds; and

16 (2) 50 percent of the costs of carrying out this
17 section from non-Federal sources.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such sums as are nec-
20 essary to carry out this section.

21 **SEC. 9. CONGRESSIONAL BUDGET ACT COMPLIANCE.**

22 Authority under this Act to enter into contracts or
23 to make payments shall be effective in any fiscal year only
24 to the extent provided in advance in an appropriations
25 Act, except as provided under section 11(b).

1 **SEC. 10. CONSIDERATION OF RECOMMENDATIONS OF**
2 **PRESIDENTIAL COMMISSION.**

3 In carrying out their duties under this Act, the Coun-
4 cil and the Board of Regents shall take into consideration
5 the reports and plans submitted by the National Museum
6 of African American History and Culture Plan for Action
7 Presidential Commission under the National Museum of
8 African American History and Culture Plan for Action
9 Presidential Commission Act of 2001 (Public Law 107–
10 106).

11 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated to the Smithsonian Institution to carry out this
14 Act, other than sections 7(b) and 8—

15 (1) \$17,000,000 for fiscal year 2004; and

16 (2) such sums as are necessary for each fiscal
17 year thereafter.

18 (b) AVAILABILITY.—Amounts made available under
19 subsection (a) shall remain available until expended.

20 (c) USE OF FUNDS FOR FUNDRAISING.—Amounts
21 appropriated pursuant to the authorization under this sec-

- 1 tion may be used to conduct fundraising in support of the
- 2 Museum from private sources.

Passed the House of Representatives November 19,
2003.

Attest:

JEFF TRANDAHL,
Clerk.