

108TH CONGRESS  
1ST SESSION

# S. 1157

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IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2003

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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## 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,*

3       **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

8 (2) there exists no national museum within the  
9 Smithsonian Institution located on the National Mall  
10 that—

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

14 (B) encompasses, on a national level—

15 (i) the period of slavery;

16 (ii) the era of reconstruction;

17 (iii) the Harlem renaissance;

18 (iv) the civil rights movement; and

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

22 (3) a National Museum of African American  
23 History and Culture would be dedicated to the col-  
24 lection, preservation, research, and exhibition of Af-  
25 rican American historical and cultural material re-  
26 flecting the breadth and depth of the experiences of

1 individuals of African descent living in the United  
2 States.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

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

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

16 **SEC. 4. ESTABLISHMENT OF MUSEUM.**

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

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

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

- 1 (A) the period of slavery;
- 2 (B) the era of reconstruction;
- 3 (C) the Harlem renaissance;
- 4 (D) the civil rights movement; and
- 5 (E) other periods of the African American
- 6 diaspora;

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

12 (3) the collection and study of artifacts and  
13 documents relating to African American life, art,  
14 history, and culture; and

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

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

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

25 (C) training of museum professionals.

1 **SEC. 5. COUNCIL.**

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

6 (b) DUTIES.—

7 (1) IN GENERAL.—The Council shall—

8 (A) make recommendations to the Board  
9 of Regents concerning the planning, design, and  
10 construction of the Museum;

11 (B) advise and assist the Board of Regents  
12 on all matters relating to the administration,  
13 operation, maintenance, and preservation of the  
14 Museum;

15 (C) recommend annual operating budgets  
16 for the Museum to the Board of Regents;

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

21 (E) adopt bylaws for the operation of the  
22 Council.

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

1 (A) purchase, accept, borrow, and other-  
2 wise acquire artifacts and other property for  
3 addition to the collections of the Museum;

4 (B) loan, exchange, sell, and otherwise dis-  
5 pose of any part of the collections of the Mu-  
6 seum, but only if the funds generated by that  
7 disposition are used for—

8 (i) additions to the collections of the  
9 Museum; or

10 (ii) programs carried out under sec-  
11 tion 7(a); and

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 services and  
 6 property, both real and personal, for the pur-  
 7 pose of aiding and facilitating the work of the  
 8 Museum.

9 (c) COMPOSITION AND APPOINTMENT.—

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

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

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

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

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

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

1                   (ii) taking into consideration individ-  
2                   uals recommended by the other members  
3                   of the 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           (4) SPECIAL RULE FOR CERTAIN MEMBERS.—  
9   Of the total number of members of the Council ap-  
10   pointed under subparagraph (C) of paragraph (2),  
11   not fewer than 9 shall be of African-American de-  
12   scend.

13   (d) TERMS.—

14           (1) IN GENERAL.—Except as provided in this  
15   subsection, each appointed member of the Council  
16   shall be appointed for a term of 6 years.

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

21                   (A) 6 members shall be appointed for a  
22                   term of 2 years;

23                   (B) 6 members shall be appointed for a  
24                   term of 4 years; and



1 (C) 5 members shall be appointed for a  
2 term of 6 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.

7 (4) VACANCIES.—

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

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

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

14 (B) TERM.—Any member of the Council  
15 appointed to fill a vacancy occurring before the  
16 expiration of the term for which the member's  
17 predecessor was appointed shall be appointed  
18 for the remainder of that term.

19 (e) COMPENSATION.—

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

23 (2) TRAVEL EXPENSES.—A member of the  
24 Council shall be allowed travel expenses, including  
25 per diem in lieu of subsistence, at rates authorized

1 for an employee of an agency under subchapter I of  
2 chapter 57 of title 5, United States Code, while  
3 away from the home or regular place of business of  
4 the member in the performance of the duties of the  
5 Council.

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

9 (g) MEETINGS.—

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

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

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

23 (i) VOLUNTARY SERVICES.—Notwithstanding section  
24 1342 of title 31, United States Code, the chairperson of

1 the Council may accept for the Council voluntary services  
2 provided by a member of the Council.

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

4 (a) DIRECTOR.—

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

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

12 (b) STAFF.—The Secretary may appoint 2 additional  
13 employees to serve under the Director, except that such  
14 additional employees may be appointed without regard to  
15 the provisions of title 5, United States Code, governing  
16 appointments in the competitive service.

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

22 **SEC. 7. OFFICE OF EDUCATION AND LIAISON PROGRAMS.**

23 (a) IN GENERAL.—

1           (1) ESTABLISHMENT.—There is established  
2       within the Museum the Office of Education and Li-  
3       aision Programs.

4           (2) FUNCTIONS.—The Office of Education and  
5       Liaison Programs shall—

6               (A) carry out educational programs relat-  
7       ing to African American life, art, history, and  
8       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.—

19           (1) IN GENERAL.—In consultation with the  
20       Council and the Office of Education and Liaison  
21       Programs, the Director of the Institute of Museum  
22       and Library Services shall establish—

23               (A) a grant program with the purpose of  
24       improving operations, care of collections, and

1 development of professional management at Af-  
2 rican American museums;

3 (B) a grant program with the purpose of  
4 providing internship and fellowship opportuni-  
5 ties at African American museums;

6 (C) a scholarship program with the pur-  
7 pose of assisting individuals who are pursuing  
8 careers or carrying out studies in the arts, hu-  
9 manities, and sciences in the study of African  
10 American life, art, history, and culture;

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

16 (E) a grant program under which an Afri-  
17 can-American museum (including a nonprofit  
18 education organization the primary mission of  
19 which is to promote the study of African-Amer-  
20 ican diaspora) may use the funds provided  
21 under the grant to increase an endowment fund  
22 established by the museum (or organization) as  
23 of May 1, 2003, for the purposes of—

24 (i) enhancing educational program-  
25 ming; and

1 (ii) maintaining and operating trav-  
 2 eling educational exhibits.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the Di-  
 5 rector of the Institute of Museum and Library Serv-  
 6 ices to carry out this subsection—

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

8 (B) such sums as are necessary for each  
 9 fiscal year thereafter.

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

12 (a) IN GENERAL.—

13 (1) LOCATION.—

14 (A) IN GENERAL.—Not later than 18  
 15 months after the date of the enactment of this  
 16 Act, the Board of Regents shall designate a site  
 17 for the Museum.

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

22 (i) The area bounded by Constitution  
 23 Avenue, Pennsylvania Avenue, and 1st and  
 24 3rd Streets, Northwest.

(ii) The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia.

(iii) The area bounded by Constitution Avenue, Madison Drive, and 14th and 15th Streets, Northwest.

(iv) The site known as the “Liberty Loan site”, located on 14th Street Southwest at the foot of the 14th Street Bridge.

(C) AVAILABILITY OF SITE.—

(i) IN GENERAL.—A site described in subparagraph (B) shall remain available until the date on which the Board of Regents designates a site for the Museum under subparagraph (A)(i).

(ii) TRANSFER TO SMITHSONIAN INSTITUTION.—Except with respect to a site described in clause (i) or (ii) of subparagraph (B), if the site designated for the Museum is in an area that is under the administrative jurisdiction of a Federal agency, as soon as practicable after the date on which the designation is made, the head of

1 the Federal agency shall transfer to the  
2 Smithsonian Institution administrative ju-  
3 risdiction over the area.

4 (D) CONSULTATION.—The Board of Re-  
5 gents shall carry out its duties under this para-  
6 graph in consultation with—

7 (i) the Chair of the National Capital  
8 Planning Commission;

9 (ii) the Chair of the Commission on  
10 Fine Arts;

11 (iii) the Chair and Vice Chair of the  
12 Presidential Commission referred to in sec-  
13 tion 10;

14 (iv) the Chair of the Building and Site  
15 Subcommittee of the Presidential Commis-  
16 sion referred to in section 10; and

17 (v) the Chairman and Ranking Mem-  
18 ber of each of—

19 (I) the Committee on Rules and  
20 Administration of the Senate;

21 (II) the Committee on House Ad-  
22 ministration of the House of Rep-  
23 resentatives;



1 (III) the Committee on Trans-  
2 portation and Infrastructure of the  
3 House of Representatives;

4 (IV) the Committee on Appro-  
5 priations of the House of Representa-  
6 tives; and

7 (V) the Committee on Appropria-  
8 tions of the Senate.

9 (2) CONSIDERATION.—The Board of Regents  
10 shall take into consideration the recommendations of  
11 the Council concerning the planning, design, and  
12 construction of the Museum.

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

18 (b) COST SHARING.—The Board of Regents shall  
19 pay—

20 (1) 50 percent of the costs of carrying out this  
21 section from Federal funds; and

22 (2) 50 percent of the costs of carrying out this  
23 section from non-Federal sources.

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

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

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

9 **SEC. 10. CONSIDERATION OF RECOMMENDATIONS OF**  
 10 **PRESIDENTIAL COMMISSION.**

11 In carrying out their duties under this Act, the Coun-  
 12 cil and the Board of Regents shall take into consideration  
 13 the reports and plans submitted by the National Museum  
 14 of African American History and Culture Plan for Action  
 15 Presidential Commission under the National Museum of  
 16 African American History and Culture Plan for Action  
 17 Presidential Commission Act of 2001 (Public Law 107–  
 18 106).

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

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

23 (1) \$17,000,000 for fiscal year 2004; and

24 (2) such sums as are necessary for each fiscal  
 25 year thereafter.

- 1 (b) AVAILABILITY.—Amounts made available under
- 2 subsection (a) shall remain available until expended.

Passed the Senate June 23, 2003.

Attest: EMILY J. REYNOLDS,  
*Secretary.*