

109TH CONGRESS  
1ST SESSION

# S. 970

To establish the African Burial Ground National Historic Site and the African Burial Ground International Memorial Museum in New York, New York, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

Mrs. CLINTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the African Burial Ground National Historic Site and the African Burial Ground International Memorial Museum in New York, New York, 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 “African Burial Ground  
5       International Memorial Museum Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) the African Burial Ground National His-  
2           toric Landmark in New York, New York, holds the  
3           remains of up to 20,000 enslaved Africans and  
4           early-generation African Americans from the colonial  
5           era;

6           (2) the Africans and African Americans that  
7           suffered under slavery show us the strength of the  
8           human character and provide us with a model of  
9           courage, commitment, and perseverance;

10          (3) as President George W. Bush stated on  
11          July 8, 2003, during his remarks at Goree Island,  
12          Senegal: “For 250 years the captives endured an as-  
13          sault on their culture and their dignity. The spirit  
14          of Africans in America did not break . . . All the gen-  
15          erations of oppression under the laws of man could  
16          not crush the hope of freedom and defeat the pur-  
17          poses of God.”;

18          (4) a national memorial museum dedicated to  
19          the African Americans that suffered the grave injus-  
20          tice of slavery in this country, while at the same  
21          time helping to build the country, will allow the peo-  
22          ple of the United States to understand the past and  
23          honor the history of all people in the United States;

24          (5) in 1988, the Secretary of the Smithsonian  
25          Institution—

1 (A) stated that the African Burial Ground  
2 affords the perfect opportunity to gain insight  
3 into—

4 (i) the institution of slavery, as prac-  
5 ticed in urban, rural, northern, and south-  
6 ern parts of the United States; and

7 (ii) the international slave trade; and

8 (B) proposed that a partnership be formed  
9 among the Smithsonian, the National Park  
10 Service, and the General Services Administra-  
11 tion to further develop the African Burial  
12 Ground;

13 (6) the National Museum of African American  
14 History and Culture Act (20 U.S.C. 80r et seq.),  
15 which authorized construction of a museum in  
16 Washington, D.C., identified the period of slavery as  
17 1 of the periods of the African American diaspora  
18 that would be encompassed by the museum;

19 (7) the African Burial Ground—

20 (A) is unlike any other anthropological and  
21 symbolic site in the United States or the world;

22 (B) includes DNA samples from the re-  
23 markably well-preserved human remains that  
24 will enable researchers to trace the home

1 “roots” in Africa of those individuals buried at  
2 the African Burial Ground;

3 (C) provides a fitting location for a na-  
4 tional memorial facility, relating to the National  
5 Museum of African American History and Cul-  
6 ture that would—

7 (i) pay special tribute to the thou-  
8 sands of slaves that are buried at the Afri-  
9 can Burial Ground;

10 (ii) examine the African cultural tra-  
11 ditions brought to the United States by the  
12 enslaved; and

13 (iii) explore in-depth the institution of  
14 slavery;

15 (8) a memorial museum at the site of the Afri-  
16 can Burial Ground—

17 (A) was first recommended by a Federal  
18 steering committee in 1992; and

19 (B) in conjunction with the planned World  
20 Trade Center memorial and other nearby sites,  
21 would attract millions of visitors from the  
22 United States and abroad, making a substantial  
23 contribution to the development and revitaliza-  
24 tion of Lower Manhattan in response to the at-

1           tacks on the World Trade Center of September  
2           11, 2001;

3           (9) Public Law 99–511 (100 Stat. 2080) en-  
4           couraged support for the establishment of a com-  
5           memorative structure within the National Park Sys-  
6           tem or on other Federal land that is dedicated to the  
7           promotion of understanding, knowledge, opportunity,  
8           and equality for all people;

9           (10) the African Burial Ground—

10           (A) has been determined to be nationally  
11           significant as a National Historic Landmark;  
12           and

13           (B) provides an important opportunity for  
14           interpretation, understanding, partnership and  
15           pride; and

16           (11) the National Park Service—

17           (A) has played an important role in the de-  
18           velopment of the African Burial Ground site;

19           (B) successfully operates other national fa-  
20           cilities in the city of New York that symbolize  
21           freedom and the quest for freedom in America,  
22           including—

23           (i) the Statue of Liberty National  
24           Monument; and

25           (ii) Ellis Island National Monument;

1 (C) provided key support to the Presi-  
2 dential Study Commission for the National Mu-  
3 seum of African American History and Culture;  
4 and

5 (D) is well-suited to assume a leadership  
6 role with respect to the creation of an African  
7 Burial Ground International Memorial Mu-  
8 seum.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) ADMINISTRATOR.—The term “Adminis-  
12 trator” means the Administrator of the General  
13 Services Administration.

14 (2) ADVISORY COUNCIL.—The term “Advisory  
15 Council” means the African Burial Ground Advisory  
16 Council established by section 8(a).

17 (3) CITY.—The term “City” means the city of  
18 New York, New York.

19 (4) HISTORIC SITE.—The term “Historic Site”  
20 means the African Burial Ground National Historic  
21 Site established by section 4(a).

22 (5) MUSEUM.—The term “Museum” means the  
23 African Burial Ground International Memorial Mu-  
24 seum established by section 5(a).

1           (6) NATIONAL LANDMARK.—The term “Na-  
2           tional Landmark” means the African Burial Ground  
3           National Historic Landmark in New York, New  
4           York.

5           (7) SECRETARY.—The term “Secretary” means  
6           the Secretary of the Interior, acting through the Di-  
7           rector of the National Park Service.

8           (8) STATE.—The term “State” means the State  
9           of New York.

10 **SEC. 4. ESTABLISHMENT OF NATIONAL HISTORIC SITE.**

11           (a) ESTABLISHMENT.—In accordance with the Act of  
12           August 25, 1916 (commonly known as the “National Park  
13           Service Organic Act”) (16 U.S.C. 1 et seq.), there is estab-  
14           lished as a unit of the National Park System within the  
15           National Landmark the African Burial Ground National  
16           Historic Site.

17           (b) BOUNDARIES.—The National Historic Site shall  
18           include—

19           (1) the property located at 290 Broadway, New  
20           York, New York, which is under the jurisdiction of  
21           the Administrator; and

22           (2) any property adjoining the property de-  
23           scribed in paragraph (1) or within the National  
24           Landmark that is acquired by the Secretary under  
25           section 6.

1 **SEC. 5. ESTABLISHMENT OF MEMORIAL MUSEUM.**

2 (a) ESTABLISHMENT.—There is established at the  
3 Historic Site a memorial museum and visitor’s center, to  
4 be known as the “African Burial Ground International  
5 Memorial Museum”.

6 (b) PURPOSES.—The purposes of the Museum are—

7 (1) to serve as a permanent living memorial—

8 (A) to the enslaved that are buried at the  
9 Historic Site; and

10 (B) other African Americans that were  
11 enslaved;

12 (2) to examine the African cultural traditions  
13 brought to the United States by the enslaved;

14 (3) to explore in-depth the institution of slavery  
15 in the United States and other parts of the world;  
16 and

17 (4) to provide a space for—

18 (A) permanent and temporary exhibits;  
19 and

20 (B) the collection and study of artifacts  
21 and documents; and

22 (5) to encourage collaboration between the Mu-  
23 seum and the National Museum of African American  
24 History and Culture, other museums, historically  
25 black colleges and universities, historical societies,  
26 educational institutions, and other appropriate enti-

1 ties and organizations, including collaboration with  
2 respect to—

3 (A) the development of cooperative pro-  
4 grams and exhibitions, including through dig-  
5 ital, electronic, and interactive technologies;

6 (B) the identification, management, and  
7 care of Museum collections; and

8 (C) the training of Museum and National  
9 Park Service professionals and other persons  
10 concerned with heritage preservation.

11 (c) ASSOCIATION WITH NATIONAL MUSEUM.—The  
12 Museum shall become associated with the National Mu-  
13 seum of African American History and Culture, in a man-  
14 ner to be determined by the Secretary, in consultation with  
15 the Advisory Council and the Board of Regents of the  
16 Smithsonian Institution.

17 **SEC. 6. SITE ACQUISITION.**

18 (a) IN GENERAL.—The Secretary, in consultation  
19 with the Administrator, the Secretary of the Smithsonian  
20 Institution, the City, the State, and the Advisory Council,  
21 shall—

22 (1) acquire a site for the Historic Site; and

23 (2) plan, design, and construct the Museum at  
24 the Historic Site.

1 (b) FEDERAL SHARE.—The Secretary shall pay  $\frac{2}{3}$   
2 of the total costs of—

3 (1) acquiring a site for the Historic Site; and

4 (2) planning, designing, constructing, recon-  
5 structing, and renovating, as applicable, the Mu-  
6 seum.

7 (c) CONTRACTING AUTHORITY.—

8 (1) IN GENERAL.—The Secretary and the Ad-  
9 ministrator may enter into any agreements with  
10 each other, the City, the State, and other parties  
11 that are necessary for acquisition, by donation or  
12 other means, of sites for—

13 (A) establishing the Historic Site; and

14 (B) planning, designing, constructing, re-  
15 constructing, and renovating, as applicable, the  
16 Museum.

17 (2) SITE ACQUISITION.—Sites for the Historic  
18 Site and Museum may be acquired by—

19 (A) the Administrator transferring to the  
20 Secretary the open space located behind the  
21 Federal office building at 290 Broadway, and  
22 bounded by Duane and Elk Streets, in the City;  
23 and

24 (B) purchase or long-term lease by the  
25 Secretary of property located in close proximity

1 to the open space described in subparagraph  
2 (1).

3 **SEC. 7. OPERATION OF THE MEMORIAL MUSEUM.**

4 (a) IN GENERAL.—The Secretary, in consultation  
5 with the Advisory Council, shall operate the Museum.

6 (b) AUTHORITIES.—The Secretary, in consultation  
7 with the Advisory Council, may—

8 (1) purchase, accept, borrow, and otherwise ac-  
9 quire artifacts for the collections of the Museum;

10 (2) loan, exchange, sell, and otherwise dispose  
11 of any part of the collections of the Museum, if the  
12 proceeds of the disposition are used for additions to  
13 the collections of the Museum;

14 (3) specify criteria with respect to the use of  
15 the collections and resources of the Museum, includ-  
16 ing policies on programming, education, exhibitions,  
17 and research;

18 (4) provide for preservation, restoration, and  
19 maintenance of the collections of the Museum;

20 (5) solicit, accept, use, and dispose of gifts, be-  
21 quests, and devises of real and personal property for  
22 the purpose of facilitating the work of the Museum;

23 (6) contract with such parties as may be nec-  
24 essary to facilitate the operation of the Museum;

1           (7) administer the Historic Site and Museum as  
2 a unit of the National Park System in accordance  
3 with—

4                   (A) this Act; and

5                   (B) the laws generally applicable to units  
6 of the National Park System, including the Act  
7 of August 25, 1916 (commonly known as the  
8 “National Park Service Organic Act”) (16  
9 U.S.C. 1 et seq.); and

10           (8) conduct any other activities that are nec-  
11 essary to carry out the purposes of this Act.

12 **SEC. 8. ADVISORY COUNCIL.**

13           (a) ESTABLISHMENT.—There is established within  
14 the Department of the Interior an advisory council to be  
15 known as the “African Burial Ground Advisory Council”.

16           (b) MEMBERSHIP.—

17                   (1) COMPOSITION.—The Advisory Council shall  
18 be composed of the following members or their des-  
19 ignees:

20                           (A) The Secretary, who shall serve as  
21 Chairperson of the Advisory Council.

22                           (B) The Director of the National Park  
23 Service.

24                           (C) The Secretary of the Smithsonian In-  
25 stitution.

1 (D) The Administrator.

2 (E) The Governor of the State.

3 (F) The Mayor of the City.

4 (G) The President of the Borough of Man-  
5 hattan.

6 (H) 14 members, to be appointed by the  
7 Secretary, taking into consideration—

8 (i) recommendations from organiza-  
9 tions and entities that are committed to  
10 the legacy of the African Burial Ground;  
11 and

12 (ii) recommendations from the mem-  
13 bers of the Advisory Council.

14 (2) NONVOTING MEMBERS.—The Secretary  
15 may appoint as nonvoting members of the Advisory  
16 Council—

17 (A) members of the United States Senate;

18 (B) members of the House of Representa-  
19 tives;

20 (C) officials representing the City;

21 (D) officials representing the State; and

22 (E) any other individuals that the Sec-  
23 retary, in consultation with the members of the  
24 Advisory Council, determines to be appropriate.

1           (3) DATE OF APPOINTMENTS.—The initial ap-  
2           pointment of a member under paragraph (1) shall be  
3           made not later than 180 days after the date of en-  
4           actment of this Act.

5           (c) TERMS.—

6           (1) IN GENERAL.—Except as provided in para-  
7           graph (2), each member of the Advisory Council  
8           shall be appointed for a term of 3 years.

9           (2) INITIAL APPOINTEES.—Of the members  
10          first appointed under subsection (b)(1)(H)—

11           (A) 5 members shall be appointed for a  
12          term of 1 year;

13           (B) 5 members shall be appointed for a  
14          term of 2 years; and

15           (C) 4 members shall be appointed for a  
16          terms of 3 years.

17          (3) REAPPOINTMENT.—

18           (A) IN GENERAL.—A member of the Advi-  
19          sory Council may be reappointed, except that no  
20          individual may serve on the Advisory Council  
21          for a total of more than 2 terms.

22           (B) VACANCY APPOINTMENTS.—For pur-  
23          poses of subparagraph (A), the number of  
24          terms an individual serves on the Advisory  
25          Council shall not include any portion of a term

1 for which an individual is appointed to fill a va-  
2 cancy under paragraph (4)(B).

3 (4) VACANCIES.—

4 (A) IN GENERAL.—A vacancy on the Advi-  
5 sory Council—

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

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

10 (B) TERM.—Any member of the Advisory  
11 Council appointed to fill a vacancy occurring  
12 before the expiration of the term for which the  
13 member's predecessor was appointed shall be  
14 appointed for the remainder of that term.

15 (d) DUTIES.—The Advisory Council shall—

16 (1) make recommendations to the Secretary on  
17 the planning, design, and construction of the Mu-  
18 seum;

19 (2) advise and assist the Secretary on all mat-  
20 ters relating to the administration, operation, main-  
21 tenance, and preservation of the Museum;

22 (3) provide significant opportunities for public  
23 input with respect to carrying out the duties under  
24 paragraphs (1) and (2); and

1           (4) adopt bylaws for the operation of the Advi-  
2       sory Council.

3       (e) COMPENSATION.—

4           (1) IN GENERAL.—Except as provided in para-  
5       graph (2), a member of the Advisory Council shall  
6       serve without compensation.

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

15      (f) MEETINGS.—

16           (1) IN GENERAL.—The Advisory Council shall  
17      meet at the call of the chairperson or on the written  
18      request of a majority of the members of the Advi-  
19      sory Council, but not fewer than 2 times each year.

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

1 (g) QUORUM.—A majority of the members of the Ad-  
2 visory Council shall constitute a quorum for the purpose  
3 of conducting business, but a lesser number may receive  
4 information on behalf of the Advisory Council.

5 **SEC. 9. DIRECTOR AND STAFF.**

6 (a) DIRECTOR.—

7 (1) IN GENERAL.—The Secretary shall appoint  
8 a Director for the Museum, taking into consider-  
9 ation recommendations by the Advisory Council.

10 (2) DUTIES.—The Director of the Museum  
11 shall manage the Museum, in accordance with any  
12 policies established by the Secretary, in consultation  
13 with the Advisory Council.

14 (b) STAFF.—

15 (1) APPOINTMENT.—The Secretary may, with-  
16 out regard to the civil service laws, appoint 2 em-  
17 ployees to assist the Director of the Museum in car-  
18 rying out the duties of the Director.

19 (2) COMPENSATION.—The employees appointed  
20 under subsection (b) may be paid without regard to  
21 the provisions of chapter 51 and subchapter III of  
22 chapter 53 of title 5, United States Code.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—Except as provided in subsection  
3 (b), there are authorized to be appropriated to the Sec-  
4 retary to carry out this Act—

5 (1) \$15,000,000 for fiscal year 2006; and

6 (2) such sums as are necessary for each fiscal  
7 year thereafter.

8 (b) ACQUISITION OF MUSEUM SITE.—There are au-  
9 thorized to be appropriated such sums as are necessary  
10 to carry out section 6.

11 (c) AVAILABILITY.—Amounts made available under  
12 subsections (a) and (b) shall remain available, without fis-  
13 cal year limitation, until expended.

14 (d) USE OF FUNDS FOR FUND-RAISING.—Amounts  
15 made available under this section may be used to raise  
16 funds from private sources to support and promote the  
17 Museum.

○