

111TH CONGRESS
2D SESSION

S. 2948

To establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2010

Mr. SCHUMER (for himself and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the African Burial Ground International Memorial Museum and Educational Center 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 and Educational Center
6 Act”.

7 **SEC. 2. FINDINGS.**

8 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
15 generations of oppression under the laws of man
16 could not crush the hope of freedom and defeat the
17 purposes of God.”;

18 (4) on February 27, 2006, President George W.
19 Bush established the National Monument, which was
20 comprised of the approximately 15,000-square foot
21 parcel of the National Historic Landmark that was
22 bounded by Duane and Elk Streets in Lower Man-
23 hattan;

24 (5) an international memorial museum facility
25 dedicated to those individuals who suffered the grave

1 injustice of slavery in the United States, while at the
2 same time helping to build the country, would—

3 (A) reflect the significance of the African
4 Burial Ground; and

5 (B) help the people of the United States
6 understand the past and honor the history of all
7 people in the United States;

8 (6) in 1998, the Secretary of the Smithsonian
9 Institution—

10 (A) stated that the African Burial Ground
11 affords the perfect opportunity to gain insight
12 into—

13 (i) the institution of slavery, as prac-
14 ticed in urban, rural, northern, and south-
15 ern parts of the United States; and

16 (ii) the international slave trade; and

17 (B) proposed that a partnership be formed
18 among the Smithsonian, the National Park
19 Service, and the General Services Administra-
20 tion to further develop the African Burial
21 Ground;

22 (7) the National Museum of African American
23 History and Culture Act (20 U.S.C. 80r et seq.),
24 which authorized construction of a museum in
25 Washington, DC, identified the period of slavery as

1 of the periods of the African-American diaspora
2 that would be encompassed by the museum;

3 (8) the African Burial Ground—

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

6 (B) includes DNA samples from the re-
7 markably well-preserved human remains that
8 will enable researchers to trace the home
9 “roots” in Africa of those individuals buried at
10 the African Burial Ground; and

11 (C) provides a fitting location for a na-
12 tional memorial facility, relating to the National
13 Museum of African American History and Cul-
14 ture that would—

15 (i) pay special tribute to—

16 (I) the thousands of enslaved in-
17 dividuals who are buried at the Afri-
18 can Burial Ground; and

19 (II) all of the individuals who
20 were enslaved during the history of
21 the United States;

22 (ii) examine the African cultural tra-
23 ditions brought to the United States by the
24 enslaved; and

1 (iii) explore in-depth the institution of
2 slavery;

3 (9) a memorial museum at the site of the Afri-
4 can Burial Ground—

5 (A) was first recommended by a Federal
6 steering committee in 1992; and

7 (B) in conjunction with the planned World
8 Trade Center memorial and other nearby sites,
9 would attract millions of visitors from the
10 United States and abroad, making a substantial
11 contribution to the development and revitaliza-
12 tion of Lower Manhattan in response to the at-
13 tacks on the World Trade Center of September
14 11, 2001;

15 (10) Public Law 99–511 (100 Stat. 2080) en-
16 couraged support for the establishment of a com-
17 memorative structure within the National Park Sys-
18 tem or on other Federal land that is dedicated to the
19 promotion of understanding, knowledge, opportunity,
20 and equality for all people;

21 (11) similar to the National Museum of the Na-
22 tive American that was established by section 3(a) of
23 the National Museum of the American Indian Act
24 (20 U.S.C. 80q–1(a)), a memorial museum at the

1 site of the African Burial Ground would benefit from
2 a partnership among—

3 (A) the Federal Government;

4 (B) the State of New York;

5 (C) the city of New York; and

6 (D) members of the private sector;

7 (12) the African Burial Ground—

8 (A) has been determined to be nationally
9 significant as—

10 (i) a National Historic Landmark;

11 and

12 (ii) a National Monument; and

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

16 (13) the National Park Service—

17 (A) has played an important role in the de-
18 velopment of the African Burial Ground (in-
19 cluding the designation of the African Burial
20 Ground as a National Monument);

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

1 (i) the Statue of Liberty National
2 Monument; and

3 (ii) Ellis Island National Monument;

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

8 (D) is well-suited to assume a leadership
9 role with respect to the creation of the Museum.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

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

15 (2) ADVISORY COUNCIL.—The term “Advisory
16 Council” means the African Burial Ground Advisory
17 Council established by section 7(a).

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

20 (4) EXPANSION PROPERTY.—The term “expan-
21 sion property” means the property that is acquired
22 by the Secretary under section 5(a).

23 (5) MUSEUM.—The term “Museum” means the
24 African Burial Ground International Memorial Mu-

1 seum and Educational Center established by section
2 4(a).

3 (6) NATIONAL LANDMARK.—The term “Na-
4 tional Landmark” means the African Burial Ground
5 National Historic Landmark in the City.

6 (7) NATIONAL MONUMENT.—The term “Na-
7 tional Monument” means the African Burial Ground
8 National Monument in the City.

9 (8) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior, acting through the Di-
11 rector of the National Park Service.

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

14 **SEC. 4. ESTABLISHMENT OF MUSEUM.**

15 (a) ESTABLISHMENT.—There is established at the
16 National Monument a memorial museum and educational
17 center, to be known as the “African Burial Ground Inter-
18 national Memorial Museum and Educational Center”.

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

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

21 (A) to the enslaved who are buried at the
22 African Burial Ground; and

23 (B) to other Africans and African-Ameri-
24 cans who were enslaved;

- 1 (2) to examine the African cultural traditions
- 2 brought to the United States by the enslaved;
- 3 (3) to explore in-depth the institution of slavery
- 4 in the United States and other parts of the world;
- 5 (4) to provide a space for—
- 6 (A) permanent and temporary exhibits;
- 7 and
- 8 (B) the collection and study of artifacts
- 9 and documents; and
- 10 (5) to encourage collaboration between the Mu-
- 11 seum and the National Museum of African American
- 12 History and Culture, other museums, historically
- 13 Black colleges and universities, historical societies,
- 14 educational institutions, and other appropriate enti-
- 15 ties and organizations, including collaboration with
- 16 respect to—
- 17 (A) the development of cooperative pro-
- 18 grams and exhibitions, including through dig-
- 19 ital, electronic, and interactive technologies;
- 20 (B) the identification, management, and
- 21 care of Museum collections; and
- 22 (C) the training of Museum and National
- 23 Park Service professionals and other persons
- 24 concerned with heritage preservation.

1 (c) ASSOCIATION WITH NATIONAL MUSEUM.—The
 2 Museum shall become associated with the National Mu-
 3 seum of African American History and Culture, in a man-
 4 ner to be determined by the Secretary, in consultation with
 5 the Advisory Council and the Board of Regents of the
 6 Smithsonian Institution.

7 **SEC. 5. SITE ACQUISITION AND DEVELOPMENT.**

8 (a) IN GENERAL.—The Secretary, in consultation
 9 with the Administrator, the Secretary of the Smithsonian
 10 Institution, the City, the State, and the Advisory Council,
 11 shall—

12 (1) acquire for the Museum property that is lo-
 13 cated—

14 (A) adjacent to the National Monument; or

15 (B) in any other area of the National
 16 Landmark other than the location described in
 17 subparagraph (A); and

18 (2) plan, design, and construct the Museum on
 19 the property acquired under paragraph (1).

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

22 (1) acquiring property for the Museum; and

23 (2) planning, designing, constructing, recon-
 24 structing, and renovating, as applicable, the Mu-
 25 seum.

1 (c) CONTRACTING AUTHORITY.—

2 (1) IN GENERAL.—The Secretary and the Ad-
3 ministrator may enter into any agreements with
4 each other, the City, the State, and other parties
5 that are necessary for the acquisition, by donation or
6 other means, of property for—

7 (A) establishing the Museum; and

8 (B) planning, designing, constructing, re-
9 constructing, and renovating, as applicable, the
10 Museum.

11 (2) SITE ACQUISITION.—The Secretary may ac-
12 quire property under subsection (a)(1) by purchase,
13 long-term lease, or any other appropriate means of
14 acquisition, as determined by the Secretary.

15 (d) EXPANSION OF NATIONAL MONUMENT.—The ex-
16 pansion property is incorporated in, and shall be managed
17 as part of, the National Monument.

18 **SEC. 6. OPERATION OF THE MUSEUM.**

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

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

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

1 (2) loan, exchange, sell, and otherwise dispose
2 of any part of the collections of the Museum, if the
3 proceeds of the disposition are used for additions to
4 the collections of the Museum;

5 (3) specify criteria with respect to the use of
6 the collections and resources of the Museum, includ-
7 ing policies on programming, education, exhibitions,
8 and research;

9 (4) provide for preservation, restoration, and
10 maintenance of the collections of the Museum;

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

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

16 (7) administer the National Monument as a
17 unit of the National Park System in accordance
18 with—

19 (A) this Act; and

20 (B) the laws generally applicable to units
21 of the National Park System, including the Act
22 of August 25, 1916 (commonly known as the
23 “National Park Service Organic Act”) (16
24 U.S.C. 1 et seq.); and

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

3 **SEC. 7. ADVISORY COUNCIL.**

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

7 (b) MEMBERSHIP.—

8 (1) COMPOSITION.—The Advisory Council shall
9 be composed of the following members or their des-
10 ignees:

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

13 (B) The Director of the National Park
14 Service.

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

17 (D) The Administrator.

18 (E) The Governor of the State.

19 (F) The Mayor of the City.

20 (G) The President of the Borough of Man-
21 hattan.

22 (H) Fourteen members, to be appointed by
23 the Secretary, taking into consideration—

24 (i) recommendations from organiza-
25 tions and entities that are committed to

1 the legacy of the African Burial Ground;
 2 and

3 (ii) recommendations from the mem-
 4 bers of the Advisory Council.

5 (2) NONVOTING MEMBERS.—The Secretary
 6 may appoint as nonvoting members of the Advisory
 7 Council—

8 (A) members of the United States Senate;

9 (B) members of the House of Representa-
 10 tives;

11 (C) officials representing the City;

12 (D) officials representing the State; and

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

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

20 (c) TERMS.—

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

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

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

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

5 (C) 4 members shall be appointed for a
6 term of 3 years.

7 (3) REAPPOINTMENT.—

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

12 (B) VACANCY APPOINTMENTS.—For pur-
13 poses of subparagraph (A), the number of
14 terms an individual serves on the Advisory
15 Council shall not include any portion of a term
16 for which an individual is appointed to fill a va-
17 cancy under paragraph (4)(B).

18 (4) VACANCIES.—

19 (A) IN GENERAL.—A vacancy on the Advi-
20 sory Council—

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

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

1 (B) TERM.—Any member of the Advisory
 2 Council appointed to fill a vacancy occurring
 3 before the expiration of the term for which the
 4 member's predecessor was appointed shall be
 5 appointed for the remainder of that term.

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

7 (1) make recommendations to the Secretary on
 8 the planning, design, and construction of the Mu-
 9 seum;

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

13 (3) provide significant opportunities for public
 14 input with respect to carrying out the duties under
 15 paragraphs (1) and (2); and

16 (4) adopt bylaws for the operation of the Advi-
 17 sory Council.

18 (e) COMPENSATION.—

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

22 (2) TRAVEL EXPENSES.—A member of the
 23 Council shall be allowed travel expenses, including
 24 per diem in lieu of subsistence, at rates authorized
 25 for an employee of an agency under subchapter I of

1 chapter 57 of title 5, United States Code, while
 2 away from the home or regular place of business of
 3 the member in the performance of the duties of the
 4 Advisory Council.

5 (f) MEETINGS.—

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

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

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

19 **SEC. 8. DIRECTOR AND STAFF.**

20 (a) DIRECTOR.—

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

24 (2) DUTIES.—The Director of the Museum
 25 shall manage the Museum, in accordance with any

1 policies established by the Secretary, in consultation
2 with the Advisory Council.

3 (b) STAFF.—

4 (1) APPOINTMENT.—The Secretary may, with-
5 out regard to the civil service laws, appoint 2 em-
6 ployees to assist the Director of the Museum in car-
7 rying out the duties of the Director.

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

12 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

16 (1) \$15,000,000 for fiscal year 2008; and

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

19 (b) ACQUISITION OF MUSEUM SITE.—There are au-
20 thorized to be appropriated such sums as are necessary
21 to carry out section 5.

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

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

○