

year spent \$179 per white student and \$43 per black student. Reverend Joseph DeLaine was a teacher in Clarendon County. He attended a statewide meeting of the NAACP and heard the president decry segregation and lay down a challenge saying, "No teacher or preacher in South Carolina has the courage to find a plaintiff who will test the legality of discriminatory bus transportation." The Reverend DeLaine was moved to action. He went to the Clarendon County School Board to ask for a bus to carry children to and from Scotts Branch High School. He pointed out that bus service was available to white students at other county schools, and asked simply for the same bus service for black students attending Scotts Branch. When he was turned down, he appealed to the State Superintendent of Education in Columbia and the U.S. Attorney General, all to no avail. Reverend DeLaine then enlisted Levi Pearson, a farmer with children at Scotts Branch, to be plaintiff in a lawsuit against the Clarendon County Board of Education. Levi Pearson v. County Board of Education was brought but dismissed in 1948 on a technicality. Levi Pearson's farm straddled the school district boundary, and his home was held to be outside the school district's boundary. The court ruled that Pearson had no standing, and dismissed his suit.

Undaunted, Reverend DeLaine, worked with the NAACP to draft a new petition to the State Board of Education seeking not just school buses, but educational equality across the board for all black students in Clarendon County. A petition with the necessary signatures was presented to the board. The first name listed was Harry Briggs, a service station attendant in Summerton, South Carolina. In retribution, Reverend DeLaine was fired from his job at Scotts Branch, and Harry Briggs lost his service station job. The state school board refused to act.

Reverend DeLaine then sought the assistance of the NAACP Legal Defense Fund, and in particular a lawyer by the name of Harold Boulware in Columbia. Boulware, with the assistance of Thurgood Marshall, took the case and filed a new suit, Briggs v. Elliott, seeking equal educational opportunities for all black students in Clarendon County. By a 2-1 vote, a three-judge panel denied the plaintiffs in Briggs v. Elliott the relief they were seeking. Judge Waties Waring, another unsung hero, wrote a dissenting opinion in favor of the plaintiffs. Briggs v. Elliott was appealed to the Supreme Court, and eventually consolidated with four other cases, the first of which was Brown v. Board of Education of Topeka, Kansas.

Reverend DeLaine was in the Supreme Court's courtroom for the argument of Brown v. Board of Education. A reporter quoted him as saying: "There were times when I thought I would go out of my mind because of this case, but if I had to do it again, I would. I feel it was worth it. I have a feeling that the Supreme Court is going to end segregation."

He was not only brave but prescient. In 1954, a unanimous Supreme Court vindicated the efforts of the Reverend Joseph A. DeLaine with its unanimous decision in Brown v. Board of Education. It was a bittersweet victory for Reverend DeLaine. Forced out of Clarendon County on charges arising out of a confrontation with whites who threatened his home at night, he moved to Charlotte, North Carolina where he founded a church. Because of the

outstanding warrant, he was effectively exiled from South Carolina and never able to return to Clarendon County.

Mr. Speaker, I have lived all my life in South Carolina and I can imagine the resistance and intimidation that Joseph DeLaine, Levi Pearson, and Harry and Eliza Briggs faced. These brave Americans stood up for justice and for their courage, they paid a heavy price. Today we remember Dr. Martin Luther King and Thurgood Marshall, as we should; they were the giants of the civil rights movement. But without brave pioneers like Joseph DeLaine, Levi Pearson, Harry and Eliza Briggs, our schools would not have been desegregated and the Civil Rights Acts of 1964 and 1965 would not have been passed.

I commend Congressman CLYBURN for conceiving and spearheading this resolution, and I ask that all members of this House join us in voting to award Congressional gold medals posthumously to the Reverend DeLaine, to Mr. and Mrs. Harry Briggs, and to Mr. Levi Pearson. In the words of Dr. King, they made this country "rise up and live out the true meaning of its creed, that all men are created equal."

Mrs. BIGGERT. Mr. Speaker, I reserve the balance of my time.

Ms. CARSON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Eleanor Roosevelt said, "When will our consciences grow so tender that we will act to prevent human misery rather than avenge it?" I recall the words of Chief Justice Earl Warren who said, "It is the spirit and not the form of law that keeps justice alive." I want to commend the sponsors of this legislation for their foresight and insight.

The court action of Briggs v. Elliott in South Carolina to end public school segregation was a major component in the successful Brown v. Board of Education Supreme Court ruling which effectively struck down the so-called separate but equal. It is this "spirit of the law" that preceded Brown v. Board of Education in the form of Briggs v. Elliott. Before Briggs v. Elliott was Plessy v. Ferguson. Before Plessy were the 13th and the 14th amendments.

And so, Mr. Speaker, I would encourage each Member of this body to give proper honor to whom honor is due by supporting unanimously this legislation that will authorize the Congressional Gold Medal to these deserving citizens of the United States.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Let me again commend the gentleman from South Carolina (Mr. CLYBURN) for sponsoring H.R. 3287 and Chairman OXLEY and Ranking Member FRANK of the Committee on Financial Services for their support of this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 3287.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE ACT

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3491) to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

The Clerk read as follows:

H.R. 3491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Museum of African American History and Culture Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) since its founding, the United States has grown into a symbol of democracy and freedom around the world, and the legacy of African Americans is rooted in the very fabric of the democracy and freedom of the United States;

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

(A) is devoted to the documentation of African American life, art, history, and culture; and

(B) encompasses, on a national level—

(i) the period of slavery;

(ii) the era of Reconstruction;

(iii) the Harlem renaissance;

(iv) the civil rights movement; and

(v) other periods associated with African American life, art, history, and culture; and

(3) a National Museum of African American History and Culture would be dedicated to the collection, preservation, research, and exhibition of African American historical and cultural material reflecting the breadth and depth of the experiences of individuals of African descent living in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(2) COUNCIL.—The term "Council" means the National Museum of African American History and Culture Council established by section 5.

(3) MUSEUM.—The term "Museum" means the National Museum of African American History and Culture established by section 4.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Smithsonian Institution.

SEC. 4. ESTABLISHMENT OF MUSEUM.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a museum to be known as the "National Museum of African American History and Culture".

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

(1) the collection, study, and establishment of programs relating to African American life, art, history, and culture that encompass—

(A) the period of slavery;

(B) the era of Reconstruction;

(C) the Harlem renaissance;

(D) the civil rights movement; and
(E) other periods of the African American diaspora;

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

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

(4) collaboration between the Museum and other museums, historically black colleges and universities, historical societies, educational institutions, and other organizations that promote the study or appreciation of African American life, art, history, or culture, including collaboration concerning—

(A) development of cooperative programs and exhibitions;

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

(C) training of museum professionals.

SEC. 5. COUNCIL.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a council to be known as the “National Museum of African American History and Culture Council”.

(b) DUTIES.—

(1) IN GENERAL.—The Council shall—

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

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

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

(D) report annually to the Board of Regents on the acquisition, disposition, and display of objects relating to African American life, art, history, and culture; and

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

(2) PRINCIPAL RESPONSIBILITIES.—The Council, subject to the general policies of the Board of Regents, shall have sole authority to—

(A) purchase, accept, borrow, and otherwise acquire artifacts for addition to the collections of the Museum;

(B) loan, exchange, sell, and otherwise dispose of any part of the collections of the Museum, but only if the funds generated by that disposition are used for additions to the collections of the Museum; or

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

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

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

(iii) the contributions of African Americans to society.

(3) OTHER RESPONSIBILITIES.—The Council, subject to the general policies of the Board of Regents, shall have authority—

(A) to provide for preservation, restoration, and maintenance of the collections of the Museum; and

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

(c) COMPOSITION AND APPOINTMENT.—

(1) IN GENERAL.—The Council shall be composed of 19 voting members as provided under paragraph (2).

(2) VOTING MEMBERS.—The Council shall include the following voting members:

(A) The Secretary of the Smithsonian Institution.

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

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

(i) taking into consideration individuals recommended by organizations and entities that are committed to the advancement of knowledge of African American life, art, history, and culture; and

(ii) taking into consideration individuals recommended by the members of the Council.

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

(d) TERMS.—

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

(2) INITIAL APPOINTEES.—As designated by the Board of Regents at the time of appointment, of the voting members first appointed under subparagraph (C) of subsection (c)(2)—

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

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

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

(3) REAPPOINTMENT.—A member of the Council may be reappointed, except that no individual may serve on the Council for a total of more than 2 terms. For purposes of this paragraph, the number 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 away from the home or regular place of business of the member in the performance of the duties of the Council.

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

(g) MEETINGS.—

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

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

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

SEC. 6. DIRECTOR AND STAFF OF THE MUSEUM.

(a) DIRECTOR.—

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

(2) DUTIES.—The Director shall manage the Museum subject to the policies of the Board of Regents.

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

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

SEC. 7. EDUCATIONAL AND LIAISON PROGRAMS.

(a) IN GENERAL.—

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

(2) SPECIFIC ACTIVITIES DESCRIBED.—In carrying out this section, the Director shall—

(A) carry out educational programs relating to African American life, art, history, and culture, including—

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

(ii) programs carried out in collaboration with elementary schools, secondary schools, and postsecondary schools; and

(B) consult with the Director of the Institute of Museum and Library Services concerning the grant and scholarship programs carried out under subsection (b).

(b) GRANT AND SCHOLARSHIP PROGRAMS.—

(1) IN GENERAL.—In consultation with the Council and the Director of the Museum, the Director of the Institute of Museum and Library Services shall establish—

(A) a grant program with the purpose of improving operations, care of collections, and development of professional management at African American museums;

(B) a grant program with the purpose of providing internship and fellowship opportunities at African American museums;

(C) a scholarship program with the purpose of assisting individuals who are pursuing careers or carrying out studies in the arts, humanities, 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 non-profit 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

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

SEC. 8. BUILDING FOR THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE.

(a) IN GENERAL.—

(1) LOCATION.—

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

(B) SITES FOR CONSIDERATION.—In designating a site under subparagraph (A), the Board of Regents shall select from among the following sites in the District of Columbia:

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

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

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

(iv) The site known as the "Banneker Overlook site", located on 10th Street Southwest at the foot of the L'Enfant Plaza Promenade.

(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).

(ii) TRANSFER TO SMITHSONIAN INSTITUTION.—Except with respect to a site described in clause (i) 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 the Federal agency shall transfer to the Smithsonian Institution administrative jurisdiction over the area.

(D) CONSULTATION.—The Board of Regents shall carry out its duties under this paragraph in consultation with the following:

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

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

(iii) The Chair and Vice Chair of the Presidential Commission referred to in section 10.

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

(v) The Chair and ranking minority member of each of the following Committees:

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

(II) The Committee on House Administration of the House of Representatives.

(III) The Committee on Transportation and Infrastructure of the House of Representatives.

(IV) The Committee on Appropriations of the House of Representatives.

(V) The Committee on Appropriations of the Senate.

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

(3) NONAPPLICABILITY OF PROVISIONS RELATING TO MONUMENTS AND COMMEMORATIVE WORKS.—Chapter 89 of title 40, United States Code, shall not apply with respect to the Museum.

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as are necessary to carry out this section.

SEC. 9. CONGRESSIONAL BUDGET ACT COMPLIANCE.

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

SEC. 10. CONSIDERATION OF RECOMMENDATIONS OF PRESIDENTIAL COMMISSION.

In carrying out their duties under this Act, the Council and the Board of Regents shall take into consideration the reports and plans submitted by the National Museum of African American History and Culture Plan for Action Presidential Commission under the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001 (Public Law 107-106).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Smithsonian Institution to carry out this Act, other than sections 7(b) and 8—

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

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

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

(c) USE OF FUNDS FOR FUNDRAISING.—Amounts appropriated pursuant to the authorization under this section may be used to conduct fundraising in support of the Museum from private sources.

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3491 establishes the National Museum of African American History and Culture within the Smithsonian Institution. This is a long, long overdue bill. This is a proud night for the House and a proud night for all in the United States, for citizens of all races, all ethnic backgrounds, and people of all income levels and all walks of life here in our great country. I am very proud that this Congress, the 108th Congress, has stepped up to the plate to pass this bill. This concept for such a museum has been around for quite some time, but it has never been this close to reality as tonight. The credit for bringing us to where we are tonight rests with the gentleman from Georgia (Mr. LEWIS), who has worked tirelessly, endlessly on this legislation since 1988. The gentleman from Georgia (Mr. LEWIS) has paired up with the gentleman from Georgia (Mr. KINGSTON), another fellow Georgian in this Congress, and together they have worked in a bipartisan manner with many of our colleagues to address any concerns and surmount any barriers in the way of this bill. I also want to thank the gentleman from Connecticut (Mr. LARSON), our ranking member, and the members of the Committee on House Administration who have worked, I believe, in a very quick and diligent manner to have this bill again come to a vote on the floor of the U.S. House.

Credit also should be given to the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) whose subcommittee has jurisdiction over the construction portion of the museum. Without the help of these Members, Mr. Speaker, and their staff, reaching a consensus would not have been possible within the time frame in which it was achieved.

The establishment of this museum will go a long way in educating our future generations and recognizing the many contributions of African Americans throughout our Nation's history. The proposed museum would take a step in acknowledging many, and I repeat, many of the sacrifices that have been made and provide a comprehensive history about significant events and individuals.

Several years ago Congress agreed that in order to take the next step towards this museum, any remaining questions or issues had to be resolved. In December of 2001, President Bush signed Public Law 107-106, which created a Presidential Commission to research and evaluate issues related to the establishment of the proposed African American Museum and to develop a plan for action to bring this vision to reality.

This Presidential Commission should also be applauded for their diligent work and research on the proposed museum. Their hard work provided us with many answers to questions related to site location, potential costs for museum, the fund-raising ability of the private sector, and the potential for exhibits and artifacts for this museum.

The proposed museum will reside within the structure of the Smithsonian Institution. As the Nation's keeper of history and culture, the Smithsonian is an ideal body of inclusion for just such a museum. This bill authorizes the Smithsonian to identify a site for the museum from a list of recommended sites provided to Congress from the Presidential Commission. Once a site has been selected, the legislation authorizes the Smithsonian's governing Board of Regents to plan, design, and construct a building for the museum that will be paid for through a public/private partnership which would be split 50 percent Federal funds and 50 percent private funding, and I have no doubt tonight, and I talked with the gentleman from Georgia (Mr. LEWIS) about this and our ranking member and other Members, and I have no doubt, again I want to stress, that the private funding will be there. Support for this will come from not only the United States, but I believe from around the world of citizens realizing this great museum and its tremendous worth to all people in the United States.

This legislation authorizes an initial amount of \$17 million for fiscal year 2004 for carrying out this act, and it further authorizes an initial amount of

\$15 million for fiscal year 2004 that will be used for education and liaison programs that will be used to carry out the goals of this museum.

Langston Hughes, a great African American author and poet, said "Dream your dreams but be willing to pay the sacrifice to make them come true." African Americans have paid many sacrifices in this country, and tonight the gentleman from Georgia (Mr. LEWIS) and the other Members that are supporting this have had a dream and they have surely paid the sacrifice of their time, their efforts, and all the promotion of this museum, which is going to be such a positive force for our country.

This proposed museum has broad bipartisan support from both Houses of Congress, the administration, and the Smithsonian Institution. It is a worthwhile project that will have a very positive and lasting influence on our country for today and also tomorrow's generations. And I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3491 on this historic day and to congratulate the gentleman from Georgia (Mr. LEWIS), a living legacy on the culmination of 17 years of work in this House to create this national museum within the Smithsonian. His effort has been part of a broader campaign spanning nearly 90 years to obtain recognition for the contributions of African Americans to our Nation's history and culture. The chairman has said it well. This is a proud day for all Americans and indeed for our country and for this great Chamber. This gentleman of vision will rise later and address this issue.

I also want to congratulate the gentlewoman from the District of Columbia (Ms. NORTON), member of the Committee on Transportation and Infrastructure, as the chairman mentioned, along with the gentleman from Ohio (Mr. LATOURETTE), who has jurisdiction over the project. She vigorously presented the views of the citizens of our Nation's capital who live in the shadow of many museums, monuments, and other historic structures representing America's living history. She is, as we all know, the First Lady of Washington, D.C.

I would especially like to thank the gentleman from Ohio (Chairman NEY) and especially for the sensitivity and his deep appreciation for the historic significance and importance of this issue to his fellow colleagues and to this Nation we are all pledged to serve. He not only expedited the hearings, but he also brought this bill to the floor in a timely manner, so that to paraphrase Martin Luther King, we might be able to say here at last, here at last, thank God Almighty, this bill is here at last.

In addition, I want to thank the majority staff members, Paul Vinovich,

who is here today, and George Hadijski. Their efforts, as people on this committee know, in order to move this bill forward were so critical, and again their great sensitivity and concern and outreach to all parties, I think, is testimony to how this committee works and certainly a tribute to the chairman of this committee, and I cannot thank them enough for what they have done this evening. It brings great pride to African Americans, Americans in general, and it makes it an honor for all of us to be a part of it.

I would be remiss if I did not commend the minority committee staff as well, Susan Brita of the Committee on Transportation and Infrastructure, and of course the irrepressible and irresistible Matt Pinkus for his great contribution to the Committee on House Administration and for their work on this bill and previous Congresses on behalf of the two House committees of primary jurisdiction.

We are also here today due to the work of the National Museum of African American History and Culture Plan for Action Presidential Commission, created by Public Law 107-106, which presented this report and recommendations to us on April 2, 2003. In addition to the Commission, the Board of Regents of the Smithsonian has consistently supported the museum while helping us create a new entity that can be appropriately managed within the traditional Smithsonian framework of governance.

I am equally proud of the fact that the AMISTAD America not only supports this, but will be a key part of this museum. I had the great honor to bring many of the members of the Congressional Black Caucus to Connecticut when we christened the *Amistad*, and indeed that was a highlight for me and so many of my colleagues to come to Connecticut and see the christening of this historic boat, and what a historic journey that has been as well.

Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Georgia (Mr. LEWIS), who was responsible for this bill being on the floor.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Connecticut (Mr. LARSON), the ranking member, for yielding me this time.

Mr. Speaker, I rise tonight in support of H.R. 3491, the National African American Museum History and Culture Act. First I would like to thank all of my colleagues who have labored long days, weeks, months, and even years to help realize a dream deferred for nearly 100 years, the establishment of a national museum that documents the significant contributions of African Americans.

It has been my honor and pleasure to work with the gentleman from the State of Georgia (Mr. KINGSTON), my dear friend, but tonight in addition to thanking the gentleman from Georgia (Mr. KINGSTON), I also want to thank the gentleman from Ohio (Chairman NEY) for not giving up, for not giving

in, for not giving out. And I thank the gentleman from Connecticut (Mr. LARSON), ranking member, for his commitment to making the National African American Museum a reality. I want to commend the gentleman from Ohio (Chairman LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON), ranking member, for all of their help. It is important to thank Senator BROWNBACK and Senator DODD for championing this legislation in the other body. Tonight I also want to thank our former colleague, Congressman J.C. Watts for his effort on this bill.

The effort to create a National African American Museum has not been easy. It has been a long, hard, and tedious journey. We are here today because Members, staff, and many supporters really never gave up. They did not give out. They did not give in. I want to thank my staff, Tammy Boyd and others, who worked so hard.

When we began this journey, we often said that we must pace ourselves for the long haul and we must keep the faith. We paced ourselves for the journey. We diligently planted our seeds and tilled a sometimes hardened soil. And now the many supporters of the African American Museum can and will finally see the fruit of their labor.

The passage of this legislation will send a powerful message to supporters of the museum that we must organize and mobilize our effort to raise the necessary money to build a National African American Museum.

During every session of the Congress for the past 15 years, I have introduced legislation to establish a National African American Museum. This bill was passed in the Senate but not in the House in 1992, and another bill was passed in the House but not in the Senate in 1994. Today the bill will pass both Houses of Congress. This bill will be signed by the President of the United States into law, and we will build the National African American Museum.

The African American story must be told, and a National African American Museum in Washington, D.C. is critical to telling that story. African American history is the story of hundreds, thousands, and millions of ordinary men, women, and children struggling to survive in a land where they were denied the fundamental rights, dignity, and respect that belong to all human beings. This is the story that we must tell.

We have come a long way in our quest to become one Nation and one people. We have made such tremendous strides that the young people today cannot imagine living in a country where they could not eat where they wanted to eat or sit where they wanted to sit.

□ 2130

They cannot imagine a country where they could be beaten, shot, or even lynched because of the color of

their skin. Yet, this was the country that I grew up in, and this is the history that we must tell.

The time is long overdue to recognize the contribution of one of the members of our American family. Mr. Speaker, the time is always right to reright, the cause is just, and the time is now. Let it be done on our watch. Let us create a National Museum of African American history and Culture. Again, I thank the gentleman from Ohio (Mr. NEY), the chairman, the gentleman from Connecticut (Mr. LARSON), the ranking member, and all of the staff for bringing us to this point.

I urge all of my colleagues to support H.R. 3491, a National African American Museum.

Mr. NEY. Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD), who is an outstanding member of our committee.

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank my chairman and ranking member, the gentleman from Ohio (Mr. NEY), and the gentleman from Connecticut (Mr. LARSON) for their constant sensitivity on issues that are critical to many members and all Members of this House. I am so happy and honored to serve on the committee with both of these giants who share so much of their leadership and reflect their leadership in the work that they do.

Mr. Speaker, I would also like to thank the gentleman from Georgia (Mr. LEWIS) and the former Congressman J.C. Watts for their initiation of this well-deserved project and for their great leadership and sensitivity in bringing this to the House.

Throughout United States history, African Americans have made significant contributions in terms of building up the cultural, business, academic, and civic institutions of this Nation. Without the input of African Americans into the moral, spiritual and political aspects of American life, this country would be a much different place.

In that spirit, I am here to offer my wholehearted support as a cosponsor of H.R. 3491, calling for the creation of a museum devoted to celebrating the history of African Americans in this Nation. The intent of this museum will be to feature the many highlights of African American life in this country from the time of slavery through the era of Reconstruction, the Harlem Renaissance, the Civil Rights Movement, to present-day events.

Our young people of all backgrounds, as well as those most recently arrived in the United States from other parts of the world, must be made aware of the rich traditions added by African Americans to all facets of American life. There are multitalented individuals of African American and other ancestries waiting for approval of this

museum's construction to start so that they can begin to shape the content of the museum's offering for the public to enjoy.

There has been much discussion regarding the potential location of the museum. I have the utmost faith that we as a Congress can pass this long-overdue legislation and agree upon a site that will most ably honor the legacy of African Americans while providing the best possible option in terms of a location.

For 15 years, the gentleman from Georgia (Mr. LEWIS) has continuously pushed for the construction of a museum recognizing the extraordinary history and achievements of African Americans. Let us reward his perseverance by passing this bill, H.R. 3491, so the business of building this museum can get underway.

I also want to commend the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Georgia (Mr. KINGSTON), the gentleman from Mississippi (Mr. WICKER), and the gentleman from Ohio (Mr. LATOURETTE), along with Senators BROWNBACK and DODD, as well as many others for the leadership and vision they have shown in working to make this African American museum a reality.

It is time now, Mr. Speaker, that we move forward with the approval of this legislation and allow the African American museum to be witness in the honor of all African Americans past, present, and those generations yet unborn.

Mr. NEY. Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the first lady of the District, who is the ranking member on the Committee on Transportation and Infrastructure that the chairman duly noted in his remarks who was so instrumental in bringing this legislation before us.

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON) for his graciousness and for yielding to me. I want to first offer my gratitude to the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) who had to get us all together and work very closely with us so that we could achieve agreement on this bill, agreement that would be accepted by the other body as well. That took some skill.

I need to compliment and thank my good friend, the gentleman from Ohio (Mr. LATOURETTE), the chair of the Transportation subcommittee which has jurisdiction over this bill, the Subcommittee on Economic Development, Public Buildings and Emergency Management, because his patience and graciousness were important here, as well as in not insisting that we have yet an-

other hearing on the bill but move forward rapidly so that the bill could be approved during this session.

But, of course, no one deserves more credit for what we do tonight than my good friend and colleague, the gentleman from Georgia (Mr. LEWIS), whom I knew as a colleague in another life, a colleague in a life in which he was held in just the high esteem that he is held in this body, and that says something. So it is perfectly fitting that the major sponsor of this bill would be the gentleman from Georgia (Mr. LEWIS). Who would have thought 40 years ago that he or I would be here or that there would ever be such a bill.

It is a great tribute to the gentleman from Georgia (Mr. LEWIS) that when he first came to the Congress and was a part of the Committee on Transportation and the subcommittee that has jurisdiction that this is one of the first bills that he authored. So for him, this is a stellar moment. In a real sense what we do tonight is to pick up the baton. It has been dropped over and over again for 100 years. There have been many tries in both Houses. And what is important about what we do tonight is that we brought both Houses together.

I remember being on the committee when we passed the bill, guided it to the floor, thought we had the work done. Tonight, we know we have the work done because we know both Houses approved this bill.

Why an African American museum? I do want to say a word about that. Because there might be museums, perhaps should be museums for many, many kinds of people who have come to our shores. And I take nothing from them when I say that I hope that they attain some such recognition in our city. But no one can doubt that there is no American story without telling the story of African Americans in this country who came to this country as it was being founded, as it was being born, before it was a Nation.

We cannot understand the greatness of our Nation without understanding what our country has overcome. We can know that we can do anything if we come to grips with where we were, understand it, and see where we have come to. We are a Nation who started with original sin, with slavery, and then progressed only to discrimination under law.

And what makes this story so important for us, and for Americans of every background, is to look at the history and where it has brought us. If we start even in this city, the city of my birth, and see the end of slavery, the establishment of the Freeman's Bureau and Howard University named for a Civil War general, but then look at the sad history of this city, the Capital of the United States, where I went to segregated schools and had public accommodations that were segregated. But then look to the poor people's campaign and the march on Washington and the triumph of true Americanism,

this story needs to be told. Because when we get discouraged about not being all we want to be, we need to go to an African American museum and see from whence we came.

Finally, let me say that my own constituents, the people of the District of Columbia, this majority African American city have been in true Thanksgivings that we would get to this day. I commend the Presidential commission consisting of many citizens from across the Nation, including citizens of this town that have worked single-handedly for this bill. But for the people who live here, who consider themselves the guardians of the city's museums and monuments, this is a very special day. We promise to indeed be a guardian of this museum, to work closely with my good friends the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON), with all of those who have supported us on this bill, so we can raise the funds now that we have an obligation in writing, in this bill, from our country to, in fact, realize this bill so that we can all be at the groundbreaking. I thank both gentlemen again for their leadership on this bill.

Mr. Speaker, I am proud to be cosponsor of H.R. 3491, a bill to establish within the Smithsonian complex the National Museum of African American History and Culture. The most important new national museum in decades as we take this giant step to making the museum a reality, praise and thanks must be extended to Congressman JOHN LEWIS, my friend who introduced this bill when he was first elected to Congress and before I was elected to Congress.

My strong support for this bill has several sources. I have been a cosponsor of the museum bill since my first term in Congress in 1991. I have been a member of the Transportation Subcommittee that often considered the museum bill during the several years when the museum was repeatedly debated and voted. The House passed the museum bill during the 103rd Congress only to have Senator Jesse Helms stop it in the Senate. I represent the District of Columbia whose residents consider themselves the guardians of our memorials, a city with a majority African-American population that has watched and waited from the front row for the promised museum. I am a fourth generation Washingtonian with what I must admit is a personal stake that I trace to my great grandfather, Richard Holmes, who walked away from slavery in Virginia long before the Civil War to start a new life and a family in the District, where my family has long awaited the museum. Finally, I am an African-American who joins millions of blacks and people of every color and background that have asked for the promise of an African American museum to be kept.

This bill is a good bill. It lists four sites for the location of the museum. I am pleased to see the working relationships between the Smithsonian and the National Capitol Planning Commission (NCPC) are preserved. The bill provides that the Board of Regents will consult with not only the NCPC and the Commission on Fine Arts, but also the Chair and Vice Chair of the Presidential Commission, and further the Chair of the Commission's Site Sub-

committee. The appropriate Congressional Committees will also be consulted regarding the final site selection. The bill also provides for a 50/50 split in cost sharing for the museum, 50% of the cost to be paid by the federal government and 50% to come from the private sector. Finally, the bill authorizes \$17m in FY04 for the Smithsonian to carry out its duties under the Act and such sums as are necessary for each fiscal year thereafter.

This bill is especially appreciated, considering that in one form or another this subject has been before Congress for nearly 100 years. Civil War veterans first raised the idea of a memorial as they sought recognition for their service to their country in all its wars and for their ancestors because the country's large population of slaves, free blacks and their descendants were instrumental in building our nation. Colonel Charles Young, the highest ranking African American officer and the third black graduate of West Point asked Congress in 1919 for "a memorial to the Negro dead and that that memorial be the thing for which these Negroes gave their lives—liberty, justice, equal opportunities and educational facilities, the suppression of lynching by making it a federal crime [and] the abolition of jimcrow [sic] cars." No one can doubt that the case for the museum has long ago been made. It was accepted and recognized by Congress as a worthy project, including a \$50,000 appropriation even in 1929, at a time when racial segregation was the law of the land.

Much work has been done, and much work lies ahead of us, but passage of this bill will be a giant step forward to placing African American history in its appropriate place in our Nation's story. Mr. Speaker I would like to quote from the museum's mission statement:

"The National Museum of African American History and Culture will give voice to the centrality of the African American experience and will make it possible for all people to understand the depth, complexity, and promise of the American experience. The museum will serve as a national forum for collaboration with educational and cultural institutions in the continuing quest for freedom, truth, and human dignity."

H.R. 3491 is a historic bill. I urge my colleagues to join me in supporting this bill.

Mr. NEY. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the chairman, the gentleman from Ohio (Mr. NEY) for yielding. I stand tonight to support the gentleman from Georgia (Mr. LEWIS), my colleague, the honorable and distinguished Representative from the 5th District. I want to say how proud I am to, as a freshman Member, to be able to support what he has been working on for these past 15 years and supporting H.R. 3491, the creation of a National Museum of African Culture and History. And I thank the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Ranking Member LARSON), and the gentlewoman from the District of Columbia (Ms. NORTON) for their support in trying to bring this long-term effort of this great Member of Congress to fruition.

And I just want to tell the gentleman how much I appreciate what he has done and how much respect I have for

him. When we go back and talk to our spouses sometimes at the end of the week about what the experience was up here, I have said often to her that the gentleman from Georgia (Mr. LEWIS) has been one of the nicest and kindest Members of this body to me, a freshman, reaching out on many occasions to make me feel warm and accepted. So I do take great pleasure in standing here tonight and supporting this.

I hope some day that I will be able to bring my grandchildren through that museum, and I hope he is there to explain to them some of the history that he knows so well, better than so many people, because he has experienced it, and he has brought more to racial healing than hardly anybody I can think of in this country. I commend him for it. I wholeheartedly support this bill.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close by saying what great pride I have this evening, especially to stand with two colleagues who will definitely be in that museum, to be here with two outstanding Members of Congress who are a living legacy, the gentleman from Georgia (Mr. LEWIS) and the gentlewoman from the District of Columbia (Ms. NORTON). Their deeds speak so highly of their commitment.

This week we will celebrate or look back on the passing of President Kennedy. President Kennedy was fond of saying that communities reveal an awful lot about themselves in memorials, monuments that they create. What a great and lasting tribute my colleagues are leaving through their great efforts with the establishment and creation of this museum.

Mr. Speaker, I look forward to seeing this project through to its fruition.

Mr. Speaker, I yield back the balance of my time.

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Mr. NEY. Mr. Speaker, I yield myself such time as I may consume. Let me close by thanking the gentleman from Georgia (Mr. LEWIS), the gentleman from Georgia (Mr. KINGSTON), the primary authors of this bill, our colleagues Senator DODD and Senator BROWNBACK, our ranking member, members of House Administration.

I noted earlier that this was going to be for future generations. I need to note also that this is for the memory of all past generations. I urge all Members to support the bill.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of the National Museum of African-American History and Culture Act of 2003, H.R. 3491. This important piece of legislation will establish a national African-American museum within the Smithsonian Institution, a pre-eminent position on our national mall.

Since the arrival of the first Africans at Jamestown, Virginia in 1619, African-Americans have played an integral role in the overall development of this great nation. We have endured the cruelties and degradation of the Middle Passage, slavery, lynchings, Jim-

Crowism, social injustice, segregation, and discrimination. However, our strong faith and belief in the promise of America has enabled us to persevere in the face of adversity.

In all areas of life, African Americans have made an important contribution. In music, from jazz to hip-hop, African Americans continue to have a strong influence upon our nation's musical heritage. From Langston Hughes and Richard Wright, to Maya Angelou and Toni Morrison, African Americans have enriched this country's literary heritage. We have excelled in film, sports, and business and continue to sow into the life of this nation.

African American scientists, inventors, educators, and physicians, such as Dr. Charles Drew and Dr. Ben Carson to name a few, have and continue to enrich the daily lives of all Americans—from developing blood transfusion and blood bank procedures to learning the path of the mind to perform delicate brain surgery. Inventors, such as Garrett Morris and Granville T. Woods to name just a few, have developed everything from the spotlight and gas mask to critical railway switching technology.

Additionally, we have proudly served our nation with distinction in every war—from the Revolutionary War to today in Operation Iraqi Freedom. The struggle for freedom, equality, and civil rights has always been a struggle for the full realization of true democracy in America. Our legacy is firmly ingrained in the very fabric of this democracy. However, in spite of our triumphs and accomplishments, there does not exist a national museum located in Washington D.C. on or near the National Mall dedicated to the documentation of African American history. This bill creates such a museum.

The National Museum of African American History and Culture would properly collect, preserve, exhibit, and honor, on a national level, the period of slavery, Reconstruction, the Harlem Renaissance, and other periods associated with African American life, art, history, and culture. Not only will this national repository of the Black experience in America be viewed by millions of tourists who flock to the nation's capital each year, but will be accessible to students and scholars alike. It will also demonstrate to our youth that they can take pride in their rich cultural heritage.

Mr. Speaker, I urge my colleagues to lend their support to this important piece of legislation. I would just like to take this opportunity to thank my distinguished colleague, Representative JOHN LEWIS, for his tireless dedication and leadership. Mr. LEWIS has committed more than 10 years of his life to the vision of a national monument celebrating the legacy of African Americans on the national mall. We are now on the verge of making that dream a reality. Please support this bipartisan bill.

I also extend my sincere appreciation to Representatives JACK KINGSTON and ROGER WICKER, and Senators SAM BROWBACK and CHRISTOPHER DODD for their leadership.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 3491.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Mr. LEWIS of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3491.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Ms. BERKLEY. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. BERKLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) To reject the provisions of subtitle C of title II of the House bill.

(2) To reject the provisions of section 231 of the Senate amendment.

(3) Within the scope of conference, to increase payments for physician services by an amount equal to the amount of savings attributable to the rejection of the aforementioned provisions.

(4) To insist upon section 601 of the House bill.

Ms. BERKLEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Nevada (Ms. BERKLEY) and the gentlewoman from New Mexico (Mrs. WILSON) each will control 30 minutes.

The Chair recognizes the gentleman from Nevada (Ms. BERKLEY).

GENERAL LEAVE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this motion to instruct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Ms. BERKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer a motion to instruct the conferees on the Medi-

care Prescription Drug Bill to provide a much needed payment update to physicians for the next 2 years.

I represent Las Vegas, which is home to the fastest growing seniors population in the United States. In my community, we are facing a health care crisis. The rapid growth of southern Nevada has put a strain on the health care system, and many doctors face a tough choice when it comes to treating Medicare patients because reimbursements are not keeping up with the costs of practicing medicine. In addition to staffing costs and utilities and rent, malpractice insurance for doctors in my community has skyrocketed anywhere from 150 to 400 percent.

We rely on our doctors to treat more than 150,000 seniors under the local Medicare system; but with the cost of doing business so high and the demands for their services at a premium, in many instances our doctors cannot afford to see new Medicare patients. We used to talk about the quality of health care, but the situation is becoming so bad that we are no longer talking about the level of treatment the patient receives, but whether or not they will receive any treatment at all.

My community is struggling to attract enough medical professionals to address the health care needs of our ever-expanding population. But how can we expect more doctors to see more Medicare patients if we continue to cut payments to doctors under Medicare? If we do not act soon, there will be another 4.5 percent reduction in reimbursements to physicians who are treating those who depend on their physicians' care the most, our seniors.

If we allow this to happen, the result will be a loss of \$17 million in payments to physicians in my State of Nevada alone. The time is long past due that we increase these payments which have limited medical providers from expanding the number of patients receiving care. I have heard from doctors in Las Vegas who say they want to treat Medicare patients, but they are being forced to choose between taking on new Medicare patients or keeping the lights on in their offices and their practices solvent.

According to the AMA, since 1991 the cost of practicing medicine has gone up by more than 33 percent, but payments have grown less than 10 percent. For years doctors have provided important tests for seniors for cholesterol, depression, blood pressure, vision, and hearing impairment without any reimbursements from Medicare.

Medicare reimbursements for primary care are inadequate, and in January they will be too low for many doctors to continue to serve Medicare patients. Just last year, doctors' payments were cut by 5.4 percent; and if we allow them to be cut once again, this will be the fifth reduction since 1991 and would place doctors' reimbursements 8 percent below 2001 levels. It does not make any sense to be cutting payments to doctors when the