

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 649

To authorize the establishment of the National African American Museum within the Smithsonian Institution, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 30 (legislative day, MARCH 27), 1995

Mr. SIMON (for himself, Mr. MCCAIN, Mr. MACK, Ms. MOSELEY-BRAUN, Mr. WARNER, Mr. PELL, Mr. INOUE, Mr. MOYNIHAN, Mr. DODD, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. JEFFORDS, Mr. ROBB, Mr. AKAKA, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To authorize the establishment of the National African American Museum within the Smithsonian Institution, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

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

6        **SEC. 2. FINDINGS.**

7        The Congress finds that—

1           (1) the presentation and preservation of African  
2 American life, art, history, and culture within the  
3 National Park System and other Federal entities are  
4 inadequate;

5           (2) the inadequate presentation and preserva-  
6 tion of African American life, art, history, and cul-  
7 ture seriously restrict the ability of the people of the  
8 United States, particularly African Americans, to  
9 understand themselves and their past;

10          (3) African American life, art, history, and cul-  
11 ture include the varied experiences of Africans in  
12 slavery and freedom and the continued struggles for  
13 full recognition of citizenship and treatment with  
14 human dignity;

15          (4) in enacting Public Law 99-511, the Con-  
16 gress encouraged support for the establishment of a  
17 commemorative structure within the National Park  
18 System, or on other Federal lands, dedicated to the  
19 promotion of understanding, knowledge, opportunity,  
20 and equality for all people;

21          (5) the establishment of a national museum and  
22 the conducting of interpretive and educational pro-  
23 grams, dedicated to the heritage and culture of Afri-  
24 can Americans, will help to inspire and educate the  
25 people of the United States regarding the cultural

1 legacy of African Americans and the contributions  
2 made by African Americans to the society of the  
3 United States; and

4 (6) the Smithsonian Institution operates 15  
5 museums and galleries, a zoological park, and 5  
6 major research facilities, none of which is a national  
7 institution devoted solely to African American life,  
8 art, history, or culture.

9 **SEC. 3. ESTABLISHMENT OF THE NATIONAL AFRICAN**  
10 **AMERICAN MUSEUM.**

11 (a) ESTABLISHMENT.—There is established within  
12 the Smithsonian Institution a Museum, which shall be  
13 known as the “National African American Museum”.

14 (b) PURPOSE.—The purpose of the Museum is to pro-  
15 vide—

16 (1) a center for scholarship relating to African  
17 American life, art, history, and culture;

18 (2) a location for permanent and temporary ex-  
19 hibits documenting African American life, art, his-  
20 tory, and culture;

21 (3) a location for the collection and study of ar-  
22 tifacts and documents relating to African American  
23 life, art, history, and culture;

1           (4) a location for public education programs re-  
 2 relating to African American life, art, history, and cul-  
 3 ture; and

4           (5) a location for training of museum profes-  
 5 sionals and others in the arts, humanities, and  
 6 sciences regarding museum practices related to Afri-  
 7 can American life, art, history, and culture.

8 **SEC. 4. LOCATION AND CONSTRUCTION OF THE NATIONAL**  
 9 **AFRICAN AMERICAN MUSEUM.**

10         The Board of Regents is authorized to plan, design,  
 11 reconstruct, and renovate the Arts and Industries Build-  
 12 ing of the Smithsonian Institution to house the Museum.

13 **SEC. 5. BOARD OF TRUSTEES OF MUSEUM.**

14         (a) ESTABLISHMENT.—There is established in the  
 15 Smithsonian Institution the Board of Trustees of the Na-  
 16 tional African American Museum.

17         (b) COMPOSITION AND APPOINTMENT.—The Board  
 18 of Trustees shall be composed of 23 members as follows:

19           (1) The Secretary of the Smithsonian Institu-  
 20 tion.

21           (2) An Assistant Secretary of the Smithsonian  
 22 Institution, designated by the Board of Regents.

23           (3) Twenty-one individuals of diverse disciplines  
 24 and geographical residence who are committed to the  
 25 advancement of knowledge of African American art,

1 history, and culture, appointed by the Board of Re-  
2 gents, of whom 9 members shall be from among in-  
3 dividuals nominated by African American museums,  
4 historically black colleges and universities, and cul-  
5 tural or other organizations.

6 (c) TERMS.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), members of the Board of Trustees shall  
9 be appointed for terms of 3 years. Members of the  
10 Board of Trustees may be reappointed.

11 (2) STAGGERED TERMS.—As designated by the  
12 Board of Regents at the time of initial appointments  
13 under paragraph (3) of subsection (b), the terms of  
14 7 members shall expire at the end of 1 year, the  
15 terms of 7 members shall expire at the end of 2  
16 years, and the terms of 7 members shall expire at  
17 the end of 3 years.

18 (d) VACANCIES.—A vacancy on the Board of Trust-  
19 ees shall not affect its powers and shall be filled in the  
20 manner in which the original appointment was made. Any  
21 member appointed to fill a vacancy occurring before the  
22 expiration of the term for which the predecessor of the  
23 member was appointed shall be appointed for the remain-  
24 der of the term.

1 (e) NONCOMPENSATION.—Except as provided in sub-  
2 section (f), members of the Board of Trustees shall serve  
3 without pay.

4 (f) EXPENSES.—Members of the Board of Trustees  
5 shall receive per diem, travel, and transportation expenses  
6 for each day, including travel time, during which such  
7 members are engaged in the performance of the duties of  
8 the Board of Trustees in accordance with section 5703  
9 of title 5, United States Code, with respect to employees  
10 serving intermittently in the Government service.

11 (g) CHAIRPERSON.—The Board of Trustees shall  
12 elect a chairperson by a majority vote of the members of  
13 the Board of Trustees.

14 (h) MEETINGS.—The Board of Trustees shall meet  
15 at the call of the chairperson or upon the written request  
16 of a majority of its members, but shall meet not less than  
17 2 times each year.

18 (i) QUORUM.—A majority of the Board of Trustees  
19 shall constitute a quorum for purposes of conducting busi-  
20 ness, but a lesser number may receive information on be-  
21 half of the Board of Trustees.

22 (j) VOLUNTARY SERVICES.—Notwithstanding section  
23 1342 of title 31, United States Code, the chairperson of  
24 the Board of Trustees may accept for the Board of Trust-

1 es voluntary services provided by a member of the Board  
2 of Trustees.

3 **SEC. 6. DUTIES OF THE BOARD OF TRUSTEES OF THE**  
4 **MUSEUM.**

5 The Board of Trustees shall—

6 (1) recommend annual budgets for the Mu-  
7 seum;

8 (2) consistent with the general policy estab-  
9 lished by the Board of Regents, have the sole au-  
10 thority to—

11 (A) loan, exchange, sell, or otherwise dis-  
12 pose of any part of the collections of the Mu-  
13 seum, but only if the funds generated by such  
14 disposition are used for additions to the collec-  
15 tions of the Museum or for additions to the en-  
16 dowment of the Museum;

17 (B) subject to the availability of funds and  
18 the provisions of annual budgets of the Mu-  
19 seum, purchase, accept, borrow, or otherwise  
20 acquire artifacts and other property for addi-  
21 tion to the collections of the Museum;

22 (C) establish policy with respect to the uti-  
23 lization of the collections of the Museum; and

24 (D) establish policy regarding program-  
25 ming, education, exhibitions, and research, with

1           respect to the life and culture of African Ameri-  
2           cans, the role of African Americans in the his-  
3           tory of the United States, and the contributions  
4           of African Americans to society;

5           (3) consistent with the general policy estab-  
6           lished by the Board of Regents, have authority to—

7                   (A) provide for restoration, preservation,  
8                   and maintenance of the collections of the Mu-  
9                   seum;

10                   (B) solicit funds for the Museum and de-  
11                   termine the purposes to which such funds shall  
12                   be used;

13                   (C) approve expenditures from the endow-  
14                   ment of the Museum, or of income generated  
15                   from the endowment, for any purpose of the  
16                   Museum; and

17                   (D) consult with, advise, and support the  
18                   Director in the operation of the Museum;

19           (4) establish programs in cooperation with  
20           other African American museums, historically black  
21           colleges and universities, historical societies, edu-  
22           cational institutions, and cultural and other organi-  
23           zations for the education and promotion of under-  
24           standing regarding African American life, art, his-  
25           tory, and culture;



1           (5) support the efforts of other African Amer-  
2           ican museums, historically black colleges and univer-  
3           sities, and cultural and other organizations to edu-  
4           cate and promote understanding regarding African  
5           American life, art, history, and culture, including—

6                   (A) the development of cooperative pro-  
7                   grams and exhibitions;

8                   (B) the identification, management, and  
9                   care of collections;

10                  (C) the participation in the training of mu-  
11                  seum professionals; and

12                  (D) creating opportunities for—

13                          (i) research fellowships; and

14                          (ii) professional and student intern-  
15                          ships;

16           (6) adopt bylaws to carry out the functions of  
17           the Board of Trustees; and

18           (7) report annually to the Board of Regents on  
19           the acquisition, disposition, and display of African  
20           American objects and artifacts and on other appro-  
21           priate matters.

22 **SEC. 7. DIRECTOR AND STAFF.**

23           (a) **IN GENERAL.**—The Secretary of the Smithsonian  
24           Institution, in consultation with the Board of Trustees,  
25           shall appoint a Director who shall manage the Museum.

1 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
2 LAWS.—The Secretary of the Smithsonian Institution  
3 may—

4 (1) appoint the Director and 5 employees of the  
5 Museum, without regard to the provisions of title 5,  
6 United States Code, governing appointments in the  
7 competitive service; and

8 (2) fix the pay of the Director and such 5 em-  
9 ployees, without regard to the provisions of chapter  
10 51 and subchapter III of chapter 53 of such title,  
11 relating to classification and General Schedule pay  
12 rates.

13 **SEC. 8. DEFINITIONS.**

14 For purposes of this Act:

15 (1) ARTS AND INDUSTRIES BUILDING.—The  
16 term “Arts and Industries Building” means the  
17 building located on the Mall at 900 Jefferson Drive,  
18 S.W. in Washington, the District of Columbia.

19 (2) BOARD OF REGENTS.—The term “Board of  
20 Regents” means the Board of Regents of the Smith-  
21 sonian Institution.

22 (3) BOARD OF TRUSTEES.—The term “Board  
23 of Trustees” means the Board of Trustees of the  
24 National African American Museum established in  
25 section 5(a).

1           (4) MUSEUM.—The term “Museum” means the  
2           National African American Museum established  
3           under section 3(a).

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