

108TH CONGRESS
1ST SESSION

S. 1157

To establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2003

Mr. BROWNBACK (for himself, Mr. DODD, Mr. STEVENS, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BIDEN, Mrs. BOXER, Mr. CAMPBELL, Mr. CHAFEE, Mrs. CLINTON, Ms. COLLINS, Mr. CORNYN, Mr. CORZINE, Mr. DASCHLE, Mr. DEWINE, Mrs. DOLE, Mr. DURBIN, Mr. EDWARDS, Mr. FRIST, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Ms. MIKULSKI, Mr. MILLER, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REID, Mr. SANTORUM, Mr. SCHUMER, Mr. SMITH, Ms. STABENOW, Mr. CRAIG, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

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

14 (B) encompasses, on a national level—

15 (i) the period of slavery;

16 (ii) the era of reconstruction;

17 (iii) the Harlem renaissance;

18 (iv) the civil rights movement; and

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

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

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

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (C) training of museum professionals.

1 **SEC. 5. COUNCIL.**

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

6 (b) DUTIES.—

7 (1) IN GENERAL.—The Council shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (iii) the contributions of African
22 Americans to society.

23 (3) OTHER RESPONSIBILITIES.—The Council,
24 subject to the general policies of the Board of Re-
25 gents, shall have authority—

1 (A) to provide for preservation, restoration,
2 and maintenance of the collections of the Mu-
3 seum; and

4 (B) to solicit, accept, use, and dispose of
5 gifts, bequests, and devises of services and
6 property, both real and personal, for the pur-
7 pose of aiding and facilitating the work of the
8 Museum.

9 (c) COMPOSITION AND APPOINTMENT.—

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

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

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

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

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

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

1 (ii) taking into consideration individ-
2 uals recommended by the other members
3 of the Council.

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

8 (4) SPECIAL RULE FOR CERTAIN MEMBERS.—
9 Of the total number of members of the Council ap-
10 pointed under subparagraph (C) of paragraph (2),
11 not fewer than 9 shall be of African-American de-
12 scend.

13 (d) TERMS.—

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

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

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

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

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

3 (3) REAPPOINTMENT.—A member of the Coun-
4 cil may be reappointed, except that no individual
5 may serve on the Council for a total of more than
6 2 terms.

7 (4) VACANCIES.—

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

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

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

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

19 (e) COMPENSATION.—

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

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

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

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

9 (g) MEETINGS.—

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

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

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

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

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

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

4 (a) DIRECTOR.—

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

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

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

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

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

23 (a) IN GENERAL.—

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

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

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

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

11 (ii) programs carried out in collabora-
12 tion with elementary schools, secondary
13 schools, and postsecondary schools; and

14 (B) consult with the Director of the Insti-
15 tute of Museum and Library Services con-
16 cerning the grant and scholarship programs
17 carried out under subsection (b).

18 (b) GRANT AND SCHOLARSHIP PROGRAMS.—

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

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

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

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

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

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

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

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

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

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

12 (a) IN GENERAL.—

13 (1) LOCATION.—

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

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

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

1 (ii) The Arts and Industries Building
2 of the Smithsonian Institution, located on
3 the National Mall at 900 Jefferson Drive,
4 Southwest, Washington, District of Colum-
5 bia.

6 (iii) The area bounded by Constitution
7 Avenue, Madison Drive, and 14th and
8 15th Streets, Northwest.

9 (iv) The site known as the “Liberty
10 Loan site”, located on 14th Street South-
11 west at the foot of the 14th Street Bridge.

12 (C) AVAILABILITY OF SITE.—

13 (i) IN GENERAL.—A site described in
14 subparagraph (B) shall remain available
15 until the date on which the Board of Re-
16 gents designates a site for the Museum
17 under subparagraph (A)(i).

18 (ii) TRANSFER TO SMITHSONIAN IN-
19 STITUTION.—Except with respect to a site
20 described in clause (i) or (ii) of subpara-
21 graph (B), if the site designated for the
22 Museum is in an area that is under the ad-
23 ministrative jurisdiction of a Federal agen-
24 cy, as soon as practicable after the date on
25 which the designation is made, the head of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

○