

103^D CONGRESS
1ST SESSION

H. R. 877

IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 22), 1993

Received; read twice and referred to the Committee on Rules and
Administration

AN ACT

To authorize the establishment of the National African
American Museum within the Smithsonian Institution.

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 (a) FINDINGS.—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 lating 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 traveltime, during which they are
7 engaged in the performance of the duties of the Board
8 of Trustees in accordance with section 5703 of title 5,
9 United States Code, with respect to employees serving
10 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 ees voluntary services provided by a member of the Board
2 of Trustees.

3 **SEC. 6. DUTIES OF THE BOARD OF TRUSTEES OF THE MU-**
4 **SEUM.**

5 (a) IN GENERAL.—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 those 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, cultural and other organiza-
23 tions 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) development of cooperative programs
7 and exhibitions;

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

10 (C) 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) The term “Board of Regents” means the
16 Board of Regents of the Smithsonian Institution.

17 (2) The term “Board of Trustees” means the
18 Board of Trustees of the National African American
19 Museum established in section 5(a).

20 (3) The term “Museum” means the National
21 African American Museum established under section
22 3(a).

23 (4) The term “Arts and Industries Building”
24 means the building located on the Mall at 900 Jef-

4 There are authorized to be appropriated to carry out
5 this Act \$5,000,000 for fiscal year 1994 and such sums
6 as may be necessary for each of the succeeding fiscal
7 years. Amounts appropriated pursuant to this section shall
8 be available only for costs directly relating to the establish-
9 ment and operation of the Museum.

Attest: DONNALD K. ANDERSON,
Clerk.