

Union Calendar No. 91

103D CONGRESS
1ST SESSION

H. R. 877

[Report No. 103-140, Parts I and II]

A BILL

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

JUNE 28, 1993

Reported from the Committee on House Administration,
committed to the Committee of the Whole House on
the State of the Union; and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. LEWIS of Georgia (for himself, Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BLACKWELL, Mr. BONIOR, Ms. BROWN of Florida, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CRAMER, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. FILNER, Mr. FINGERHUT, Mr. FLAKE, Mr. FORD of Tennessee, Mr. FROST, Mr. HASTINGS, Mr. HILLIARD, Mr. HINCHEY, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KENNELLY, Mr. KILDEE, Mr. LANCASTER, Mr. MAZZOLI, Ms. MCKINNEY, Mrs. MEEK, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MORAN, Ms. NORTON, Mr. OWENS, Mr. PARKER, Mr. PAYNE, Mr. REYNOLDS, Mr. ROMERO-BARCELÓ, Mr. RUSH, Mr. SCHUMER, Mr. SCOTT, Mr. SHAYS, Mr. SISISKY, Ms. SLAUGHTER, Mr. STOKES, Mr. TOWNS, Mr. TUCKER, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WASHINGTON, Ms. WATERS, Mr. WATT, Mr. WHEAT, Ms. WOOLSEY, Mr. WYNN, Mr. FIELDS of Louisiana, and Mr. RANGEL) introduced the following bill; which was referred jointly to the Committees on House Administration and Public Works and Transportation

JUNE 18, 1993

Reported from the Committee on Public Works and Transportation with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JUNE 28, 1993

Reported from the Committee on House Administration, committed to the

Committee of the Whole House on the State of the Union, and ordered
to be printed

[For text of introduced bill, see copy of bill as introduced on February 4, 1993]

A BILL

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 Amer-*
5 *ican Museum Act”.*

6 **SEC. 2. FINDINGS.**

7 *(a) FINDINGS.—The Congress finds that—*

8 *(1) the presentation and preservation of African*
9 *American life, art, history, and culture within the*
10 *National Park System and other Federal entities is*
11 *inadequate;*

12 *(2) the inadequate presentation and preservation*
13 *of African American life, art, history, and culture se-*
14 *riously restricts the ability of the people of the United*
15 *States, particularly African Americans, to under-*
16 *stand themselves and their past;*

17 *(3) African American life, art, history, and cul-*
18 *ture includes the varied experiences of Africans in*
19 *slavery and freedom and the continued struggles for*

1 *full recognition of citizenship and treatment with*
2 *human dignity;*

3 *(4) in enacting Public Law 99–511, the Congress*
4 *encouraged support for the establishment of a com-*
5 *memorative structure within the National Park Sys-*
6 *tem, or on other Federal lands, dedicated to the pro-*
7 *motion of understanding, knowledge, opportunity,*
8 *and equality for all people;*

9 *(5) the establishment of a national museum and*
10 *the conducting of interpretive and educational pro-*
11 *grams, dedicated to the heritage and culture of Afri-*
12 *can Americans, will help to inspire and educate the*
13 *people of the United States regarding the cultural leg-*
14 *acy of African Americans and the contributions made*
15 *by African Americans to the society of the United*
16 *States; and*

17 *(6) the Smithsonian Institution operates 15 mu-*
18 *seums and galleries, a zoological park, and 5 major*
19 *research facilities, none of which is a national insti-*
20 *tution devoted solely to African American life, art,*
21 *history, or culture.*

1 **SEC. 3. ESTABLISHMENT OF THE NATIONAL AFRICAN AMER-**
2 **ICAN MUSEUM.**

3 (a) *ESTABLISHMENT.*—*There is established within the*
4 *Smithsonian Institution a Museum, which shall be known*
5 *as the “National African American Museum”.*

6 (b) *PURPOSE.*—*The purpose of the Museum is to pro-*
7 *vide—*

8 (1) *a center for scholarship relating to African*
9 *American life, art, history, and culture;*

10 (2) *a location for permanent and temporary ex-*
11 *hibits documenting African American life, art, his-*
12 *tory, and culture;*

13 (3) *a location for the collection and study of ar-*
14 *tifacts and documents relating to African American*
15 *life, art, history, and culture;*

16 (4) *a location for public education programs re-*
17 *lating to African American life, art, history, and cul-*
18 *ture; and*

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

1 **SEC. 4. LOCATION AND CONSTRUCTION OF THE NATIONAL**
2 **AFRICAN AMERICAN MUSEUM.**

3 *The Board of Regents is authorized to plan, design,*
4 *reconstruct, and renovate the Arts and Industries Building*
5 *of the Smithsonian Institution to house the Museum.*

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

7 (a) *ESTABLISHMENT.*—*There is established in the*
8 *Smithsonian Institution the Board of Trustees of the Na-*
9 *tional African American Museum.*

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

12 (1) *The Secretary of the Smithsonian Institu-*
13 *tion.*

14 (2) *An Assistant Secretary of the Smithsonian*
15 *Institution, designated by the Board of Regents.*

16 (3) *Twenty-one individuals of diverse disciplines*
17 *and geographical residence who are committed to the*
18 *advancement of knowledge of African American art,*
19 *history, and culture appointed by the Board of Re-*
20 *gents, of which 9 members shall be from among indi-*
21 *viduals nominated by African American museums,*
22 *historically black colleges and universities, and cul-*
23 *tural or other organizations.*

24 (c) *TERMS.*—

25 (1) *IN GENERAL.*—*Except as provided in para-*
26 *graph (2), members of the Board of Trustees shall be*

1 *appointed for terms of 3 years. Members of the Board*
2 *of Trustees may be reappointed.*

3 (2) *STAGGERED TERMS.—As designated by the*
4 *Board of Regents at the time of initial appointments*
5 *under paragraph (3) of subsection (b), the terms of 7*
6 *members shall expire at the end of 1 year, the terms*
7 *of 7 members shall expire at the end of 2 years, and*
8 *the terms of 7 members shall expire at the end of 3*
9 *years.*

10 (d) *VACANCIES.—A vacancy on the Board of Trustees*
11 *shall not affect its powers and shall be filled in the manner*
12 *in which the original appointment was made. Any member*
13 *appointed to fill a vacancy occurring before the expiration*
14 *of the term for which the predecessor of the member was*
15 *appointed shall be appointed for the remainder of the term.*

16 (e) *NONCOMPENSATION.—Except as provided in sub-*
17 *section (f), members of the Board of Trustees shall serve*
18 *without pay.*

19 (f) *EXPENSES.—Members of the Board of Trustees*
20 *shall receive per diem, travel, and transportation expenses*
21 *for each day, including traveltime, during which they are*
22 *engaged in the performance of the duties of the Board of*
23 *Trustees in accordance with section 5703 of title 5, United*
24 *States Code, with respect to employees serving intermit-*
25 *tently in the Government service.*

1 (g) *CHAIRPERSON.*—*The Board of Trustees shall elect*
2 *a chairperson by a majority vote of the members of the*
3 *Board of Trustees.*

4 (h) *MEETINGS.*—*The Board of Trustees shall meet at*
5 *the call of the chairperson or upon the written request of*
6 *a majority of its members, but shall meet not less than 2*
7 *times each year.*

8 (i) *QUORUM.*—*A majority of the Board of Trustees*
9 *shall constitute a quorum for purposes of conducting busi-*
10 *ness, but a lesser number may receive information on behalf*
11 *of the Board of Trustees.*

12 (j) *VOLUNTARY SERVICES.*—*Notwithstanding section*
13 *1342 of title 31, United States Code, the chairperson of the*
14 *Board of Trustees may accept for the Board of Trustees vol-*
15 *untary services provided by a member of the Board of*
16 *Trustees.*

17 **SEC. 6. DUTIES OF THE BOARD OF TRUSTEES OF THE MU-**
18 **SEUM.**

19 (a) *IN GENERAL.*—*The Board of Trustees shall—*

20 (1) *recommend annual budgets for the Museum;*

21 (2) *consistent with the general policy established*
22 *by the Board of Regents, have the sole authority to—*

23 (A) *loan, exchange, sell, or otherwise dispose*
24 *of any part of the collections of the Museum, but*
25 *only if the funds generated by such disposition*

1 *are used for additions to the collections of the*
2 *Museum or for additions to the endowment of the*
3 *Museum;*

4 *(B) subject to the availability of funds and*
5 *the provisions of annual budgets of the Museum,*
6 *purchase, accept, borrow, or otherwise acquire*
7 *artifacts and other property for addition to the*
8 *collections of the Museum;*

9 *(C) establish policy with respect to the utili-*
10 *zation of the collections of the Museum; and*

11 *(D) establish policy regarding program-*
12 *ming, education, exhibitions, and research, with*
13 *respect to the life and culture of African Ameri-*
14 *cans, the role of African Americans in the his-*
15 *tory of the United States, and the contributions*
16 *of African Americans to society;*

17 *(3) consistent with the general policy established*
18 *by the Board of Regents, have authority to—*

19 *(A) provide for restoration, preservation,*
20 *and maintenance of the collections of the Mu-*
21 *seum;*

22 *(B) solicit funds for the Museum and deter-*
23 *mine the purposes to which those funds shall be*
24 *used;*

1 (C) approve expenditures from the endow-
2 ment of the Museum, or of income generated
3 from the endowment, for any purpose of the Mu-
4 seum; and

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

7 (4) establish programs in cooperation with other
8 African American museums, historically black colleges
9 and universities, historical societies, educational in-
10 stitutions, cultural and other organizations for the
11 education and promotion of understanding regarding
12 African American life, art, history, and culture;

13 (5) support the efforts of other African American
14 museums, historically black colleges and universities,
15 and cultural and other organizations to educate and
16 promote understanding regarding African American
17 life, art, history, and culture, including—

18 (A) development of cooperative programs
19 and exhibitions;

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

22 (C) participation in the training of mu-
23 seum professionals; and

24 (D) creating opportunities for—

25 (i) research fellowships; and

1 (ii) *professional and student intern-*
2 *ships;*

3 (6) *adopt bylaws to carry out the functions of*
4 *the Board of Trustees; and*

5 (7) *report annually to the Board of Regents on*
6 *the acquisition, disposition, and display of African*
7 *American objects and artifacts and on other appro-*
8 *priate matters.*

9 **SEC. 7. DIRECTOR AND STAFF.**

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

13 (b) *APPLICABILITY OF CERTAIN CIVIL SERVICE*
14 *LAWS.*—*The Secretary of the Smithsonian Institution*
15 *may—*

16 (1) *appoint the Director and 5 employees under*
17 *subsection (a), without regard to the provisions of*
18 *title 5, United States Code, governing appointments*
19 *in the competitive service; and*

20 (2) *fix the pay of the Director and such 5 em-*
21 *ployees, without regard to the provisions of chapter 51*
22 *and subchapter III of chapter 53 of such title, relat-*
23 *ing to classification and General Schedule pay rates.*

24 **SEC. 8. DEFINITIONS.**

25 *For purposes of this Act:*

1 (1) *The term “Board of Regents” means the*
2 *Board of Regents of the Smithsonian Institution.*

3 (2) *The term “Board of Trustees” means the*
4 *Board of Trustees of the National African American*
5 *Museum established in section 5(a).*

6 (3) *The term “Museum” means the National Af-*
7 *rican American Museum established under section*
8 *3(a).*

9 (4) *The term “Arts and Industries Building”*
10 *means the building located on the Mall at 900 Jeffer-*
11 *son Drive, S.W. in Washington, the District of Co-*
12 *lumbia.*

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 *There are authorized to be appropriated to carry out*
15 *this Act \$5,000,000 for fiscal year 1994 and such sums as*
16 *may be necessary for each of the succeeding fiscal years.*
17 *Amounts appropriated pursuant to this section shall be*
18 *available only for costs directly relating to the establishment*
19 *and operation of the Museum.*