

107TH CONGRESS  
1ST SESSION

# H. R. 762

To establish the North American Slavery Memorial Council.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2001

Mr. STEARNS (for himself, Mr. MEEKS of New York, Mr. MCGOVERN, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To establish the North American Slavery Memorial Council.

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 “North American Slav-  
5       ery Memorial Council Act”.

6       **SEC. 2. ESTABLISHMENT.**

7       There is established the North American Slavery Me-  
8       morial Council (in this Act referred to as the “Council”).

9       **SEC. 3. DUTIES.**

10       The duties of the Council shall be to—

1           (1) establish an architectural design for a na-  
2           tional memorial and museum to slavery in North  
3           America appropriate to honor the memory of victims  
4           of slavery (in this Act referred to as the “Memorial  
5           and Museum”);

6           (2) establish a single site within the District of  
7           Columbia suitable for the construction and operation  
8           of the Memorial and Museum;

9           (3) construct the Memorial and Museum; and

10          (4) operate the Memorial and Museum.

11 **SEC. 4. MEMBERSHIP.**

12          (a) NUMBER AND APPOINTMENT.—The Council shall  
13 be composed of the following members:

14           (1) VOTING MEMBERS.—65 voting members,  
15 who shall be appointed—

16           (A) 15 by the President of the United  
17 States;

18           (B) 25 by the Speaker of the House of  
19 Representatives, appointed from among mem-  
20 bers of the House of Representatives; and

21           (C) 25 by the President pro tempore of the  
22 Senate, on the recommendation of the majority  
23 and minority leaders of the Senate, from among  
24 members of the Senate.

1           (2) NONVOTING MEMBERS.—3 ex officio non-  
2           voting members, who shall be appointed—

3                   (A) 1 by the Secretary of the Interior;

4                   (B) 1 by the Secretary of State; and

5                   (C) 1 by the Secretary of Education.

6           (b) CONTINUATION OF MEMBERSHIP.—If a member  
7           was appointed to the Council as a Member of Congress  
8           and the member ceases to be a Member of Congress, that  
9           member may continue as a member for not longer than  
10          the 60-day period beginning on the date that member  
11          ceases to be a Member of Congress.

12          (c) TERM.—Each member shall be appointed for a  
13          term of 5 years, except that the terms of the 5 members  
14          of the House of Representatives and the 5 members of  
15          the Senate appointed during a Congress shall expire at  
16          the end of that Congress.

17          (d) VACANCIES.—

18                  (1) A vacancy in the Council shall be filled in  
19                  the manner in which the original appointment was  
20                  made.

21                  (2) A member appointed to fill a vacancy occur-  
22                  ring before the expiration of the term for which the  
23                  member's predecessor was appointed shall be ap-  
24                  pointed only for the remainder of that term.

1           (3) A member, except the 5 members of the  
2 House of Representatives and the 5 members of the  
3 Senate, may serve after the expiration of a term  
4 until a successor takes office.

5           (e) BASIC PAY.—

6           (1) RATES OF PAY.—Except as provided in  
7 paragraph (2), members shall each be paid at the  
8 daily equivalent of the maximum annual rate of  
9 basic pay payable under section 5376 of title 5 for  
10 each day (including travel time) during which they  
11 are engaged in the actual performance of duties  
12 vested in the Council.

13           (2) PROHIBITION OF COMPENSATION OF FED-  
14 ERAL EMPLOYEES.—Members of the Council who  
15 are full-time officers or employees of the United  
16 States or Members of Congress may not receive ad-  
17 ditional pay, allowances, or benefits by reason of  
18 their service on the Council.

19           (f) TRAVEL EXPENSES.—Each member shall receive  
20 travel expenses, including per diem in lieu of subsistence,  
21 in accordance with sections 5702 and 5703 of title 5,  
22 United States Code.

23           (g) QUORUM.— One-third of the voting members of  
24 the Council shall constitute a quorum but a lesser number  
25 may hold hearings.

1           (h) CHAIRPERSON; VICE CHAIRPERSON.—The Chair-  
2 person and Vice Chairperson of the Council shall be ap-  
3 pointed by the President of the United States from among  
4 the members of the Council. The term of office of the  
5 Chairperson and Vice Chairperson shall be 5 years. A va-  
6 cancy in the office of the Chairperson or Vice Chairperson  
7 shall be filled in the manner in which the original appoint-  
8 ment was made.

9           (i) MEETINGS.—The Council shall meet not less fre-  
10 quently than monthly.

11 **SEC. 5. DIRECTOR AND STAFF.**

12           (a) DIRECTOR.—The Council shall have a Director  
13 who shall be appointed by the Chairperson. The Director  
14 shall be paid at a rate not to exceed the maximum rate  
15 of basic pay payable under section 5376 of title 5, United  
16 States Code. The Director shall serve at the pleasure of  
17 the Council.

18           (b) STAFF.—With the approval of the Council, the  
19 Director may appoint and fix the pay of additional per-  
20 sonnel as the Director considers appropriate.

21           (c) EXPERTS AND CONSULTANTS.—With the ap-  
22 proval of the Council, the Director may procure temporary  
23 and intermittent services under section 3109(b) of title 5,  
24 United States Code, but at rates for individuals not to  
25 exceed the daily equivalent of the maximum annual rate

1 of basic pay payable under section 5376 of title 5, United  
2 States Code.

3 (d) STAFF OF FEDERAL AGENCIES.—Upon request  
4 of the Council, the head of any Federal department or  
5 agency may detail, on a reimbursable basis, any of the  
6 personnel of that department or agency to the Council to  
7 assist it in carrying out its duties under this Act.

8 **SEC. 6. POWERS.**

9 (a) HEARINGS AND SESSIONS.—The Council may, for  
10 the purpose of carrying out this Act, hold hearings, sit  
11 and act at times and places, take testimony, and receive  
12 evidence as the Council considers appropriate.

13 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
14 ber or agent of the Council may, if authorized by the  
15 Council, take any action which the Council is authorized  
16 to take by this section.

17 (c) GIFTS, BEQUESTS, AND DEVISES.—The Council  
18 may accept, use, and dispose of gifts, bequests, or devises  
19 of services or property, both real and personal, for the pur-  
20 pose of aiding or facilitating the work of the Council.  
21 Gifts, bequests, or devises of money and proceeds from  
22 sales of other property received as gifts, bequests, or de-  
23 vises shall be deposited in the Treasury and shall be avail-  
24 able for disbursement upon order of the Council. For pur-  
25 poses of Federal income, estate, and gift taxes, property

1 accepted under this subsection shall be considered as a  
2 gift, bequest, or devise to the United States.

3 (d) **MAILS.**—The Council may use the United States  
4 mails in the same manner and under the same conditions  
5 as other departments and agencies of the United States.

6 (e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon  
7 the request of the Council, the Administrator of General  
8 Services shall provide to the Council, on a reimbursable  
9 basis, the administrative support services necessary for the  
10 Council to carry out its responsibilities under this Act.

11 **SEC. 7. MEMORIAL AND MUSEUM.**

12 (a) **ARCHITECTURAL DESIGN.**—The Council shall de-  
13 termine the architectural design of the Memorial and Mu-  
14 seum subject to the approval of the Secretary of the Inte-  
15 rior, in consultation with the Commission of Fine Arts and  
16 the National Capital Planning Commission.

17 (b) **ACQUISITION OF REAL PROPERTY IN DISTRICT**  
18 **OF COLUMBIA.**—The Council may, for the purpose of es-  
19 tablishing a single site for the Memorial and Museum and  
20 with the approval of the Secretary of the Interior in con-  
21 sultation with the Commission of Fine Arts and the Na-  
22 tional Capital Planning Commission, acquire real property  
23 in the District of Columbia by one or more of the following  
24 procedures:

1           (1) Notwithstanding any other provision of law  
2           (including the Federal Property and Administrative  
3           Services Act of 1949 (40 U.S.C. et seq.)), any de-  
4           partment, agency, or instrumentality of the United  
5           States Government may transfer to the Council any  
6           real property in the District of Columbia that is  
7           under the administrative jurisdiction of the depart-  
8           ment, agency, or instrumentality and that the Coun-  
9           cil considers suitable for the Memorial and Museum.

10           (2) The Council may purchase, with the consent  
11           of the owner, any real property within the District  
12           of Columbia that the Council considers suitable for  
13           the Memorial and Museum.

14           (c) CONSTRUCTION.—The Council shall construct the  
15           Memorial and Museum on the site established under sub-  
16           section (b) in accordance with the architectural design de-  
17           termined under subsection (a).

18           (d) OPERATION.—In operating the Memorial and  
19           Museum, the Council shall—

20           (1) adopt bylaws;

21           (2) establish annual budgets;

22           (3) subject to the availability of funds and the  
23           provisions of annual budgets, purchase, accept, bor-  
24           row, or otherwise acquire artifacts and other prop-



1 erty for addition to the collections of the Memorial  
2 and Museum;

3 (4) establish policy with respect to the utiliza-  
4 tion of the collections of the Memorial and Museum;

5 (5) establish policy with respect to educational  
6 programs, exhibitions, and research projects relating  
7 to slavery in North America;

8 (6) establish programs in cooperation with in-  
9 stitutions including other museums, historical soci-  
10 eties, educational institutions, cultural organizations,  
11 and other organizations for the education and pro-  
12 motion of understanding regarding slavery in North  
13 America; and

14 (7) support the efforts of such institutions to  
15 educate and promote the understanding regarding  
16 slavery in North America.

17 (e) INSURANCE.—The Council shall maintain insur-  
18 ance on the Memorial and Museum covering the risks, in  
19 the amounts, and containing the terms the Council con-  
20 siders necessary.

21 **SEC. 8. AUDITS.**

22 When requested by the Congress, the Comptroller  
23 General shall audit the financial transactions of the Coun-  
24 cil, including those involving donated funds, under gen-  
25 erally accepted auditing standards. The Council shall

1 make available for an audit under this section all records,  
2 items, or property used by the Council that are necessary  
3 for the audit.

4 **SEC. 9. ANNUAL REPORT.**

5 Each year, the Council shall submit to the Congress  
6 a report on the activities of the Council, including an ac-  
7 counting of all financial transactions involving donated  
8 funds.

9 **SEC. 10. APPLICABILITY OF COMMEMORATIVE WORKS ACT.**

10 The Memorial and Museum is not a commemorative  
11 work within the meaning of the Commemorative Works  
12 Act (40 U.S.C. 1001 et seq.).

13 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There are authorized to be appro-  
15 priated such sums as may be necessary to carry out this  
16 Act.

17 (b) USE OF AMOUNTS FOR CONSTRUCTION OR OPER-  
18 ATION.—Amounts appropriated to the Council—

19 (1) may not be used for construction of the Me-  
20 morial and Museum; and

21 (2) may be used for operation of the Memorial  
22 and Museum only if amounts received under section  
23 6(c) that are equal to or greater than such appro-  
24 priated amounts are also so used.

1       (c) PRIOR AUTHORITY REQUIRED.—Any spending  
2 authority (as defined in subparagraphs (A) and (C) of sec-  
3 tion 401(c)(2) of the Congressional Budget Act of 1974  
4 (2 U.S.C. 651(c)(2)(A) and (C))) contained in this Act  
5 shall be effective only to such extent and in such amounts  
6 as are provided in appropriation Acts.

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