

115TH CONGRESS  
1ST SESSION

# S. 391

To establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2017

Mrs. GILLIBRAND (for herself and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, 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 “African Burial Ground  
5 International Memorial Museum and Educational Center  
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1           (1) the African Burial Ground National His-  
2           toric Landmark in New York, New York, holds the  
3           remains of up to 20,000 enslaved Africans and  
4           early-generation African-Americans from the colonial  
5           era;

6           (2) the Africans and African-Americans that  
7           suffered under slavery show us the strength of the  
8           human character and provide us with a model of  
9           courage, commitment, and perseverance;

10          (3) as President George W. Bush stated on  
11          July 8, 2003, during his remarks at Goree Island,  
12          Senegal: “For 250 years the captives endured an as-  
13          sault on their culture and their dignity. The spirit  
14          of Africans in America did not break. . . . All the  
15          generations of oppression under the laws of man  
16          could not crush the hope of freedom and defeat the  
17          purposes of God.”;

18          (4) on February 27, 2006, President George W.  
19          Bush established the National Monument, which was  
20          comprised of the approximately 15,000-square foot  
21          parcel of the National Historic Landmark that was  
22          bounded by Duane and Elk Streets in Lower Man-  
23          hattan;

24          (5) an international memorial museum facility  
25          dedicated to those individuals who suffered the grave

1 injustice of slavery in the United States, while at the  
2 same time helping to build the country, would—

3 (A) reflect the significance of the African  
4 Burial Ground; and

5 (B) help the people of the United States  
6 understand the past and honor the history of all  
7 people in the United States;

8 (6) in 1998, the Secretary of the Smithsonian  
9 Institution—

10 (A) stated that the African Burial Ground  
11 affords the perfect opportunity to gain insight  
12 into—

13 (i) the institution of slavery, as prac-  
14 ticed in urban, rural, northern, and south-  
15 ern parts of the United States; and

16 (ii) the international slave trade; and

17 (B) proposed that a partnership be formed  
18 among the Smithsonian, the National Park  
19 Service, and the General Services Administra-  
20 tion to further develop the African Burial  
21 Ground;

22 (7) the National Museum of African American  
23 History and Culture Act (20 U.S.C. 80r et seq.),  
24 which authorized construction of a museum in  
25 Washington, DC, identified the period of slavery as

1 one of the periods of the African-American diaspora  
2 that would be encompassed by the museum;

3 (8) the African Burial Ground—

4 (A) is unlike any other anthropological and  
5 symbolic site in the United States or the world;

6 (B) includes DNA samples from the re-  
7 markably well-preserved human remains that  
8 will enable researchers to trace the home  
9 “roots” in Africa of those individuals buried at  
10 the African Burial Ground; and

11 (C) provides a fitting location for a na-  
12 tional memorial facility, relating to the National  
13 Museum of African American History and Cul-  
14 ture that would—

15 (i) pay special tribute to—

16 (I) the thousands of enslaved in-  
17 dividuals who are buried at the Afri-  
18 can Burial Ground; and

19 (II) all of the individuals who  
20 were enslaved during the history of  
21 the United States;

22 (ii) examine the African cultural tra-  
23 ditions brought to the United States by the  
24 enslaved; and

1 (iii) explore in-depth the institution of  
2 slavery;

3 (9) a memorial museum at the site of the Afri-  
4 can Burial Ground—

5 (A) was first recommended by a Federal  
6 steering committee in 1992; and

7 (B) in conjunction with the World Trade  
8 Center memorial and other nearby sites, would  
9 attract millions of visitors from the United  
10 States and abroad, making a substantial con-  
11 tribution to the development and revitalization  
12 of Lower Manhattan in response to the attacks  
13 on the World Trade Center of September 11,  
14 2001;

15 (10) Public Law 99–511 (100 Stat. 2080) en-  
16 couraged support for the establishment of a com-  
17 memorative structure within the National Park Sys-  
18 tem or on other Federal land that is dedicated to the  
19 promotion of understanding, knowledge, opportunity,  
20 and equality for all people;

21 (11) similar to the National Museum of the Na-  
22 tive American that was established by section 3(a) of  
23 the National Museum of the American Indian Act  
24 (20 U.S.C. 80q–1(a)), a memorial museum at the

1 site of the African Burial Ground would benefit from  
2 a partnership among—

3 (A) the Federal Government;

4 (B) the State of New York;

5 (C) the city of New York; and

6 (D) members of the private sector;

7 (12) the African Burial Ground—

8 (A) has been determined to be nationally  
9 significant as—

10 (i) a National Historic Landmark;

11 and

12 (ii) a National Monument; and

13 (B) provides an important opportunity for  
14 interpretation, understanding, partnership and  
15 pride; and

16 (13) the National Park Service—

17 (A) has played an important role in the de-  
18 velopment of the African Burial Ground (in-  
19 cluding the designation of the African Burial  
20 Ground as a National Monument);

21 (B) successfully operates other national fa-  
22 cilities in the city of New York that symbolize  
23 freedom and the quest for freedom in America,  
24 including—

1 (i) the Statue of Liberty National  
2 Monument; and

3 (ii) the Ellis Island National Monu-  
4 ment;

5 (C) provided key support to the Presi-  
6 dential Study Commission for the National Mu-  
7 seum of African American History and Culture;  
8 and

9 (D) is well-suited to assume a leadership  
10 role with respect to the creation of the Museum.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) ADMINISTRATOR.—The term “Adminis-  
14 trator” means the Administrator of the General  
15 Services Administration.

16 (2) ADVISORY COUNCIL.—The term “Advisory  
17 Council” means the African Burial Ground Advisory  
18 Council established by section 7(a).

19 (3) CITY.—The term “City” means the city of  
20 New York, New York.

21 (4) EXPANSION PROPERTY.—The term “expan-  
22 sion property” means the property that is acquired  
23 by the Secretary under section 5(a).

24 (5) MUSEUM.—The term “Museum” means the  
25 African Burial Ground International Memorial Mu-

1       seum and Educational Center established by section  
2       4(a).

3               (6) NATIONAL LANDMARK.—The term “Na-  
4       tional Landmark” means the African Burial Ground  
5       National Historic Landmark in the City.

6               (7) NATIONAL MONUMENT.—The term “Na-  
7       tional Monument” means the African Burial Ground  
8       National Monument in the City.

9               (8) SECRETARY.—The term “Secretary” means  
10       the Secretary of the Interior, acting through the Di-  
11       rector of the National Park Service.

12              (9) STATE.—The term “State” means the State  
13       of New York.

14   **SEC. 4. ESTABLISHMENT OF MUSEUM.**

15       (a) ESTABLISHMENT.—There is established at the  
16       National Monument a memorial museum and educational  
17       center, to be known as the “African Burial Ground Inter-  
18       national Memorial Museum and Educational Center”.

19       (b) PURPOSES.—The purposes of the Museum are—

20              (1) to serve as a permanent living memorial—

21                      (A) to the enslaved who are buried at the  
22                      African Burial Ground; and

23                      (B) to other Africans and African-Ameri-  
24                      cans who were enslaved;



1           (2) to examine the African cultural traditions  
2 brought to the United States by the enslaved;

3           (3) to explore in-depth the institution of slavery  
4 in the United States and other parts of the world;

5           (4) to provide a space for—

6                 (A) permanent and temporary exhibits;

7                 and

8                 (B) the collection and study of artifacts  
9 and documents; and

10          (5) to encourage collaboration between the Mu-  
11 seum and the National Museum of African American  
12 History and Culture, other museums, historically  
13 Black colleges and universities, historical societies,  
14 educational institutions, and other appropriate enti-  
15 ties and organizations, including collaboration with  
16 respect to—

17                 (A) the development of cooperative pro-  
18 grams and exhibitions, including through dig-  
19 ital, electronic, and interactive technologies;

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

22                 (C) the training of Museum and National  
23 Park Service professionals and other persons  
24 concerned with heritage preservation.

1           (c) ASSOCIATION WITH NATIONAL MUSEUM.—The  
 2 Museum shall become associated with the National Mu-  
 3 seum of African American History and Culture, in a man-  
 4 ner to be determined by the Secretary, in consultation with  
 5 the Advisory Council and the Board of Regents of the  
 6 Smithsonian Institution.

7 **SEC. 5. SITE ACQUISITION AND DEVELOPMENT.**

8           (a) IN GENERAL.—The Secretary, in consultation  
 9 with the Administrator, the Secretary of the Smithsonian  
 10 Institution, the City, the State, and the Advisory Council,  
 11 shall—

12                   (1) acquire for the Museum property that is lo-  
 13 cated—

14                           (A) adjacent to the National Monument; or

15                           (B) in any other area of the National  
 16 Landmark other than the location described in  
 17 subparagraph (A); and

18                   (2) plan, design, and construct the Museum on  
 19 the property acquired under paragraph (1).

20           (b) FEDERAL SHARE.—The Secretary shall pay  $\frac{2}{3}$   
 21 of the total costs of—

22                   (1) acquiring property for the Museum; and

23                   (2) planning, designing, constructing, recon-  
 24 structing, and renovating, as applicable, the Mu-  
 25 seum.

1 (c) CONTRACTING AUTHORITY.—

2 (1) IN GENERAL.—The Secretary and the Ad-  
3 ministrator may enter into any agreements with  
4 each other, the City, the State, and other parties  
5 that are necessary for the acquisition, by donation or  
6 other means, of property for—

7 (A) establishing the Museum; and

8 (B) planning, designing, constructing, re-  
9 constructing, and renovating, as applicable, the  
10 Museum.

11 (2) SITE ACQUISITION.—The Secretary may ac-  
12 quire property under subsection (a)(1) by purchase,  
13 long-term lease, or any other appropriate means of  
14 acquisition, as determined by the Secretary.

15 (d) EXPANSION OF NATIONAL MONUMENT.—The ex-  
16 pansion property is incorporated in, and shall be managed  
17 as part of, the National Monument.

18 **SEC. 6. OPERATION OF THE MUSEUM.**

19 (a) IN GENERAL.—The Secretary, in consultation  
20 with the Advisory Council, shall operate the Museum.

21 (b) AUTHORITIES.—The Secretary, in consultation  
22 with the Advisory Council, may—

23 (1) purchase, accept, borrow, and otherwise ac-  
24 quire artifacts for the collections of the Museum;

1           (2) loan, exchange, sell, and otherwise dispose  
2 of any part of the collections of the Museum, if the  
3 proceeds of the disposition are used for additions to  
4 the collections of the Museum;

5           (3) specify criteria with respect to the use of  
6 the collections and resources of the Museum, includ-  
7 ing policies on programming, education, exhibitions,  
8 and research;

9           (4) provide for preservation, restoration, and  
10 maintenance of the collections of the Museum;

11           (5) solicit, accept, use, and dispose of gifts, be-  
12 quests, and devises of real and personal property for  
13 the purpose of facilitating the work of the Museum;

14           (6) contract with such parties as may be nec-  
15 essary to facilitate the operation of the Museum;

16           (7) administer the National Monument as a  
17 unit of the National Park System in accordance  
18 with—

19                   (A) this Act; and

20                   (B) the laws generally applicable to units  
21 of the National Park System, including applica-  
22 ble provisions of division A of subtitle I of title  
23 54, United States Code; and

24           (8) conduct any other activities that are nec-  
25 essary to carry out the purposes of this Act.

1 **SEC. 7. ADVISORY COUNCIL.**

2 (a) ESTABLISHMENT.—There is established within  
3 the Department of the Interior an advisory council to be  
4 known as the “African Burial Ground Advisory Council”.

5 (b) MEMBERSHIP.—

6 (1) COMPOSITION.—The Advisory Council shall  
7 be composed of the following members or their des-  
8 ignees:

9 (A) The Secretary, who shall serve as  
10 Chairperson of the Advisory Council.

11 (B) The Director of the National Park  
12 Service.

13 (C) The Secretary of the Smithsonian In-  
14 stitution.

15 (D) The Administrator.

16 (E) The Governor of the State.

17 (F) The Mayor of the City.

18 (G) The President of the Borough of Man-  
19 hattan.

20 (H) Fourteen members, to be appointed by  
21 the Secretary, taking into consideration—

22 (i) recommendations from organiza-  
23 tions and entities that are committed to  
24 the legacy of the African Burial Ground;  
25 and

1 (ii) recommendations from the mem-  
2 bers of the Advisory Council.

3 (2) NONVOTING MEMBERS.—The Secretary  
4 may appoint as nonvoting members of the Advisory  
5 Council—

6 (A) members of the United States Senate;

7 (B) members of the House of Representa-  
8 tives;

9 (C) officials representing the City;

10 (D) officials representing the State; and

11 (E) any other individuals that the Sec-  
12 retary, in consultation with the members of the  
13 Advisory Council, determines to be appropriate.

14 (3) DATE OF APPOINTMENTS.—The initial ap-  
15 pointment of a member under paragraph (1) shall be  
16 made not later than 180 days after the date of en-  
17 actment of this Act.

18 (c) TERMS.—

19 (1) IN GENERAL.—Except as provided in para-  
20 graph (2), each member of the Advisory Council  
21 shall be appointed for a term of 3 years.

22 (2) INITIAL APPOINTEES.—Of the members  
23 first appointed under subsection (b)(1)(H)—

24 (A) 5 members shall be appointed for a  
25 term of 1 year;

1 (B) 5 members shall be appointed for a  
2 term of 2 years; and

3 (C) 4 members shall be appointed for a  
4 terms of 3 years.

5 (3) REAPPOINTMENT.—

6 (A) IN GENERAL.—A member of the Advi-  
7 sory Council may be reappointed, except that no  
8 individual may serve on the Advisory Council  
9 for a total of more than 2 terms.

10 (B) VACANCY APPOINTMENTS.—For pur-  
11 poses of subparagraph (A), the number of  
12 terms an individual serves on the Advisory  
13 Council shall not include any portion of a term  
14 for which an individual is appointed to fill a va-  
15 cancy under paragraph (4)(B).

16 (4) VACANCIES.—

17 (A) IN GENERAL.—A vacancy on the Advi-  
18 sory Council—

19 (i) shall not affect the powers of the  
20 Advisory Council; and

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

23 (B) TERM.—Any member of the Advisory  
24 Council appointed to fill a vacancy occurring  
25 before the expiration of the term for which the

1 member's predecessor was appointed shall be  
2 appointed for the remainder of that term.

3 (d) DUTIES.—The Advisory Council shall—

4 (1) make recommendations to the Secretary on  
5 the planning, design, and construction of the Mu-  
6 seum;

7 (2) advise and assist the Secretary on all mat-  
8 ters relating to the administration, operation, main-  
9 tenance, and preservation of the Museum;

10 (3) provide significant opportunities for public  
11 input with respect to carrying out the duties under  
12 paragraphs (1) and (2); and

13 (4) adopt bylaws for the operation of the Advi-  
14 sory Council.

15 (e) COMPENSATION.—

16 (1) IN GENERAL.—Except as provided in para-  
17 graph (2), a member of the Advisory Council shall  
18 serve without compensation.

19 (2) TRAVEL EXPENSES.—A member of the  
20 Council shall be allowed travel expenses, including  
21 per diem in lieu of subsistence, at rates authorized  
22 for an employee of an agency under subchapter I of  
23 chapter 57 of title 5, United States Code, while  
24 away from the home or regular place of business of



1 the member in the performance of the duties of the  
2 Advisory Council.

3 (f) MEETINGS.—

4 (1) IN GENERAL.—The Advisory Council shall  
5 meet at the call of the chairperson or on the written  
6 request of a majority of the members of the Advi-  
7 sory Council, but not fewer than 2 times each year.

8 (2) INITIAL MEETINGS.—During the 1-year pe-  
9 riod beginning on the date of the first meeting of the  
10 Advisory Council, the Advisory Council shall meet  
11 not fewer than 4 times for the purpose of carrying  
12 out the duties of the Advisory Council.

13 (g) QUORUM.—A majority of the members of the Ad-  
14 visory Council shall constitute a quorum for the purpose  
15 of conducting business, but a lesser number may receive  
16 information on behalf of the Advisory Council.

17 **SEC. 8. DIRECTOR AND STAFF.**

18 (a) DIRECTOR.—

19 (1) IN GENERAL.—The Secretary shall appoint  
20 a Director for the Museum, taking into consider-  
21 ation recommendations by the Advisory Council.

22 (2) DUTIES.—The Director of the Museum  
23 shall manage the Museum, in accordance with any  
24 policies established by the Secretary, in consultation  
25 with the Advisory Council.

1 (b) STAFF.—

2 (1) APPOINTMENT.—The Secretary may, with-  
3 out regard to the civil service laws, appoint 2 em-  
4 ployees to assist the Director of the Museum in car-  
5 rying out the duties of the Director.

6 (2) COMPENSATION.—The employees appointed  
7 under subsection (b) may be paid without regard to  
8 the provisions of chapter 51 and subchapter III of  
9 chapter 53 of title 5, United States Code.

10 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—Except as provided in subsection  
12 (b), there are authorized to be appropriated to the Sec-  
13 retary to carry out this Act—

14 (1) \$15,000,000 for fiscal year 2018; and

15 (2) such sums as are necessary for each fiscal  
16 year thereafter.

17 (b) ACQUISITION OF MUSEUM SITE.—There are au-  
18 thorized to be appropriated such sums as are necessary  
19 to carry out section 5.

20 (c) AVAILABILITY.—Amounts made available under  
21 subsections (a) and (b) shall remain available, without fis-  
22 cal year limitation, until expended.

23 (d) USE OF FUNDS FOR FUND-RAISING.—Amounts  
24 made available under this section may be used to raise

- 1 funds from private sources to support and promote the
- 2 Museum.

