

(2) there exists no national museum within the Smithsonian Institution that—

(A) is devoted to the documentation of African American life, art, history, and culture; and

(B) encompasses, on a national level—

- (i) the period of slavery;
- (ii) the era of Reconstruction;
- (iii) the Harlem renaissance;
- (iv) the civil rights movement; and
- (v) other periods associated with African American life, art, history, and culture; and

(3) a National Museum of African American History and Culture would be dedicated to the collection, preservation, research, and exhibition of African American historical and cultural material reflecting the breadth and depth of the experiences of individuals of African descent living in the United States.

(Pub. L. 108-184, § 2, Dec. 16, 2003, 117 Stat. 2676.)

#### SHORT TITLE

Pub. L. 108-184, § 1, Dec. 16, 2003, 117 Stat. 2676, provided that: “This Act [enacting this subchapter] may be cited as the ‘National Museum of African American History and Culture Act.’”

### § 80r-1. Definitions

In this subchapter:

#### (1) Board of Regents

The term “Board of Regents” means the Board of Regents of the Smithsonian Institution.

#### (2) Council

The term “Council” means the National Museum of African American History and Culture Council established by section 80r-3 of this title.

#### (3) Museum

The term “Museum” means the National Museum of African American History and Culture established by section 80r-2 of this title.

#### (4) Secretary

The term “Secretary” means the Secretary of the Smithsonian Institution.

(Pub. L. 108-184, § 3, Dec. 16, 2003, 117 Stat. 2676.)

### § 80r-2. Establishment of Museum

#### (a) Establishment

There is established within the Smithsonian Institution a museum to be known as the “National Museum of African American History and Culture”.

#### (b) Purpose

The purpose of the Museum shall be to provide for—

(1) the collection, study, and establishment of programs relating to African American life, art, history, and culture that encompass—

- (A) the period of slavery;
- (B) the era of Reconstruction;
- (C) the Harlem renaissance;
- (D) the civil rights movement; and
- (E) other periods of the African American diaspora;

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

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

(4) collaboration between the Museum and other museums, historically black colleges and universities, historical societies, educational institutions, and other organizations that promote the study or appreciation of African American life, art, history, or culture, including collaboration concerning—

(A) development of cooperative programs and exhibitions;

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

(C) training of museum professionals.

(Pub. L. 108-184, § 4, Dec. 16, 2003, 117 Stat. 2677.)

### § 80r-3. Council

#### (a) Establishment

There is established within the Smithsonian Institution a council to be known as the “National Museum of African American History and Culture Council”.

#### (b) Duties

##### (1) In general

The Council shall—

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

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

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

(D) report annually to the Board of Regents on the acquisition, disposition, and display of objects relating to African American life, art, history, and culture; and

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

##### (2) Principal responsibilities

The Council, subject to the general policies of the Board of Regents, shall have sole authority to—

(A) purchase, accept, borrow, and otherwise acquire artifacts for addition to the collections of the Museum;

(B) loan, exchange, sell, and otherwise dispose of any part of the collections of the Museum, but only if the funds generated by that disposition are used for additions to the collections of the Museum; or

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

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

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

(iii) the contributions of African Americans to society.

**(3) Other responsibilities**

The Council, subject to the general policies of the Board of Regents, shall have authority—

(A) to provide for preservation, restoration, and maintenance of the collections of the Museum; and

(B) to solicit, accept, use, and dispose of gifts, bequests, and devises of personal property for the purpose of aiding and facilitating the work of the Museum.

**(c) Composition and appointment**

**(1) In general**

The Council shall be composed of 19 voting members as provided under paragraph (2).

**(2) Voting members**

The Council shall include the following voting members:

(A) The Secretary of the Smithsonian Institution.

(B) One member of the Board of Regents, appointed by the Board of Regents.

(C) Seventeen individuals appointed by the Board of Regents—

(i) taking into consideration individuals recommended by organizations and entities that are committed to the advancement of knowledge of African American life, art, history, and culture; and

(ii) taking into consideration individuals recommended by the members of the Council.

**(3) Initial appointments**

The Board of Regents shall make initial appointments to the Council under paragraph (2) not later than 180 days after December 16, 2003.

**(d) Terms**

**(1) In general**

Except as provided in this subsection, each appointed member of the Council shall be appointed for a term of 3 years.

**(2) Initial appointees**

As designated by the Board of Regents at the time of appointment, of the voting members first appointed under subparagraph (C) of subsection (c)(2)—

(A) six members shall be appointed for a term of 1 year;

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

(C) five members shall be appointed for a term of 3 years.

**(3) Reappointment**

A member of the Council may be reappointed, except that no individual may serve on the Council for a total of more than 2 terms. For purposes of this paragraph, the number of terms an individual serves on the Council shall not include any portion of a term for which an individual is appointed to fill a vacancy under paragraph (4)(B).

**(4) Vacancies**

**(A) In general**

A vacancy on the Council—

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

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

**(B) Term**

Any member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

**(e) Compensation**

**(1) In general**

Except as provided in paragraph (2), a member of the Council shall serve without pay.

**(2) Travel expenses**

A member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, while away from the home or regular place of business of the member in the performance of the duties of the Council.

**(f) Chairperson**

By a majority vote of its voting members, the Council shall elect a chairperson from its members.

**(g) Meetings**

**(1) In general**

The Council shall meet at the call of the chairperson or on the written request of a majority of the voting members of the Council, but not fewer than twice each year.

**(2) Initial meetings**

During the 1-year period beginning on the date of the first meeting of the Council, the Council shall meet not fewer than 4 times for the purpose of carrying out the duties of the Council under this subchapter.

**(h) Quorum**

A majority of the voting members of the Council holding office shall constitute a quorum for the purpose of conducting business, but a lesser number may receive information on behalf of the Council.

(Pub. L. 108-184, § 5, Dec. 16, 2003, 117 Stat. 2677.)

**§ 80r-4. Director and staff of the Museum**

**(a) Director**

**(1) In general**

The Museum shall have a Director who shall be appointed by the Secretary, taking into consideration individuals recommended by the Council.

**(2) Duties**

The Director shall manage the Museum subject to the policies of the Board of Regents.

**(b) Staff**

The Secretary may appoint two additional employees to serve under the Director, except that such additional employees may be appointed without regard to the provisions of title 5 governing appointments in the competitive service.