

105TH CONGRESS
1ST SESSION

S. 1282

To provide for the establishment of the National Museum for the Peopling of America within the Smithsonian Institution, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 1997

Mr. AKAKA (for himself, Ms. MOSELEY-BRAUN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To provide for the establishment of the National Museum for the Peopling of America within the Smithsonian Institution, 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 “Peopling of America
5 Museum Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The history of the United States is in large
2 measure the history of how the United States was
3 populated.

4 (2) The evolution of the American population is
5 broadly termed the “peopling of America” and is
6 characterized by the movement of groups of people
7 across external and internal boundaries of the Unit-
8 ed States as well as by the interactions of the groups
9 with each other.

10 (3) Each of the groups has made unique, im-
11 portant contributions to American history, culture,
12 art, and life.

13 (4) The spiritual, intellectual, cultural, political,
14 and economic vitality of the United States is a result
15 of the pluralism and diversity of the population.

16 (5) The Smithsonian Institution operates 16
17 museums and galleries, a zoological park, and 5
18 major research facilities. None of these public enti-
19 ties is a national institution dedicated to presenting
20 the history of the peopling of the United States, as
21 described in paragraph (2).

22 (6) The respective missions of the National Mu-
23 seum of American History of the Smithsonian Insti-
24 tution and the Ellis Island Immigration Museum of
25 the National Park Service limit the ability of those

1 museums to present fully and adequately the history
2 of the diverse population and rich cultures of the
3 United States.

4 (7) The absence of a national facility dedicated
5 solely to presenting the history of the peopling of the
6 United States restricts the ability of the citizens of
7 the United States to fully understand the rich and
8 varied heritage of the United States derived from
9 the unique histories of many peoples from many
10 lands.

11 (8) The establishment of a Peopling of America
12 Museum to conduct educational and interpretive pro-
13 grams on the multiethnic and multiracial character
14 of the history of the United States will assist in in-
15 spiring and better informing the citizens of the Unit-
16 ed States concerning the rich and diverse cultural
17 heritage of the citizens.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) CHAIRPERSON.—The term “Chairperson”
21 means the Chairperson of the Committee.

22 (2) COMMITTEE.—The term “Committee”
23 means the Advisory Committee on American Cul-
24 tural Heritage established under section 7(a).

1 (1) a location for permanent and temporary ex-
2 hibits depicting the historical process by which the
3 United States was populated;

4 (2) a center for research and scholarship relat-
5 ing to the life, art, culture, and history of the groups
6 of people of the United States;

7 (3) a repository for the collection, study, and
8 preservation of artifacts, artworks, and documents
9 relating to the diverse population of the United
10 States;

11 (4) a venue for public education programs de-
12 signed to explicate the multicultural past and
13 present of the United States;

14 (5) a location for the development of a stand-
15 ardized index of documents, artifacts, and artworks
16 in collections that are held by the Smithsonian Insti-
17 tution, classified in a manner consistent with the
18 purposes of the Museum;

19 (6) a clearinghouse for information on docu-
20 ments, artifacts, and artworks relating to the groups
21 of people of the United States that may be available
22 to researchers, scholars, or the general public
23 through non-Smithsonian collections, such as docu-
24 ments, artifacts, and artworks relating to the groups
25 that are held by—

1 (A) other Federal agencies;

2 (B) other museums;

3 (C) universities;

4 (D) individuals; and

5 (E) foreign institutions;

6 (7) a folklife center committed to highlighting
7 the cultural expressions of various groups of people
8 within the United States;

9 (8) a center to promote mutual understanding
10 and tolerance among the groups of people of the
11 United States through exhibits, films, brochures,
12 and other appropriate means;

13 (9) an oral history library developed through
14 interviews with volunteers, including visitors;

15 (10) a location for a visitor center that shall
16 provide individually tailored orientation guides for
17 visitors to all Smithsonian Institution facilities;

18 (11) a location for the training of museum pro-
19 fessionals and others in the arts, humanities, and
20 sciences with respect to museum practices relating
21 to the life, art, history, and culture of the various
22 groups of people of the United States; and

23 (12) a location for developing, testing, dem-
24 onstrating, evaluating, and implementing new mu-
25 seum-related technologies that assist in fulfilling the

1 purposes of the Museum, enhance the operation of
2 the Museum, and improve the accessibility of the
3 Museum.

4 **SEC. 5. LOCATION AND CONSTRUCTION.**

5 (a) LOCATION.—The Museum shall be located—

6 (1) in a facility of the Smithsonian Institution
7 that is, or is not, in existence on the date of enact-
8 ment of this Act; and

9 (2) on or near the National Mall located in the
10 District of Columbia.

11 (b) CONSTRUCTION.—The Board of Regents of the
12 Smithsonian Institution may plan, design, reconstruct, or
13 construct appropriate facilities to house the Museum.

14 **SEC. 6. DIRECTOR AND STAFF.**

15 (a) IN GENERAL.—

16 (1) APPOINTMENTS.—The Secretary of the
17 Smithsonian Institution shall appoint and fix the
18 compensation and duties of—

19 (A) a Director, Assistant Director, Sec-
20 retary, and Chief Curator of the Museum; and

21 (B) any other officers and employees that
22 are necessary for the operation of the Museum.

23 (2) QUALIFICATIONS.—Each individual ap-
24 pointed under paragraph (1) shall be an individual
25 who is qualified through experience and training to

1 perform the duties of the office to which that indi-
2 vidual is appointed.

3 (b) **APPLICABILITY OF CERTAIN CIVIL SERVICE**
4 **LAWS.**—The Secretary of the Smithsonian Institution
5 may—

6 (1) appoint the Director and 5 employees under
7 subsection (a), without regard to the provisions of
8 title 5, United States Code, governing appointments
9 in the competitive service; and

10 (2) fix the pay of the Director and the 5 em-
11 ployees, without regard to the provisions of chapter
12 51 and subchapter III of chapter 53 of such title,
13 relating to classification of positions and General
14 Schedule pay rates.

15 **SEC. 7. ADVISORY COMMITTEE ON AMERICAN CULTURAL**
16 **HERITAGE.**

17 (a) **ESTABLISHMENT OF ADVISORY COMMITTEE.**—

18 (1) **ESTABLISHMENT.**—There is established an
19 advisory committee to be known as the “Advisory
20 Committee on American Cultural Heritage”.

21 (2) **MEMBERSHIP.**—

22 (A) **COMPOSITION.**—The Committee shall
23 be composed of 15 members, who shall—

24 (i) be appointed by the Secretary of
25 the Smithsonian Institution;

1 (ii) have expertise in immigration his-
2 tory, ethnic studies, museum science, or
3 any other academic or professional field
4 that involves matters relating to the cul-
5 tural heritage of the citizens of the United
6 States; and

7 (iii) reflect the diversity of the citizens
8 of the United States.

9 (B) INITIAL APPOINTMENTS.—The initial
10 appointments of the members of the Committee
11 shall be made not later than 6 months after the
12 date of enactment of this Act.

13 (3) PERIOD OF APPOINTMENT; VACANCIES.—
14 Members shall be appointed for the life of the Com-
15 mittee. Any vacancy in the Committee shall not af-
16 fect its powers, but shall be filled in the same man-
17 ner as the original appointment.

18 (4) INITIAL MEETING.—Not later than 30 days
19 after the date on which all members of the Commit-
20 tee have been appointed, the Committee shall hold
21 its first meeting.

22 (5) MEETINGS.—The Committee shall meet at
23 the call of the Chairperson, but shall meet not less
24 frequently than 2 times each fiscal year.

1 (6) QUORUM.—A majority of the members of
2 the Committee shall constitute a quorum, but a less-
3 er number of members may hold hearings.

4 (7) CHAIRPERSON AND VICE CHAIRPERSON.—
5 The Committee shall select a Chairperson and Vice
6 Chairperson from among its members.

7 (b) DUTIES OF THE COMMITTEE.—The Committee
8 shall advise the Secretary of the Smithsonian Institution
9 and the Director concerning policies and programs affect-
10 ing the Museum.

11 (c) COMMITTEE PERSONNEL MATTERS.—

12 (1) COMPENSATION OF MEMBERS.—

13 (A) NON-FEDERAL MEMBERS.—Each
14 member of the Committee who is not an officer
15 or employee of the Federal Government shall be
16 compensated at a rate equal to the daily equiva-
17 lent of the annual rate of basic pay prescribed
18 for level IV of the Executive Schedule under
19 section 5315 of title 5, United States Code, for
20 each day (including travel time) during which
21 such member is engaged in the performance of
22 the duties of the Committee.

23 (B) FEDERAL MEMBERS.—Members of the
24 Committee who are officers or employees of the
25 United States shall serve without compensation

1 in addition to that received for their services as
2 officers or employees of the United States.

3 (2) TRAVEL EXPENSES.—The members of the
4 Committee shall be allowed travel expenses, includ-
5 ing per diem in lieu of subsistence, at rates author-
6 ized for employees of agencies under subchapter I of
7 chapter 57 of title 5, United States Code, while
8 away from their homes or regular places of business
9 in the performance of services for the Committee.

10 (3) STAFF.—

11 (A) IN GENERAL.—The Chairperson may,
12 without regard to the civil service laws and reg-
13 ulations, appoint and terminate an executive di-
14 rector and such other additional personnel as
15 may be necessary to enable the Committee to
16 perform its duties. The employment of an execu-
17 tive director shall be subject to confirmation
18 by the Committee.

19 (B) COMPENSATION.—The Chairperson
20 may fix the compensation of the executive direc-
21 tor and other personnel without regard to the
22 provisions of chapter 51 and subchapter III of
23 chapter 53 of title 5, United States Code, relat-
24 ing to classification of positions and General
25 Schedule pay rates, except that the rate of pay

1 for the executive director and other personnel
2 may not exceed the rate payable for level V of
3 the Executive Schedule under section 5316 of
4 such title.

5 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
6 Any Federal Government employee may be detailed
7 to the Committee without reimbursement, and such
8 detail shall be without interruption or loss of civil
9 service status or privilege.

10 (5) PROCUREMENT OF TEMPORARY AND INTER-
11 MITTENT SERVICES.—The Chairperson may procure
12 temporary and intermittent services under section
13 3109(b) of title 5, United States Code, at rates for
14 individuals which do not exceed the daily equivalent
15 of the annual rate of basic pay prescribed for level
16 V of the Executive Schedule under section 5316 of
17 such title.

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