

**(c) Pay**

The employees appointed by the Secretary under subsection (b) of this section may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates.

(Pub. L. 108-184, §6, Dec. 16, 2003, 117 Stat. 2679.)

## REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (b), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

**§ 80r-5. Educational and liaison programs****(a) In general****(1) Programs authorized**

The Director of the Museum may carry out educational and liaison programs in support of the goals of the Museum.

**(2) Specific activities described**

In carrying out this section, the Director shall—

(A) carry out educational programs relating to African American life, art, history, and culture, including—

- (i) programs using digital, electronic, and interactive technologies; and
- (ii) programs carried out in collaboration with elementary schools, secondary schools, and postsecondary schools; and

(B) consult with the Director of the Institute of Museum and Library Services concerning the grant and scholarship programs carried out under subsection (b) of this section.

**(b) Grant and scholarship programs****(1) In general**

In consultation with the Council and the Director of the Museum, the Director of the Institute of Museum and Library Services shall establish—

(A) a grant program with the purpose of improving operations, care of collections, and development of professional management at African American museums;

(B) a grant program with the purpose of providing internship and fellowship opportunities at African American museums;

(C) a scholarship program with the purpose of assisting individuals who are pursuing careers or carrying out studies in the arts, humanities, and sciences in the study of African American life, art, history, and culture;

(D) in cooperation with other museums, historical societies, and educational institutions, a grant program with the purpose of promoting the understanding of modern-day practices of slavery throughout the world; and

(E) a grant program under which an African-American museum (including a non-profit education organization the primary mission of which is to promote the study of African-American diaspora) may use the funds provided under the grant to increase an endowment fund established by the mu-

seum (or organization) as of May 1, 2003, for the purposes of—

- (i) enhancing educational programming; and
- (ii) maintaining and operating traveling educational exhibits.

**(2) Authorization of appropriations**

There are authorized to be appropriated to the Director of the Institute of Museum and Library Services to carry out this subsection—

- (A) \$15,000,000 for fiscal year 2004; and
- (B) such sums as are necessary for each fiscal year thereafter.

(Pub. L. 108-184, §7, Dec. 16, 2003, 117 Stat. 2679.)

**§ 80r-6. Building for the National Museum of African American History and Culture****(a) In general****(1) Location****(A) In general**

Not later than 12 months after December 16, 2003, the Board of Regents shall designate a site for the Museum.

**(B) Sites for consideration**

In designating a site under subparagraph (A), the Board of Regents shall select from among the following sites in the District of Columbia:

(i) The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia.

(ii) The area bounded by Constitution Avenue, Madison Drive, and 14th and 15th Streets, Northwest.

(iii) The site known as the “Liberty Loan site”, located on 14th Street Southwest at the foot of the 14th Street Bridge.

(iv) The site known as the “Banneker Overlook site”, located on 10th Street Southwest at the foot of the L’Enfant Plaza Promenade.

**(C) Availability of site****(i) In general**

A site described in subparagraph (B) shall remain available until the date on which the Board of Regents designates a site for the Museum under subparagraph (A).

**(ii) Transfer to Smithsonian Institution**

Except with respect to a site described in clause (i) of subparagraph (B), if the site designated for the Museum is in an area that is under the administrative jurisdiction of a Federal agency, as soon as practicable after the date on which the designation is made, the head of the Federal agency shall transfer to the Smithsonian Institution administrative jurisdiction over the area.

**(D) Consultation**

The Board of Regents shall carry out its duties under this paragraph in consultation with the following:

- (i) The Chair of the National Capital Planning Commission.

(ii) The Chair of the Commission on Fine Arts.

(iii) The Chair and Vice Chair of the Presidential Commission referred to in section 80r-8 of this title.

(iv) The Chair of the Building and Site Subcommittee of the Presidential Commission referred to in section 80r-8 of this title.

(v) The Chair and ranking minority member of each of the following Committees:

(I) The Committee on Rules and Administration of the Senate.

(II) The Committee on House Administration of the House of Representatives.

(III) The Committee on Transportation and Infrastructure of the House of Representatives.

(IV) The Committee on Appropriations of the House of Representatives.

(V) The Committee on Appropriations of the Senate.

## (2) Construction of building

The Board of Regents, in consultation with the Council, may plan, design, and construct a building for the Museum, which shall be located at the site designated by the Board of Regents under this paragraph.

## (3) Nonapplicability of provisions relating to monuments and commemorative works

Chapter 89 of title 40 shall not apply with respect to the Museum.

## (b) Cost sharing

The Board of Regents shall pay—

(1) 50 percent of the costs of carrying out this section from Federal funds; and

(2) 50 percent of the costs of carrying out this section from non-Federal sources.

## (c) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 108-184, § 8, Dec. 16, 2003, 117 Stat. 2680.)

## § 80r-7. Congressional Budget Act compliance

Authority under this subchapter to enter into contracts or to make payments shall be effective in any fiscal year only to the extent provided in advance in an appropriations Act, except as provided under section 80r-9(b) of this title.

(Pub. L. 108-184, § 9, Dec. 16, 2003, 117 Stat. 2682.)

### REFERENCES IN TEXT

The Congressional Budget Act, referred to in section catchline, probably means the Congressional Budget Act of 1974, which is titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

## § 80r-8. Consideration of recommendations of Presidential Commission

In carrying out their duties under this subchapter, the Council and the Board of Regents shall take into consideration the reports and plans submitted by the National Museum of Af-

rican American History and Culture Plan for Action Presidential Commission under the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001 (Public Law 107-106).

(Pub. L. 108-184, § 10, Dec. 16, 2003, 117 Stat. 2682.)

### REFERENCES IN TEXT

The National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001, referred to in text, is Pub. L. 107-106, Dec. 28, 2001, 115 Stat. 1009, which is not classified to the Code.

## § 80r-9. Authorization of appropriations

### (a) In general

There are authorized to be appropriated to the Smithsonian Institution to carry out this subchapter, other than sections 80r-5(b) and 80r-6 of this title—

(1) \$17,000,000 for fiscal year 2004; and

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

### (b) Availability

Amounts made available under subsection (a) of this section shall remain available until expended.

### (c) Use of funds for fundraising

Amounts appropriated pursuant to the authorization under this section may be used to conduct fundraising in support of the Museum from private sources.

(Pub. L. 108-184, § 11, Dec. 16, 2003, 117 Stat. 2682.)

## CHAPTER 4—NATIONAL ZOOLOGICAL PARK

### Sec.

81.	Administration by Regents of Smithsonian Institution.
82.	Aid in acquisition of collections.
83.	Omitted.
84.	Plans for buildings and bridges.
85.	Concessions.

## § 81. Administration by Regents of Smithsonian Institution

The National Zoological Park is placed under the direction of the Regents of the Smithsonian Institution, who are authorized to transfer to it any living specimens, whether of animals or plants, in their charge, to accept gifts for the park at their discretion, in the name of the United States, to make exchanges of specimens, and to administer and improve the said Zoological Park for the advancement of science and the instruction and recreation of the people.

(Apr. 30, 1890, ch. 173, § 2, 26 Stat. 78; Pub. L. 87-360, Oct. 4, 1961, 75 Stat. 779.)

### AMENDMENTS

1961—Pub. L. 87-360 inserted “and improve” after “administer”.

### ESTABLISHMENT OF PARKS

The National Zoological Park was established under provisions of the District of Columbia Appropriation Act for the Fiscal Year 1890, act Mar. 2, 1889, ch. 370, § 4, 25 Stat. 808, which constituted a commission to select from a certain district along Rock Creek a tract of land, including a section of the creek, suitable for a zo-