

107TH CONGRESS  
1ST SESSION

# H. R. 1718

To establish the National Museum of African American History and Culture within the Smithsonian Institution.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2001

Mr. LEWIS of Georgia (for himself, Mr. WATTS of Oklahoma, Mr. GEPHARDT, Mr. ARMEY, Mr. FROST, Mr. BONIOR, Mr. RANGEL, Mr. HOYER, Mr. LAHOOD, Mr. FRANK, Mr. McDERMOTT, Mr. ETHERIDGE, Mr. LAMPSON, Mr. BORSKI, Mr. MATHESON, Mr. STARK, Mr. DAVIS of Illinois, Mr. SANDERS, Mr. HONDA, Mr. TOM DAVIS of Virginia, Mr. PASCRELL, Ms. KAPTUR, Mr. HOUGHTON, Mr. LUCAS of Oklahoma, Mr. BISHOP, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. FATAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. LEE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-McDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. WATT of North Carolina, Mr. McINTYRE, Mr. JOHNSON of Illinois, Mr. BARRETT, and Mr. LANTOS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish the National Museum of African American History and Culture within the Smithsonian Institution.

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 “National Museum of  
5 African American History and Culture Act of 2001”.

6 **SEC. 2. FINDINGS.**

7        Congress makes the following findings:

8            (1) During the history of our Nation, the  
9            United States has grown into a symbol of democracy  
10           and freedom around the world, and the legacy of Af-  
11           rican Americans is rooted in the very fabric of our  
12           Nation’s democracy and freedom.

13           (2) There exists no national museum within the  
14           Smithsonian Institution located on the National Mall  
15           that is devoted to the documentation of African  
16           American life, art, history, and culture and that en-  
17           compasses on a national level, the period of slavery,  
18           the era of reconstruction, the Harlem renaissance,  
19           the civil rights movement, and beyond.

20           (3) Slavery was an accepted practice in this Na-  
21           tion, authorized by the Government through legisla-  
22           tion such as the fugitive slave law of 1793 (1 Stat.  
23           302) and sanctioned by the Supreme Court in the  
24           Dred Scott decision (Scott v. Sanford, 60 U.S. 393  
25           (1857)).

1           (4) Those African Americans who suffered  
2 under slavery and their descendants show us the  
3 strength of the human character and provide us with  
4 a model of courage, commitment, and perseverance.  
5 A national museum dedicated to the history of and  
6 commemorating those who suffered the grave injus-  
7 tice of slavery in this country will help in “binding  
8 our Nation’s wounds” rooted in slavery and will  
9 allow all Americans to understand the past and  
10 honor the history of all Americans.

11           (5) Leaders of the African American commu-  
12 nity in the 1950s and 1960s led this Nation in the  
13 civil rights movement with the intent of ending dis-  
14 crimination against African Americans. During this  
15 period, many African American churches were de-  
16 stroyed and countless individuals involved in this  
17 movement were often beaten and killed. Through the  
18 devotion and sacrifice of those leaders, the civil  
19 rights movement made great strides in ensuring  
20 equality for African Americans in this country.

21           (6) African Americans have enriched the cul-  
22 tural make-up of the United States by their con-  
23 tributions in the areas of science, medicine, the arts  
24 and humanities, sports, music, and dance.

1           (7) Preserving this rich record of the experi-  
2           ences of African Americans, studying their experi-  
3           ences, and presenting those experiences through ex-  
4           hibits to the public would be of great educational  
5           and social value.

6           (8) The creation of a National Museum of Afri-  
7           can American History and Culture located on the  
8           National Mall in the District of Columbia and ad-  
9           ministered by the Smithsonian Institution's Board of  
10          Regents was endorsed in 1991 by a unanimous vote  
11          by the Smithsonian Institution's Board of Regents.

12          (9) The Smithsonian African American Institu-  
13          tional Study recommended that the National Mu-  
14          seum of African American History and Culture be  
15          established in the Arts and Industries Building of  
16          the Smithsonian Institution.

17          (10) Although the Smithsonian Institution has  
18          had some success in focusing on African American  
19          history and culture, the programming on African  
20          American history and culture has been occasional  
21          and episodic.

22          (11) A National Museum of African American  
23          History and Culture will provide a continued and  
24          consistent African American presence on the Na-  
25          tional Mall.

1           (12) A National Museum of African American  
2           History and Culture will have the ability to admin-  
3           ister other important facilities, including the African  
4           American Burial Ground National Historic Land-  
5           mark in New York, New York, which holds the re-  
6           mains of more than 20,000 enslaved Africans and  
7           first-generation African Americans from the colonial  
8           era. The Secretary of the Smithsonian stated in  
9           1998 that the African American Burial Ground af-  
10          fords the perfect opportunity to gain insight into the  
11          institution of slavery, as practiced in urban, rural,  
12          northern, and southern parts of the United States,  
13          and proposed that a partnership be formed among  
14          the Smithsonian, the National Park Service, and the  
15          General Services Administration to further develop  
16          the site.

17          (13) The National Museum of African Amer-  
18          ican History and Culture established by this Act will  
19          be dedicated to the collection, preservation, research,  
20          and exhibition of African American historical and  
21          cultural material reflecting the breadth and depth of  
22          the experiences of persons of African descent living  
23          in the United States.

24          (14) The National Museum of African Amer-  
25          ican History and Culture will coordinate the collec-

1 tion of material related to African Americans, which  
2 is rapidly disappearing due to a lack of resources  
3 and trained professionals engaged in preservation.

4 (15) The work of the National Museum of Afri-  
5 can American History and Culture will be, fun-  
6 damentally, the same as the work of all museums in  
7 the United States that reflect and express the expe-  
8 riences of the people of the United States in an in-  
9 clusive manner.

10 **SEC. 3. ESTABLISHMENT OF THE NATIONAL MUSEUM OF**  
11 **AFRICAN AMERICAN HISTORY AND CULTURE.**

12 (a) ESTABLISHMENT.—There is established within  
13 the Smithsonian Institution the National Museum of Afri-  
14 can American History and Culture (hereafter referred to  
15 in this Act as the “Museum”), and the Smithsonian Insti-  
16 tution shall maintain and administer the Museum.

17 (b) PURPOSE.—The purpose of the Museum is to pro-  
18 vide for—

19 (1) the collection, study, and creation of schol-  
20 arship relating to the African American diaspora  
21 that encompasses slavery, the era of reconstruction,  
22 the Harlem renaissance, the civil rights movement,  
23 and beyond;

24 (2) the creation and maintenance of permanent  
25 and temporary exhibits documenting African Amer-

1        ican slavery and African American life, art, history,  
2        and culture from slavery and the era of reconstruc-  
3        tion to the Harlem renaissance, the civil rights  
4        movement, and beyond;

5            (3) the collection and study of artifacts and  
6        documents relating to African American life, art,  
7        history, and culture and the African American dias-  
8        pora;

9            (4) the establishment of programs in coopera-  
10       tion with other museums, historical societies, edu-  
11       cational institutions, and other organizations that  
12       research and study modern day practices of slavery  
13       throughout the world;

14           (5) collaboration between the Museum and  
15       other African American museums, historically black  
16       colleges and universities, and other museums, histor-  
17       ical societies, educational institutions, and other or-  
18       ganizations that promote the study of the African  
19       American diaspora including collaboration  
20       regarding—

21            (A) development of cooperative programs  
22       and exhibitions;

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

1 (C) participation in the training of mu-  
2 seum professionals; and

3 (6) leadership and commitment to historical ac-  
4 curacy in the study, education, and exhibition of Af-  
5 rican American life, art, history, and culture in the  
6 Museum and throughout the United States.

7 **SEC. 4. COUNCIL.**

8 (a) ESTABLISHMENT.—There is established in the  
9 Smithsonian Institution the National Museum of African  
10 American History and Culture Council (hereafter referred  
11 to in this Act as the “Council”).

12 (b) DUTIES.—

13 (1) IN GENERAL.—The Council, subject to sub-  
14 section (l) and to the general policies of the Board  
15 of Regents of the Smithsonian Institution (hereafter  
16 referred to in this Act as the “Board of Regents”),  
17 shall have sole authority to—

18 (A) solicit, accept, use, and dispose of  
19 gifts, bequests, and devises of services and  
20 property, both real and personal, for the pur-  
21 pose of aiding and facilitating the work of the  
22 Museum or the Council;

23 (B) establish policy with respect to the uti-  
24 lization of the collections and resources of the  
25 Museum, including policies on programming,

1 education, exhibitions, and research with re-  
2 spect to life, art, and culture of African Ameri-  
3 cans, the role of African Americans in the his-  
4 tory of the United States, from slavery to the  
5 present, and the contributions of African Amer-  
6 icans to society;

7 (C) purchase, accept, borrow, and other-  
8 wise acquire artifacts and other property for  
9 addition to the collections of the Museum;

10 (D) provide for restoration, preservation,  
11 and maintenance of the collections of the Mu-  
12 seum;

13 (E) loan, exchange, sell, and otherwise dis-  
14 pose of any part of the collections of the Mu-  
15 seum, but only if the funds generated by such  
16 disposition are used for additions to the collec-  
17 tions of the Museum or for programs carried  
18 out under section 6; and

19 (F) contract with and compensate Federal  
20 Government and private agencies or persons for  
21 supplies and services that would aid the work of  
22 the Museum, without regard to section 3709 of  
23 the Revised Statutes (41 U.S.C. 5).

24 (2) ADMINISTRATION.—Subject to subsection  
25 (1), the Board of Regents shall advise and assist the

1 Council on all matters relating to the administration,  
2 operation, maintenance, and preservation of the Mu-  
3 seum.

4 (3) ANNUAL REPORT TO CONGRESS.—Subject  
5 to subsection (l), the Council shall submit to Con-  
6 gress an annual report that—

7 (A) provides a detailed account of the ac-  
8 tivities of the Council and the Museum;

9 (B) recommends an annual budget for the  
10 Council and the Museum; and

11 (C) identifies the future needs of the Coun-  
12 cil and the Museum.

13 (4) ANNUAL REPORT TO THE BOARD OF RE-  
14 GENTS.—Subject to subsection (l), the Council shall  
15 report annually to the Board of Regents on the ac-  
16 quisition, disposition, and display of African Amer-  
17 ican objects and artifacts and on other appropriate  
18 matters.

19 (c) COMPOSITION AND APPOINTMENT.—

20 (1) IN GENERAL.—The Council shall be com-  
21 posed of 25 voting members as provided under para-  
22 graph (2) and 7 honorary nonvoting members as  
23 provided under paragraph (3).

24 (2) VOTING MEMBERS.—

1 (A) IN GENERAL.—The Council shall in-  
2 clude the following voting members:

3 (i) The Secretary of the Smithsonian  
4 Institution.

5 (ii) An Assistant Secretary of the  
6 Smithsonian Institution appointed by the  
7 Board of Regents.

8 (B) INITIAL VOTING MEMBERS.—The  
9 Council shall initially include the following vot-  
10 ing members:

11 (i) 13 individuals of diverse disciplines  
12 and geographical residence who are com-  
13 mitted to the advancement of knowledge of  
14 African American history and culture ap-  
15 pointed as follows:

16 (I) 5 individuals shall be ap-  
17 pointed by the President from a list of  
18 nominees provided by the President  
19 pro tempore of the Senate in consulta-  
20 tion with the majority and minority  
21 leaders of the Senate.

22 (II) 5 individuals shall be ap-  
23 pointed by the President from a list of  
24 nominees provided by the Speaker of  
25 the House of Representatives in con-

1 sultation with the majority and minor-  
2 ity leaders of the House of Represent-  
3 atives.

4 (III) 3 individuals shall be ap-  
5 pointed by the President.

6 (ii) 10 individuals appointed as fol-  
7 lows:

8 (I) 5 individuals shall be ap-  
9 pointed by the President from a list of  
10 nominees, provided by the President  
11 pro tempore of the Senate in consulta-  
12 tion with the majority and minority  
13 leaders of the Senate, and rec-  
14 ommended by the Association of Afri-  
15 can American Museums, the National  
16 African American Museum and Cul-  
17 ture Complex, historically black col-  
18 leges and universities, and cultural or  
19 other organizations committed to the  
20 advancement of knowledge of African  
21 American life, art, history and cul-  
22 ture.

23 (II) 5 individuals shall be ap-  
24 pointed by the President from a list of  
25 nominees, provided by the Speaker of

1 the House of Representatives in con-  
2 sultation with the majority and minor-  
3 ity leaders of the House of Represent-  
4 atives, and recommended by the Asso-  
5 ciation of African American Museums,  
6 the National African American Mu-  
7 seum and Culture Complex, histori-  
8 cally black colleges and universities,  
9 and cultural or other organizations  
10 committed to the advancement of  
11 knowledge of African American life,  
12 art, history and culture.

13 (C) SUBSEQUENT APPOINTMENTS.—A va-  
14 cancy created upon the expiration of the term  
15 of any member appointed under subparagraph  
16 (B) shall be filled in the manner provided under  
17 subsection (d)(2)(B).

18 (3) HONORARY NONVOTING MEMBERS.—The  
19 Council shall include the following honorary non-  
20 voting members:

21 (A) The Secretary of the Interior.

22 (B) 3 Members of the House of Represent-  
23 atives appointed by the Speaker of the House of  
24 Representatives upon the recommendation of

1 the majority and minority leaders of the House  
2 of Representatives.

3 (C) 3 Senators appointed by the President  
4 pro tempore of the Senate upon the rec-  
5 ommendation of the majority and minority lead-  
6 ers of the Senate.

7 (d) TERMS.—

8 (1) IN GENERAL.—

9 (A) INITIAL APPOINTMENT.—Except as  
10 provided in this subsection, each initial voting  
11 member of the Council appointed under sub-  
12 section (c)(2)(B) and each honorary nonvoting  
13 member initially appointed under subsection  
14 (c)(3) shall be appointed for a term that termi-  
15 nates 9 years after the date on which the Mu-  
16 seum first opens to the general public.

17 (B) SUBSEQUENT APPOINTMENTS.—Ex-  
18 cept as provided in this subsection, each of the  
19 members of the Council that are appointed to  
20 a full term after the members described in sub-  
21 paragraph (A) shall be appointed for a term of  
22 6 years.

23 (C) REAPPOINTMENT.—Members of the  
24 Council may be reappointed for subsequent  
25 terms.

1 (2) VACANCIES.—

2 (A) IN GENERAL.—Any member appointed  
3 to fill a vacancy occurring before the expiration  
4 of the term for which the member's predecessor  
5 was appointed shall be appointed only for the  
6 remainder of that term.

7 (B) VOTING MEMBERS.—A vacancy among  
8 the voting members on the Council shall be  
9 filled with a member appointed by the President  
10 from a list of nominees provided by the Council.

11 (C) MEMBERS OF CONGRESS.—If a mem-  
12 ber appointed to the Council under subpara-  
13 graph (B) or (C) of subsection (c)(3) ceases to  
14 hold the office that qualified such member for  
15 appointment, that member shall cease to be a  
16 member of the Council. Any vacancy among  
17 such members shall be filled in the manner in  
18 which the original appointment was made.

19 (D) POWERS OF COUNCIL.—A vacancy on  
20 the Council, including among the honorary non-  
21 voting members, shall not affect the powers of  
22 the Council.

23 (e) COMPENSATION.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), members of the Council shall serve with-  
3           out pay.

4           (2) EXPENSES.—Members of the Council shall  
5           receive travel expenses, including per diem in lieu of  
6           subsistence, in accordance with applicable provisions  
7           under subchapter I of chapter 57 of title 5, United  
8           States Code.

9           (f) CHAIRPERSON.—The Council shall elect a chair-  
10          person by a majority vote of the voting members of the  
11          Council.

12          (g) MEETINGS.—

13           (1) IN GENERAL.—The Council shall meet at  
14           the call of the chairperson or upon the written re-  
15           quest of a majority of the voting members of the  
16           Council, but shall meet, subject to paragraph (2),  
17           not fewer than 2 times each year.

18           (2) PLANNING.—During the first year, the  
19           Council shall meet not fewer than 10 times for the  
20           purpose of the planning and design of the Museum.

21          (h) QUORUM.—A majority of the voting members of  
22          the Council shall constitute a quorum for purposes of con-  
23          ducting business, but a lesser number may receive infor-  
24          mation on behalf of the Council.

25          (i) BYLAWS.—The Council shall adopt bylaws.

1 (j) POWERS OF MEMBERS AND AGENTS.—Any mem-  
2 ber or agent of the Council may, if authorized by a major-  
3 ity of the voting members of the Council, take any action  
4 that the Council is authorized to take by this Act.

5 (k) VOLUNTARY SERVICES.—Notwithstanding sec-  
6 tion 1342 of title 31, United States Code, the chairperson  
7 of the Council may accept for the Council voluntary serv-  
8 ices provided by a member of the Council.

9 (l) TRANSFER OF POWERS AND DUTIES.—

10 (1) IN GENERAL.—Except as provided in this  
11 subsection, the Council’s powers and duties shall  
12 transfer to the Board of Regents 3 years after the  
13 date on which the Museum first opens to the general  
14 public.

15 (2) ADVISORY COUNCIL.—

16 (A) IN GENERAL.—3 years after the date  
17 on which the Museum first opens to the general  
18 public, the Council shall become an advisory  
19 council (hereafter referred to in this Act as the  
20 “Advisory Council”). The Advisory Council  
21 shall have the same membership as the Council  
22 had immediately before becoming the Advisory  
23 Council. The terms of the members of the  
24 Council shall continue uninterrupted when such  
25 members become members of the Advisory

1 Council. Subsections (c) through (f) and (h)  
2 through (j) shall apply to the Advisory Council  
3 in the same manner as such subsections applied  
4 to the Council immediately before the Council  
5 becomes the Advisory Council.

6 (B) DUTIES OF THE ADVISORY COUNCIL.—  
7 The Advisory Council shall advise the Board of  
8 Regents on matters related to the administra-  
9 tion, operation, and maintenance of the Mu-  
10 seum.

11 (C) MEETINGS.—The Advisory Council  
12 shall meet not fewer than 1 time each year.

13 (D) PERMANENT COMMITTEE.—Section 14  
14 of the Federal Advisory Committee Act (5  
15 U.S.C. App.) shall not apply to the Advisory  
16 Council.

17 **SEC. 5. DIRECTOR AND STAFF OF THE MUSEUM.**

18 (a) IN GENERAL.—The Council, subject to section  
19 4(l) and in consultation with the Board of Regents, shall  
20 appoint a Director who shall manage the Museum.

21 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
22 LAWS.—

23 (1) APPOINTMENTS.—Subject to section 4(l),  
24 the Council may appoint the Director and any addi-  
25 tional personnel to serve under the Director, without

1 regard to the provisions of title 5, United States  
2 Code, governing appointments in the competitive  
3 service.

4 (2) PAY.—Subject to section 4(l), the Council  
5 may fix the pay of the Director at a rate not to ex-  
6 ceed the maximum rate of basic pay payable for level  
7 III of the Executive Schedule and fix the pay of  
8 such additional personnel as the Council considers  
9 appropriate.

10 **SEC. 6. OFFICE OF EDUCATION AND LIAISON PROGRAMS.**

11 (a) OFFICE ESTABLISHED.—There is established  
12 within the Museum, the Office of Education and Liaison  
13 Programs, which shall carry out educational programs  
14 with respect to the Museum and other programs in col-  
15 laboration with other African American museums.

16 (b) FUNCTIONS.—The Office of Education and Liai-  
17 son Programs shall—

18 (1) carry out public educational programs with-  
19 in the Museum relating to African American life,  
20 art, history, and culture, including programs uti-  
21 lizing digital, electronic, and interactive technologies,  
22 and programs in collaboration with elementary  
23 schools, secondary schools, and post-secondary  
24 schools; and

1           (2) collaborate with African American museums  
2       by—

3           (A) establishing educational grant pro-  
4           grams that strengthen museum operations, im-  
5           prove care of museum collections, and increase  
6           professional development;

7           (B) providing internship and fellowship  
8           programs that allow individuals pursuing ca-  
9           reers or carrying out studies in the arts, hu-  
10          manities, and sciences to study African Amer-  
11          ican life, art, history and culture;

12          (C) providing scholarship programs to as-  
13          sist individuals who demonstrate a commitment  
14          to a career in African American museum man-  
15          agement in financing their studies; and

16          (D) collaborating with national and inter-  
17          national organizations that address the issue of  
18          slavery in the international community.

19 **SEC. 7. LOCATION OF THE NATIONAL MUSEUM OF AFRICAN**  
20 **AMERICAN HISTORY AND CULTURE.**

21       (a) MAIN BUILDING.—The Council, in consultation  
22 with the Board of Regents, is authorized to plan, design,  
23 reconstruct, and renovate the Arts and Industries Build-  
24 ing of the Smithsonian Institution and the surrounding  
25 site to house the Museum. The Council, subject to section

1 4(l), shall consider expanding, and is authorized to ex-  
2 pand, the Arts and Industries Building horizontally,  
3 vertically, and below ground.

4 (b) ADDITIONAL FACILITIES.—

5 (1) ADJACENT FACILITIES.—

6 (A) IN GENERAL.—If the Council deter-  
7 mines that facilities in addition to the Arts and  
8 Industries Building of the Smithsonian Institu-  
9 tion are needed for the Museum, the Council,  
10 subject to section 4(l) and in consultation with  
11 the Administrator of General Services and the  
12 National Capital Planning Commission, is au-  
13 thorized to—

14 (i) identify a site for the additional fa-  
15 cilities;

16 (ii) acquire real property for the addi-  
17 tional facilities;

18 (iii) design the additional facilities;

19 and

20 (iv)(I) construct a building for the ad-  
21 ditional facilities; or

22 (II) reconstruct and renovate a build-  
23 ing for the additional facilities.

1           (B) LOCATION.—Any additional facilities  
2 for the Museum shall be located, if feasible, on  
3 or adjacent to the National Mall.

4           (C) PURCHASE AUTHORITY.—After con-  
5 sultation with the Administrator of General  
6 Services and the National Capital Planning  
7 Commission, the Council, subject to section  
8 4(l), may purchase, with the consent of the  
9 owner thereof, any real property on or adjacent  
10 to the National Mall for such additional facili-  
11 ties.

12           (D) TRANSFER AUTHORITY.—For the pur-  
13 pose of securing additional facilities, any de-  
14 partment or agency of the United States is au-  
15 thorized to transfer to the Council any interest  
16 of such department or agency in real property  
17 located on or adjacent to the National Mall, and  
18 the Council, subject to section 4(l) and after  
19 consultation with the Administrator of General  
20 Services and the National Capital Planning  
21 Commission, may accept any such interest in  
22 such property.

23           (2) FEASIBILITY STUDY FOR AFRICAN BURIAL  
24 GROUND FACILITY.—Subject to section 4(l) and in  
25 consultation with the Director of the National Park

1 Service and the Administrator of General Services,  
2 the Council shall arrange for a study of the African  
3 Burial Ground National Historic Landmark in New  
4 York, New York, to determine the feasibility and  
5 cost of acquiring a site for, planning, designing, and  
6 constructing a significant facility consisting of a mu-  
7 seum and visitors center at or near the site.

8 (c) COST-SHARING.—The Council shall pay  $\frac{1}{2}$  of the  
9 total cost of carrying out this section from appropriated  
10 funds (except with respect to the study under paragraph  
11 (2)(A) for which the Council shall pay 100 percent from  
12 funds appropriated under section 10(b)(3)). The Council  
13 shall pay the remainder of such costs from non-Federal  
14 sources.

15 (d) COMMEMORATIVE WORKS ACT.—Any building to  
16 house the Museum, including any additional facilities for  
17 the Museum, is not a commemorative work for purposes  
18 of the Commemorative Works Act (40 U.S.C. 1001 et  
19 seq.).

20 **SEC. 8. NATIONAL MALL.**

21 In this Act, the term “National Mall” means the Na-  
22 tional Mall (United States Government Reservations 3, 4,  
23 5, and 6) in the District of Columbia.

1 **SEC. 9. AUTHORITY.**

2 Authority under this Act to enter into contracts or  
3 to make payments is effective in any fiscal year only to  
4 the extent provided in advance in an appropriations act,  
5 except as provided under section 10(b)(4).

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) **RENOVATION.**—There is authorized to be appro-  
8 priated such sums as may be necessary to carry out the  
9 activities authorized under section 7, other than section  
10 7(b)(2)(A).

11 (b) **OPERATION AND MAINTENANCE.**—

12 (1) **IN GENERAL.**—There is authorized to be  
13 appropriated to the Council to carry out this Act,  
14 other than sections 6 and 7—

15 (A) \$15,000,000 for fiscal year 2002; and

16 (B) such sums as may be necessary for  
17 each succeeding fiscal year.

18 (2) **OFFICE OF EDUCATION AND LIAISON PRO-**  
19 **GRAMS.**—There is authorized to be appropriated to  
20 the Council to carry out section 6, \$10,000,000 for  
21 fiscal year 2002 and for each succeeding fiscal year.

22 (3) **AFRICAN BURIAL GROUND FEASIBILITY**  
23 **STUDY.**—There is authorized to be appropriated  
24 \$3,000,000 for fiscal year 2002 to carry out section  
25 7(b)(2)(A).

1           (4) AVAILABILITY.—The amounts appropriated  
2           under this subsection shall remain available for the  
3           operation and maintenance of the Museum until ex-  
4           pended.

5 **SEC. 11. AMENDMENT.**

6           Section 5580 of the Revised Statutes (20 U.S.C. 42)  
7           is amended in subsection (b)(2) by inserting “the National  
8           Museum of African American History and Culture,” after  
9           “Performing Arts,”.

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