

**(c) Museum Support Center facility**

The Board of Regents shall plan, design, and construct a facility for the conservation and storage of the collections of the National Museum at the Museum Support Center of the Smithsonian Institution.

**(d) Minimum square footage**

The facilities to be constructed under this section shall have, in the aggregate, a total square footage of at least 400,000 square feet.

**(e) Authority to contract with GSA**

The Board of Regents and the Administrator of General Services may enter into such agreements as may be necessary for planning, designing, and constructing facilities under this section (other than subsection (b)(2)(B)). Under such agreements, the Board of Regents shall transfer to the Administrator, from funds available for planning, designing, and constructing such facilities, such amounts as may be necessary for expenses of the General Services Administration with respect to planning, designing, and constructing such facilities.

**(f) Limitation on obligation of Federal funds**

Notwithstanding any other provision of this subchapter, funds appropriated for carrying out this section may not be obligated for actual construction of any facility under this section until the 60th day after the date on which the Board of Regents transmits to Congress a written analysis of the total estimated cost of the construction and a cost-sharing plan projecting the amount for Federal appropriations and for non-Federal contributions for the construction on a fiscal year basis.

(Pub. L. 101-185, §7, Nov. 28, 1989, 103 Stat. 1339.)

## CODIFICATION

“Section 586(a) and (b) of title 40” substituted in subsec. (b)(1)(A) for “section 210(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(j))”, “section 592 of title 40” substituted in subsec. (b)(1)(B) for “section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f))”, and “section 586(a) and (b) of title 40” substituted in subsec. (b)(1)(B) for “section 210(j) of such Act” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

## NATIONAL NATIVE AMERICAN VETERANS’ MEMORIAL

Pub. L. 103-384, Oct. 22, 1994, 108 Stat. 4067, as amended by Pub. L. 113-70, §2, Dec. 26, 2013, 127 Stat. 1208, provided that:

**“SECTION 1. SHORT TITLE.**

“This Act may be cited as the ‘Native American Veterans’ Memorial Establishment Act of 1994’.

**“SEC. 2. FINDINGS.**

“The Congress finds the following:

“(1) Native Americans across the Nation—Indians, Native Alaskans, and Native Hawaiians—have a long, proud and distinguished tradition of service in the Armed Forces of the United States.

“(2) Native Americans have historically served in the Armed Forces of the United States in numbers which far exceed their representation in the population of the United States.

“(3) Native American veterans count among themselves a number of Medal of Honor recipients. Their numbers are also conspicuous in the ranks of those

who have received other decorations for valor and distinguished service.

“(4) Native Americans have lost their lives in the service of their Nation and in the cause of peace.

“(5) The National Museum of the American Indian was established as a living memorial to Native Americans. Its mission is to advance knowledge and understanding of Native American cultures, including art, history, language, and the contributions Native Americans have made to our society.

“(6) The National Museum of the American Indian is an extraordinary site and an ideal location to establish a National Native American Veterans’ Memorial.

“(7) A National Native American Veterans’ Memorial would further the purposes of the National Museum of the American Indian by giving all Americans the opportunity to learn of the proud and courageous tradition of service of Native Americans in the Armed Forces of the United States.

**“SEC. 3. AUTHORITY TO ESTABLISH MEMORIAL.**

“(a) IN GENERAL.—The National Museum of the American Indian (established by the National Museum of the American Indian Act (20 U.S.C. 80q et seq.)), in close consultation with the National Congress of American Indians and other Native American groups, is authorized to construct and maintain a National Native American Veterans’ Memorial (hereafter in this Act referred to as the ‘memorial’).

“(b) LOCATION.—The memorial shall be located at a site determined to be suitable by the Museum on property under the jurisdiction of the Museum on the site described in section 7(a) of such Act (20 U.S.C. 80q-5(a)) (relating to housing the portion of the Museum to be located in the District of Columbia).

“(c) DESIGN AND PLANS.—(1) The National Congress of American Indians and the National Museum of the American Indian are authorized to hold a competition to select the design of the Memorial. Any design so selected shall be compatible with both the purpose of the Museum, as set forth in section 3(b) of the National Museum of the American Indian Act (20 U.S.C. 80q-1 [(b)]), and with any existing design plans for the Museum’s structure and its surroundings.

“(2) Any design so selected shall be subject to the approval of the Board of Regents of the Smithsonian Institution.

**“SEC. 4. PAYMENT OF EXPENSES AND USE OF NAME.**

“(a) RESPONSIBILITY OF NATIONAL CONGRESS OF AMERICAN INDIANS AND NATIONAL MUSEUM OF THE AMERICAN INDIAN.—The National Congress of American Indians and the National Museum of the American Indian shall be responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

“(b) USE OF NAME.—Use of the name of the Smithsonian Institution or the National Museum of the American Indian in any material regarding the memorial produced by the National Congress of American Indians, other than in a manner simply describing the location of the memorial, shall be subject to consultation with, and the approval of, the Board of Regents of the Smithsonian Institution.”

**§ 80q-6. Custom House office space and auditorium****(a) Repairs and alterations**

The Administrator of General Services shall make such repairs and alterations as may be necessary in the portion of the Old United States Custom House at One Bowling Green, New York, New York, which is not leased to the Board of Regents under section 80q-5(b) of this title and which, as of November 28, 1989, has not been altered.

**(b) Authorization of appropriation**

There is authorized to be appropriated to the Administrator of General Services \$25,000,000 from the fund established pursuant to section 592 of title 40 to carry out this section and section 80q-5(b)(2)(B) of this title.

(Pub. L. 101-185, § 8, Nov. 28, 1989, 103 Stat. 1341.)

## CODIFICATION

“Section 592 of title 40” substituted in subsec. (b) for “section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f))” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

**§ 80q-7. Audubon Terrace****(a) In general**

The Board of Regents shall—

(1) assure that, on the date on which a qualified successor to the Heye Foundation at Audubon Terrace first takes possession of Audubon Terrace, an area of at least 2,000 square feet at that facility is accessible to the public and physically suitable for exhibition of museum objects and for related exhibition activities;

(2) upon written agreement between the Board and any qualified successor, lend objects from the collections of the Smithsonian Institution to the successor for exhibition at Audubon Terrace; and

(3) upon written agreement between the Board and any qualified successor, provide training, scholarship, technical, and other assistance (other than operating funds) with respect to the area referred to in paragraph (1) for the purposes described in that paragraph.

**(b) Determination of charges**

Any charge by the Board of Regents for activities pursuant to agreements under paragraph (2) or (3) of subsection (a) of this section shall be determined according to the ability of the successor to pay.

**(c) Definition**

As used in this section, the terms “qualified successor to the Heye Foundation at Audubon Terrace”, “qualified successor”, and,<sup>1</sup> “successor” mean an organization described in section 501(c)(3) of title 26, and exempt from tax under section 501(a) of title 26, that, as determined by the Board of Regents—

(1) is a successor occupant to the Heye Foundation at Audubon Terrace, 3753 Broadway, New York, New York;

(2) is qualified to operate the area referred to in paragraph (1) for the purposes described in that paragraph; and

(3) is committed to making a good faith effort to respond to community cultural interests in such operation.

(Pub. L. 101-185, § 9, Nov. 28, 1989, 103 Stat. 1342.)

<sup>1</sup> So in original. The comma probably should not appear.

**§ 80q-8. Board of Regents functions with respect to certain agreements and programs****(a) Priority to be given to Indian organizations with respect to certain agreements**

In entering into agreements with museums and other educational and cultural organizations to—

(1) lend Native American artifacts and objects from any collection of the Smithsonian Institution;

(2) sponsor or coordinate traveling exhibitions of artifacts and objects; or

(3) provide training or technical assistance;

the Board of Regents shall give priority to agreements with Indian organizations, including Indian tribes, museums, cultural centers, educational institutions, libraries, and archives. Such agreements may provide that loans or services to such organizations may be furnished by the Smithsonian Institution at minimal or no cost.

**(b) Indian programs**

The Board of Regents may establish—

(1) programs to serve Indian tribes and communities; and

(2) in cooperation with educational institutions, including tribally controlled colleges or universities (as defined in section 1801(a) of title 25), programs to enhance the opportunities for Indians in the areas of museum studies, management, and research.

**(c) Indian Museum Management Fellowships**

The Board of Regents shall establish an Indian Museum Management Fellowship program to provide stipend support to Indians for training in museum development and management.

**(d) Authorization of appropriations**

There is authorized to be appropriated \$2,000,000 for each fiscal year, beginning with fiscal year 1991, to carry out subsections (b) and (c) of this section.

(Pub. L. 101-185, § 10, Nov. 28, 1989, 103 Stat. 1342; Pub. L. 105-244, title IX, § 901(d), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 110-315, title IX, § 941(k)(2)(B), Aug. 14, 2008, 122 Stat. 3465.)

## AMENDMENTS

2008—Subsec. (b)(2). Pub. L. 110-315 substituted “tribally controlled colleges or universities (as defined in section 1801(a) of title 25)” for “tribally controlled community colleges (as defined in section 1801 of title 25)”.

1998—Subsec. (b)(2). Pub. L. 105-244 made technical amendment to reference in original act which appears in text as reference to section 1801 of title 25.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

**§ 80q-9. Inventory, identification, and return of Indian human remains and Indian funerary objects in possession of Smithsonian Institution****(a) Inventory and identification**

(1) The Secretary of the Smithsonian Institution, in consultation and cooperation with tradi-