

nology, and history of Native American peoples;

(4) the Heye Museum is housed in facilities with a total area of 90,000 square feet, but requires a minimum of 400,000 square feet for exhibition, storage, and scholarly research;

(5) the bringing together of the Heye Museum collection and the Native American collection of the Smithsonian Institution would—

(A) create a national institution with unrivaled capability for exhibition and research;

(B) give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans;

(C) provide facilities for scholarly meetings and the performing arts;

(D) make available curatorial and other learning opportunities for Indians; and

(E) make possible traveling exhibitions to communities throughout the Nation;

(6) by order of the Surgeon General of the Army, approximately 4,000 Indian human remains from battlefields and burial sites were sent to the Army Medical Museum and were later transferred to the Smithsonian Institution;

(7) through archaeological excavations, individual donations, and museum donations, the Smithsonian Institution has acquired approximately 14,000 additional Indian human remains;

(8) the human remains referred to in paragraphs (6) and (7) have long been a matter of concern for many Indian tribes, including Alaska Native Villages, and Native Hawaiian communities which are determined to provide an appropriate resting place for their ancestors;

(9) identification of the origins of such human remains is essential to addressing that concern; and

(10) an extraordinary site on the National Mall in the District of Columbia (U.S. Government Reservation No. 6) is reserved for the use of the Smithsonian Institution and is available for construction of the National Museum of the American Indian.

(Pub. L. 101-185, § 2, Nov. 28, 1989, 103 Stat. 1336.)

#### SHORT TITLE OF 2013 AMENDMENT

Pub. L. 113-70, § 1, Dec. 26, 2013, 127 Stat. 1208, provided that: "This Act [amending provisions set out as a note under section 80q-5 of this title] may be cited as the 'Native American Veterans' Memorial Amendments Act of 2013'."

#### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-278, § 1(a), Oct. 9, 1996, 110 Stat. 3355, provided that: "This Act [enacting section 80q-9a of this title and amending sections 80q-3, 80q-9, and 80q-10 of this title] may be cited as the 'National Museum of the American Indian Act Amendments of 1996'."

#### SHORT TITLE

Pub. L. 101-185, § 1, Nov. 28, 1989, 103 Stat. 1336, provided that: "This Act [enacting this subchapter] may be cited as the 'National Museum of the American Indian Act'."

## § 80q-1. National Museum of the American Indian

### (a) Establishment

There is established, within the Smithsonian Institution, a living memorial to Native Americans and their traditions which shall be known as the "National Museum of the American Indian".

### (b) Purposes

The purposes of the National Museum are to—

(1) advance the study of Native Americans, including the study of language, literature, history, art, anthropology, and life;

(2) collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest;

(3) provide for Native American research and study programs; and

(4) provide for the means of carrying out paragraphs (1), (2), and (3) in the District of Columbia, the State of New York, and other appropriate locations.

(Pub. L. 101-185, § 3, Nov. 28, 1989, 103 Stat. 1337.)

## § 80q-2. Authority of Board of Regents to enter into agreement providing for transfer of Heye Foundation assets to Smithsonian Institution

The Board of Regents is authorized to enter into an agreement with the Heye Foundation, to provide for the transfer to the Smithsonian Institution of title to the Heye Foundation assets. The agreement shall—

(1) require that the use of the assets be consistent with section 80q-1(b) of this title; and

(2) be governed by, and construed in accordance with, the law of the State of New York.

The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over any cause of action arising under the agreement.

(Pub. L. 101-185, § 4, Nov. 28, 1989, 103 Stat. 1337.)

## § 80q-3. Board of Trustees of National Museum of the American Indian

### (a) In general

The National Museum shall be under a Board of Trustees with the duties, powers, and authority specified in this section.

### (b) General duties and powers

The Board of Trustees shall—

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

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

(3) adopt bylaws for the Board of Trustees;

(4) designate a chairman and other officers from among the members of the Board of trustees;<sup>1</sup> and

(5) report annually to the Board of Regents on the acquisition, disposition, and display of Native American objects and artifacts and on other appropriate matters.

<sup>1</sup> So in original. Probably should be capitalized.

**(c) Sole authority**

Subject to the general policies of the Board of Regents, the Board of Trustees shall have the sole authority to—

- (1) lend, exchange, sell, or otherwise dispose of any part of the collections of the National Museum, with the proceeds of such transactions to be used for additions to the collections of the National Museum or additions to the endowment of the National Museum, as the case may be;
- (2) purchase, accept, borrow, or otherwise acquire artifacts and other objects for addition to the collections of the National Museum; and
- (3) specify criteria for use of the collections of the National Museum for appropriate purposes, including research, evaluation, education, and method of display.

**(d) Authority**

Subject to the general policies of the Board of Regents, the Board of Trustees shall have authority to—

- (1) provide for restoration, preservation, and maintenance of the collections of the National Museum;
- (2) solicit funds for the National Museum and determine the purposes to which such funds shall be applied; and
- (3) approve expenditures from the endowment of the National Museum for any purpose of the Museum.

**(e) Initial appointments to Board of Trustees****(1) Membership**

The initial membership of the Board of Trustees shall consist of—

- (A) the Secretary of the Smithsonian Institution;
- (B) an Assistant Secretary of the Smithsonian Institution appointed by the Board of Regents;
- (C) 8 individuals appointed by the Board of Regents; and
- (D) 15 individuals, each of whom shall be a member of the board of trustees of the Heye Museum, appointed by the Board of Regents from a list of nominees recommended by the board of trustees of the Heye Museum.

**(2) Special rule**

At least 7 of the 23 members appointed under subparagraphs (C) and (D) of paragraph (1) shall be Indians.

**(3) Terms**

The trustee appointed under paragraph (1)(B) shall serve at the pleasure of the Board of Regents. The terms of the trustees appointed under subparagraph (C) or (D) of paragraph (1) shall be 3 years, beginning on the date of the transfer of the Heye Foundation assets to the Smithsonian Institution.

**(4) Vacancies**

Any vacancy shall be filled only for the remainder of the term involved. Any vacancy appointment under paragraph (1)(D) shall not be subject to the source and recommendation requirements of that paragraph, but shall be subject to paragraph (2).

**(f) Subsequent appointments to Board of Trustees****(1) Membership**

Upon the expiration of the terms under subsection (e) of this section, the Board of Trustees shall consist of—

- (A) the Secretary of the Smithsonian Institution;
- (B) a senior official of the Smithsonian Institution appointed by the Board of Regents; and
- (C) 23 individuals appointed by the Board of Regents from a list of nominees recommended by the Board of Trustees.

**(2) Special rule**

At least 12 of the 23 members appointed under paragraph (1)(C) shall be Indians.

**(3) Terms**

The trustee appointed under paragraph (1)(B) shall serve at the pleasure of the Board of Regents. Except as otherwise provided in the next sentence, the terms of members appointed under paragraph (1)(C) shall be 3 years. Of the members first appointed under paragraph (1)(C)—

- (A) 7 members, 4 of whom shall be Indians, shall be appointed for a term of one year, as designated at the time of appointment; and
- (B) 8 members, 4 of whom shall be Indians, shall be appointed for a term of 2 years, as designated at the time of appointment.

**(4) Vacancies**

Any vacancy shall be filled only for the remainder of the term involved.

**(g) Quorum**

A majority of the members of the Board of Trustees then in office shall constitute a quorum.

**(h) Expenses**

Members of the Board shall be entitled (to the same extent as provided in section 5703 of title 5 with respect to employees serving intermittently in the Government service) to per diem, travel, and transportation expenses for each day (including travel time) during which they are engaged in the performance of their duties.

(Pub. L. 101-185, § 5, Nov. 28, 1989, 103 Stat. 1337; Pub. L. 104-278, § 2, Oct. 9, 1996, 110 Stat. 3355.)

## AMENDMENTS

1996—Subsec. (f)(1)(B). Pub. L. 104-278 substituted “a senior official” for “an Assistant Secretary”.

**§ 80q-4. Director and staff of National Museum****(a) In general**

The Secretary of the Smithsonian Institution shall appoint—

- (1) a Director who, subject to the policies of the Board of Trustees, shall manage the National Museum; and
- (2) other employees of the National Museum, to serve under the Director.

**(b) Offer of employment to Heye Foundation employees**

Each employee of the Heye Museum on the day before the date of the transfer of the Heye

<sup>2</sup> So in original. Probably should be “At”.