

“Museum of African Art” (hereinafter in this subchapter referred to as the “Museum”). The functions of such bureau shall be those authorized by section 80m(a) of this title.

(Pub. L. 95-414, §2, Oct. 5, 1978, 92 Stat. 911.)

#### CONSTRUCTION OF NATIONAL MUSEUM OF AFRICAN ART

Regents of Smithsonian Institution authorized to construct building for National Museum of African Art, see Pub. L. 97-203, June 24, 1982, 96 Stat. 129, set out as a note under section 50 of this title.

### § 80m. Powers of Board

#### (a) Acquisition, retention, and disposition of property; research and education programs

For the purpose of carrying out sections 80k and 80l of this title, the Board may—

(1) purchase, accept, borrow, or otherwise acquire additional works of art or any other real or personal property for the Museum;

(2) preserve, maintain, restore, display, loan, transfer, store, or otherwise hold any property of whatsoever nature acquired pursuant to section 80k of this title or paragraph (1) of this subsection;

(3) conduct programs of research and education; and

(4) subject to any limitations otherwise expressly provided by law, and, in the case of any gift, subject to any applicable restrictions under the terms of such gift, sell, exchange, or otherwise dispose of any property of whatsoever nature acquired pursuant to the provisions of this subchapter: *Provided*, That the proceeds from the sale of any property acquired pursuant to section 80k of this title shall be designated for the benefit of the Museum.

#### (b) Recommendations of Commission

In carrying out the purposes of this subchapter, the Board shall consider the recommendations of the Commission established pursuant to section 80n of this title.

(Pub. L. 95-414, §3, Oct. 5, 1978, 92 Stat. 911.)

### § 80n. Commission for the Museum of African Art

#### (a) Establishment; duties

There is established a Commission for the Museum of African Art (hereinafter the “Commission”) which shall provide advice and assistance to the Board concerning the operation and development of the Museum, its collections and programs.

#### (b) Membership

The Commission shall consist of fifteen members to be appointed by the Board. In addition, the Secretary and an Assistant Secretary of the Smithsonian Institution shall serve as ex officio members. The Board shall appoint to the first term on the Commission no less than ten members of the Board of Trustees of the Museum of African Art who are serving on October 5, 1978. Each initial member so appointed shall serve for a three-year term. Thereafter, in appointing members of the Commission the Board shall continue to include representatives of African descendants in the United States, collectors of African Art, and scholars in the fields of African art and culture.

#### (c) Terms of office

Members of the Commission shall be appointed to serve for a three-year term, except that after the appointment of the first term of the Commission as specified in subsection (b) of this section, the terms of office of members next appointed shall expire, as designated by the Board at the time of appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members may be reappointed.

#### (d) Quorum; vacancies

A majority of the appointed members of the Commission shall constitute a quorum and any vacancy in the Commission shall not affect its power to function.

#### (e) Travel, subsistence, and other expenses

Members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

#### (f) Selection of officers; bylaws

The Commission shall select officers, from among its members biennially and shall make bylaws to carry out its functions under this subchapter.

(Pub. L. 95-414, §4, Oct. 5, 1978, 92 Stat. 911.)

### § 80o. Director, officers, and employees; appointment, compensation, and duties

The Board may appoint and fix the compensation and duties of the Director and such other officers and employees of the Museum as may be necessary for the efficient administration, operation, and maintenance of the Museum; the Director and two other employees of the Museum may be appointed and compensated without regard to the provisions of title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5; and all of the employees of the Museum who are serving on the date of the transfer authorized under section 80k of this title shall be offered employment by the Smithsonian under its usual terms of employment and may be appointed without regard to the provisions of title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5.

(Pub. L. 95-414, §5, Oct. 5, 1978, 92 Stat. 912.)

### § 80p. Funding

#### (a) Federal funds for Museum

The faith of the United States is pledged that upon the completion of the acquisition in section 80k of this title, the United States will provide such funds as may be necessary for the upkeep of the Museum and the administrative expenses and costs of operation thereof, including the protection and care of works of art acquired by the Board, so the Museum shall at all times be properly maintained and works of art contained therein shall be exhibited regularly to the general public free of charge.

**(b) Authorization of appropriations**

There is authorized to be appropriated for the first fiscal year under this subchapter, the sum of \$1,000,000 and such amounts as may be necessary for the succeeding fiscal years in order to carry out the provisions of this subchapter.

(Pub. L. 95-414, § 6, Oct. 5, 1978, 92 Stat. 912.)

## EFFECTIVE DATE

Section effective, except for the provisions in subsec. (b) of this section, on the date of transfer of a deed or other instrument under the provisions of section 80k of this title, see section 7 of Pub. L. 95-414, set out as a note under section 80k of this title.

## SUBCHAPTER XIII—NATIONAL MUSEUM OF THE AMERICAN INDIAN

**§ 80q. Findings**

The Congress finds that—

(1) there is no national museum devoted exclusively to the history and art of cultures indigenous to the Americas;

(2) although the Smithsonian Institution sponsors extensive Native American programs, none of its 19 museums, galleries, and major research facilities is devoted exclusively to Native American history and art;

(3) the Heye Museum in New York, New York, one of the largest Native American collections in the world, has more than 1,000,000 art objects and artifacts and a library of 40,000 volumes relating to the archaeology, ethnology, 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.