

“(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 mu-

seum 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) 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.)

**§ 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

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