

provided that: “The Secretary of the Smithsonian Institution, with the advice of the Commission of Fine Arts, is authorized (1) to accept as a gift to the Smithsonian Institution from George H. Stephenson, of Philadelphia, Pennsylvania, a statue of Brigadier General William L. Mitchell of such character as may be deemed appropriate, and (2) without expense to the United States, to cause such statue to be erected at a suitable location on the grounds of the national air and space museum.”

#### SUBCHAPTER VIII—PALEONTOLOGICAL INVESTIGATIONS

##### § 78. Cooperation of Smithsonian Institution with State institutions for continuing paleontological investigations

The Secretary of the Smithsonian Institution is authorized to cooperate with any State, educational institution, or scientific organization in the United States for continuing paleontological investigations, and the excavation and preservation of fossil remains, in areas which will be flooded by the construction of Government dams or otherwise be made unavailable for such investigations because of such construction: *Provided*, That such investigations and activities shall not duplicate nor affect adversely similar operations being conducted by the Department of Interior in cooperation with the Smithsonian Institution.

(Aug. 15, 1949, ch. 427, §1, 63 Stat. 606.)

##### § 78a. Authorization of appropriations; availability of funds; limit on use of funds during fiscal year; supervision; rules and regulations

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$65,000, which shall be available until expended for the above purposes: *Provided*, That at such time as the Smithsonian Institution is satisfied that any State agency, or any educational institution or scientific organization in any of the United States, is prepared to contribute to such investigation and when in its judgment such investigation shall appear meritorious, the Secretary of the Smithsonian Institution may make available for such investigation such amounts from this sum as shall be equal to the amounts contributed respectively by each such State agency, or educational institution or scientific organization: *Provided further*, That the amount to be made available from this sum for such investigation in cooperation with each such State agency, or educational institution or scientific organization, shall not exceed \$10,000 in any fiscal year: *Provided further*, That all such cooperative work and division of the result thereof shall be under the direction of the Secretary of the Smithsonian Institution: *Provided further*, That where lands are involved which are controlled by the Government of the United States, cooperative work thereon shall be under the provisions of section 1866(b) of title 18 and sections 320302 and 320303 of title 54, and rules and regulations pertaining thereto.

(Aug. 15, 1949, ch. 427, §2, 63 Stat. 606; Pub. L. 113-287, §5(e)(1), Dec. 19, 2014, 128 Stat. 3268.)

#### AMENDMENTS

2014—Pub. L. 113-287 substituted “section 1866(b) of title 18 and sections 320302 and 320303 of title 54” for “the Act of June 8, 1906 (16 U.S.C. 432, 433)”.

#### SUBCHAPTER IX—CANAL ZONE BIOLOGICAL AREA

##### § 79. Barro Colorado Island in Gatun Lake to be set aside

The President is authorized and directed to set aside within the Canal Zone an area in Gatun Lake known as Barro Colorado Island in which the natural features shall, except in event of declared national emergency, be left in their natural state for scientific observation and investigation.

(July 2, 1940, ch. 516, §1, 54 Stat. 724.)

#### REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

#### CODIFICATION

Section was formerly classified to section 1381 of Title 48, Territories and Insular Possessions.

#### TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, §3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

##### § 79a. Preservation of natural features for scientific observation and investigation

The purpose of setting aside such an area is to preserve and conserve its natural features, including existing flora and fauna, in as nearly a natural condition as possible, thus providing a place where duly qualified students can make observations and scientific investigations for increase of knowledge, under such conditions and regulations as may be prescribed by the Smithsonian Institution.

(July 2, 1940, ch. 516, §2, 54 Stat. 724; 1946 Reorg. Plan No. 3, §801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101.)

#### CODIFICATION

Section was formerly classified to section 1382 of Title 48, Territories and Insular Possessions.

#### TRANSFER OF FUNCTIONS

“Smithsonian Institution” substituted in text for “Board of Directors of the Canal Zone Biological Area” by Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

##### § 79b. Functions of Smithsonian Institution

The Smithsonian Institution shall (a) determine the policy, prescribe conditions under which studies may be pursued within the area, and promulgate regulations for carrying out the purposes of this subchapter; (b) be responsible for the construction and maintenance of laboratory and other facilities on the area provided for the use of students authorized to carry on studies within the confines of the area; (c) deposit

into the Treasury of the United States sums donated or subscribed or collected to be expended for carrying out the purposes of this subchapter; (d) in its discretion, fixed<sup>1</sup> charges that may be made for use of laboratory or other facilities provided students authorized to make observations and investigations within the prescribed area and provide for the collection of such sums for deposit into the Treasury of the United States; (e) make such disposal of any moneys donated, subscribed, collected, or otherwise provided as in its judgment is to the best interest in carrying out the purpose of this subchapter: *Provided*, That sums contributed or appropriated for specific purposes shall be used for such purpose only; and (f) include in its annual report of its operations to Congress a statement of activities and operations during the preceding year.

(July 2, 1940, ch. 516, § 4, 54 Stat. 724; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101; Pub. L. 89-280, § 2, Oct. 20, 1965, 79 Stat. 1012.)

#### CODIFICATION

Section was formerly classified to section 1384 of Title 48, Territories and Insular Possessions.

#### AMENDMENTS

1965—Pub. L. 89-280 substituted provisions in cl. (f) requiring the Smithsonian Institution to include in its annual report of its operations to Congress a statement of activities and operations during the preceding year for provisions which required the Smithsonian Institution to submit to the Congress of the United States not later than the 15th day of each January a report of activities and operations during the preceding year.

#### TRANSFER OF FUNCTIONS

“Smithsonian Institution” substituted in text for “Board of Directors of the Canal Zone Biological Area” and former clause (a) which provided for annual meetings of Board was superseded by Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

### § 79c. Resident manager; powers and duties; compensation

The Smithsonian Institution may select and designate a resident manager to assist in carrying out the policy, conditions, and regulations approved by it in compliance with the purposes of this subchapter. The resident manager shall receive such compensation for his services as may be allowed by the Smithsonian Institution.

(July 2, 1940, ch. 516, § 5, 54 Stat. 725; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101.)

#### CODIFICATION

Section was formerly classified to section 1385 of Title 48, Territories and Insular Possessions.

#### TRANSFER OF FUNCTIONS

References to the “Board of Directors of the Canal Zone Biological Area” and its “executive officer” changed to “Smithsonian Institution” and provisions for the appointment and compensation of said executive officer were superseded by Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

<sup>1</sup> So in original. Probably should be “fix”.

### § 79d. Deposit of receipts into Treasury; disbursements

All moneys received by donation, subscription, fees, or otherwise, except the moneys appropriated pursuant to section 79e of this title, for carrying out the purposes of this subchapter shall be deposited into the Treasury as trust funds and are appropriated for such purposes. Disbursements of such funds shall be made by the Secretary of the Treasury through the Fiscal Service on requisitions or vouchers signed by or on authority of the Smithsonian Institution.

(July 2, 1940, ch. 516, § 6, 54 Stat. 725; 1940 Reorg. Plan No. III, § 1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101.)

#### CODIFICATION

Section was formerly classified to section 1386 of Title 48, Territories and Insular Possessions.

#### TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

“Smithsonian Institution” substituted in text for “executive officer of the Board of Directors of the Canal Zone Biological Area” by Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5.

“Fiscal Service” substituted in text for “Division of Disbursement” on authority of section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, which consolidated such division into Fiscal Service of Department of the Treasury. See section 306 of Title 31, Money and Finance.

### § 79e. Authorization of appropriations

There are authorized to be appropriated annually, from money in the Treasury of the United States not otherwise appropriated, such sums as are necessary for the administration of this subchapter and for the maintenance of laboratory or other facilities provided for carrying out the purposes of this subchapter.

(July 2, 1940, ch. 516, § 7, 54 Stat. 725; Pub. L. 89-280, § 1, Oct. 20, 1965, 79 Stat. 1012; Pub. L. 96-89, § 1, Oct. 19, 1979, 93 Stat. 697; Pub. L. 98-57, § 1, July 22, 1983, 97 Stat. 293.)

#### CODIFICATION

Section was formerly classified to section 1387 of Title 48, Territories and Insular Possessions.

#### AMENDMENTS

1983—Pub. L. 98-57 struck out “, not to exceed \$750,000” after “such sums”.

1979—Pub. L. 96-89 substituted “\$750,000” for “\$350,000”.

1965—Pub. L. 89-280 substituted “\$350,000” for “\$10,000”.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-57, § 2, July 22, 1983, 97 Stat. 293, provided that: “The provision in the first section of this Act [amending this section] shall take effect on October 1, 1983.”