

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.)

**Statutory Notes and Related Subsidiaries**

**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.)

**Statutory Notes and Related Subsidiaries**

**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.

**(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.

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