

**§ 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.

**(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**

A<sup>2</sup> 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

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

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