



Smithsonian
National Museum of Natural History

CONTRACT POSITION: Cataloging Technician - UC Riverside: Davis, Green & MacGregor Kimberlite Xenolith Collection

Contractor shall provide professional, technical, non-personal services to the Smithsonian Institution's National Museum of Natural History, Department of Mineral Sciences, Division of Petrology and Volcanology, National Rock and Ore Collections. Contractor will organize, catalog and capture specimen data for the Davis, Green and MacGregor Kimberlite Xenolith Collection, a gift from the University of California, Davis. The collection currently resides in 79 boxes in the room E433 of the Department of Mineral Sciences and consists of Kimberlite and Xenolith specimens, preparations and documentation from various localities. The estimated time frame to complete the contract is 42 weeks = 10.5 months.

Desirable qualifications include:

- A bachelor's degree in geology, earth science, or related physical science
- Basic knowledge of geologic nomenclature
- Experience working with museum specimens and knowledge of proper specimen handling techniques.
- Skills using word processing and spreadsheet software such as Microsoft Word and Excel

The work will take place at the Museum Support Center in Suitland, Maryland. The contractor will have access to the facility between the hours of 8:00am and 5:00pm, Monday through Friday. The contract will require an estimated 10.5 months of work, and the period of the contract shall not exceed one year. Liability insurance through the Smithsonian Institution is required.

A copy of this announcement, including the Request for Quote, Statement of Work, and any updates related to the announcement, is available at <https://naturalhistory.si.edu/research/mineral-sciences/opportunities>. To apply for this contract, please send your bid, along with a cover letter that includes the project title, evidence of relevant experience and/or past performance as described in the Request For Quote, and resume/CV to Cathleen Brown (brownc@si.edu) before July 14, 2024.

The Smithsonian Institution is an Equal Opportunity Employer.

Request for Quotes (RFQ)- Curation of the UC Riverside Davis, Green & MacGregor Kimberlite Xenolith Collection

This Request for Quote (RFQ) is issued by the Smithsonian Institution's Department of Mineral Sciences for a contractor to provide technical, non-personal services to the Smithsonian's National Museum of Natural History, Department of Mineral Sciences, Division of Petrology and Volcanology, National Rock and Ore Collections. Contractor will organize, catalog and capture data for the Curation of the UC Riverside: Davis, Green & MacGregor Kimberlite Xenolith Collection. This collection consists of 79 boxes of specimens and their associated preparations and documentation. These services are in accordance with the Statement of Work (SOW)

I. SUBMITTING YOUR QUOTE

Price quotes must be submitted by electronic mail (email). Quotes are due by midnight July 14, 2024.

Email to: brownc@si.edu

II. DESCRIPTION OF REQUIRED SERVICES

The Collection pertinent to this advertisement is located at the Smithsonian Institution's Museum Support Center in Suitland, Maryland. A contractor is required to unpack, collate, gather all sample specific information in a spreadsheet and label all specimens with NMNH catalog numbers. The Contractor will be required to:

1. Contractor shall organize the specimens and/or specimen lots by collectors' field number in appropriately sized archival quality trays.
2. Contractor shall collate together by field number all preparation types (such as thin sections and powders with corresponding hand sample).
3. Contractor shall perform a literature search for all published papers relevant to the specimens already provided by the donor and print hard copies when possible.
4. Contractor shall perform preliminary identification of the lithology of each specimen, when it is not available in the literature and/or field notebooks.
5. Contractor shall apply appropriately sized pant stripe to each specimen larger than a golf ball, and shall place smaller specimens in clear, plastic "ziplock" style bags as appropriate.
6. Contractor shall develop and appropriate numbering scheme, in consultation with the collection manager, and shall assign sequential, unique museum catalog numbers to each specimen or specimen lot according to the established field number order. Museum numbers shall be written directly onto the rock specimens, bags, thin section and their thin section holders, and any other preparations, using archival quality pens.
7. Contractor shall capture all relevant specimen data including, but no limited to, collectors (field) number, museum catalog number and suffix, quantity, the storage location, all known collecting locality information,

preparation(s), reference(s) in the literature, lithology (identification), description (texture, structure), and metadata concerning the acquisition (donor, accession number).

8. Contractor shall create digital records for specimens, using batch-import spreadsheets and/or the Axiell EMu client.

9. Once cataloging has begun, contractor shall submit a copy of the cataloging spreadsheet to the COTR to review prior to receiving payment. A designated technical contact shall review and return the spreadsheet with comments and any necessary corrections. Payment shall be contingent on the contractor providing a written response to each comment and submitting a new copy of the spreadsheet with all requested corrections made.

10. Contractor shall follow departmental data standards and best practices when completing the above tasks. Contractor shall be provided with task-specific training but will mostly be expected to work with limited supervision.

III. EVALUATION

The SI plans to award based on a combination of relevant experience, past performance, qualifications, best value and lowest price. The SI plans to award without discussions, however, does reserve the right to conduct discussions if later determined by the Contracting Officer to be necessary.

All of the following factors are of equal importance. Evaluation factors are:

A. Relevant Experience/Past Performance

1. Relevant experience is that obtained within the past 3 years providing or performing services of similar size, scope, complexity that indicates your suitability for this project.
 - a. Include a brief summary of your training and experience working with museum collections.
2. Past Performance should be indicated by the following:
 - a. Provide a list of current or previous contracts with names of points of contact and their current telephone numbers who can answer specific questions on quality, workmanship and scheduling.
 - b. Provide contract periods of performance dates, dollar value, and brief description of the work performed.
 - c. Include at least one reference for each work area of experience specified above: working with museum collections and working as an independent contractor.

B. Qualifications/Technical Competence

1. Relevant experience working with geologic rock and ore samples.
 - a. Bachelor's degree in geology, earth science or related physical science.
 - b. Basic knowledge of geologic nomenclature.
 - c. Knowledge of proper specimen handling techniques.
 - d. Skills using word processing and spreadsheet software (for example, Microsoft Word and Microsoft Excel).
 - e. Ability to follow both verbal and written instructions and record data accurately and precisely.

- C. Price** Please provide a firm, fixed price that includes all costs. This project is estimated to take 42 weeks/10.5 months to complete.

IV. INSURANCE REQUIREMENTS

Prospective contractors are required to have General Liability Insurance for (e.g. \$5,000,000 and/or a Fidelity Bond for \$1,000,000) and/or (auto insurance is required if the contractor will be required to bring a vehicle onto SI property or SI leased property, and/or transport SI-owned property). Insurance must cover the duration of the contract period. The SI must be listed as additional insured for the General Liability insurance. Proof of insurance must be submitted with quotes. Coverage may be purchased through the Smithsonian.

V. SYSTEM FOR AWARD MANAGEMENT (SAM) REGISTRATION

It is a requirement that current and prospective recipients of contracts and purchase orders awarded by the SI must have an active SAM registration to be eligible for awards, and maintain an active record in SAM throughout the period of time the SI award will be in effect. The SAM requires a one-time business registration, with annual updates, and allows vendors to control the accuracy of the business information they enter. The financial data you enter, which includes the electronic funds transfer (EFT) data collected by SAM, will assist the SI with correctly directing payments on your invoices and complying with the Federal Debt Collection Improvement Act of 1996.

Within thirty (30) calendar days after your SAM registration is activated you must mail a notarized letter to SAM. You will receive guidance on this procedure throughout the SAM registration process and again after your SAM registration is activated. Federal agencies, including SI, have been assured that once an entity's SAM registration is activated, agencies may engage that entity. Notarized letters from registered entities will need to contain specific language. OCon&PPM has provided the preferred language for letters with our form memo OCon 120 – Mandatory Registration in the System for Award Management (SAM) that accompanies this RFQ.

If yours is the acceptable price quote and you are selected for award, your organization's active registration with SAM must be verifiable by SI staff managing this procurement prior to contract or purchase order award being executed, and at the time any modifications or amendments to awards might be required.

You may complete or update your SAM registration information anytime online at <http://sam.gov>. Questions regarding the process may be directed to the Federal Service Desk online at www.fsd.gov or via toll free call to 1-888-606-8220. There is no charge for registering in SAM.

VI. UNIQUE ENTITY IDENTIFIER (UEI) NUMBER

A UEI number is a unique twelve-digit alpha-numeric identifier that will be assigned to you when your SAM registration is completed. A UEI is available for each physical location of your business (see Section V. of this RFQ). You will need to maintain your assigned UEI(s) in a safe location where they may be easily accessed. Your UEI will be required whenever you need to annually update your SAM registration or make changes to your SAM registration information at any time.

VII. LEGISLATIVE AND/OR ADMINISTRATIVE REQUIREMENTS

A. Service Contract Act of 1965, as amended

If services to be performed are covered by the Service Contract Act (SCA), as amended, the SCA shall apply to all work performed under the contract, purchase order, or GSA schedule task order to be issued. Individuals and companies submitting quotes are encouraged to verify the wages and fringe benefits determined by the U.S. Department of Labor to be payable for the Labor Category and in within the location that work performance will occur as cited in the Statement of Work. The SCA wages and fringe benefits payable shall be part of the order award.

Individuals and companies awarded a contract, purchase order or GSA schedule contract task order for SCA covered services are responsible, and required by law, to deliver to its employee(s) or post a notice of the required compensation in a prominent place at the worksite. The SCA provides authority to contracting agencies to withhold contract funds to reimburse underpaid employees, terminate the contract, hold the contractor liable for associated costs to the government, and debar from future government contracts for a period of three (3) years any persons or firms who have violated the SCA. The contracting officer awarding this order, or the Smithsonian Inspector General, may periodically require contractors to provide information that verifies compliance with the SCA for services provided under the awarded contracts, purchase orders or GSA schedule contract task orders.

B. E-Verify

If at award, or anytime during contract performance, the dollar amount of the contract award exceeds \$150,000 or \$5,000,000 under GSA Schedule, with a period of performance over 120 days, the successful bidder is required to register in the E-Verify System and verify that all individuals to be hired under the contract award are eligible for employment within the U.S. This

requirement is not applicable to work that will be performed outside the U.S. or for Commercial Off the Shelf (COTS) items.

E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS). It allows employers to verify the employment eligibility of their employees, regardless of citizenship. For more information on e-verify and when, why and how to register and use the system please go to the USCIS site on the World Wide Web at: [E-Verify.gov](https://e-verify.gov).

Executive Order 13465 and Homeland Security Policy Directive 12 (HSPD-12)

C. Background Investigations

If a contractor employee assigned to the SI under this contract will have an association with SI that will be greater than thirty (30) days, determined either at time of contract award or anytime during contract performance, and will need access to staff-only areas of SI controlled facilities and leased spaces, the employee shall be required to receive an SI Credential. Contractor employees who require an SI Credential shall be required to undergo and pass an appropriate background investigation and complete security awareness training before an SI Credential is issued. Employees whose associations with the SI will be less than 30 days shall not receive a background investigation or SI Credential, however, they must be escorted by Credentialed personnel at all times when in staff-only areas of SI facilities. If relevant to this RFQ, a form OCon 520, Background Investigations and Credentials for Contractors' Personnel, is included. The following actions shall be required to be completed by the SI Contracting Officer's Technical Representative (COTR) and successful vendor:

1. The COTR shall provide an OF-306, Declaration for Federal Employment form, for each of the Contractor's employees who will be assigned to the SI for 30 days or longer. The OF-306 forms must be completed by each person and returned by the Contractor to the COTR, or other designated SI employee, within ten (10) workdays from receipt of the forms by the Contractor.
2. For contractors to SI organizations outside the Washington DC and New York City areas, forms SF-87, Fingerprint Cards, shall be provided to the Contractor by the COTR or other designated SI employee. Each form SF-87 must be returned to the COTR, or other designated SI employee, within ten (10) workdays from receipt of the forms by the Contractor. When necessary, the forms SF-87 shall be submitted by the Contractor with the OF-306.

Homeland Security Policy Directive 12 (HSPD-12)

VIII. INFORMATION TO BE SUBMITTED WITH QUOTES

Quotes submitted must include the following information to be deemed responsive to this Request for Quote and accepted by the SI:

- A.** Documentation of your current active SAM registration with the date it will expire.
- B.** Project Title.
- C.** Relevant Experience and Past Performance as described in Section IIA above.
- D.** A resume with work and education experience.

ATTACHMENT(S):

- Statement of Work: NMNH Curation of the UC Riverside Davis, Green & MacGregor Kimberlite Xenolith Collection
- Smithsonian Institution Purchase Order Terms & Conditions (SI-147A)
- Smithsonian Institution Privacy and Security Clause (SI-147B – March 13, 2024 [Rev.])
- Smithsonian Rights-In-Data Clause (June 2001)
- Smithsonian confidentiality and Disclosure Clause (OCon 140 – January 2002 [Rev.])
- Smithsonian Background Investigations and Credentials for Contractor’s Personnel (OCon 520 - October 2009)
- Smithsonian Notice of Mandatory Registration in the System for Award Management (SAMS) (Ocon 120 – December 2023)

STATEMENT OF WORK – NMNH CURATION OF DAVIS-GREEN-MACGREGOR KIMBERLITE XENOLITH COLLECTION

Statement of Work (SOW) for Project

National Museum of Natural History

Collections Program

Statement of Work (SOW)

Curation of Davis-Green-MacGregor Kimberlite Xenolith Collection

PROJECT SUMMARY: This project seeks an independent contractor to process and catalog the UC Riverside: Davis, Green, & MacGregor Kimberlite Xenolith Collection. The collection consists of 79 boxes of mantle specimens and related documentation and is estimated to take approximately 10.5 months of full-time work to complete. This rock collection from the University of California-Riverside documents the geologic research of Drs. Harry Green and Ian MacGregor. Dr. Green's specimens encompass mantle rocks from around the world and typically includes thin sections. Dr. MacGregor's primary interest was xenoliths collected from South African kimberlites.

SCOPE OF WORK

The Contractor will inventory, catalog, organize, rebox, and conduct a literature and data search (including maps) for this collection of 1700+ rock specimens. The organized specimens will be labeled with an NMNH catalog number and placed into storage in pod 2 at MSC. The Contractor will create a Microsoft Excel spreadsheet containing the Collector's field number, NMNH catalog number, collecting locality, number of specimens and preparations, latitude, and longitude (if included), associated references (and maps) for each specimen for addition to a provided template spreadsheet, which will be uploaded into the NMNH data base by the Mineral Sciences Data Manager.

OBJECTIVES

At the end of this contract, accessibility and discoverability of the UC Riverside: Davis, Green, & MacGregor Kimberlite-Xenolith Collection will be greatly enhanced through the accurate inventory of the specimens and capture of all relevant specimen data and metadata for the creation of digital catalog records.

TASKS & DELIVERABLES

The Contractor shall provide the following services:

1. Contractor shall organize the specimens and/or specimen lots by collectors' field number in appropriately sized archival quality trays.
2. Contractor shall collate together by field number all preparation types (such as thin sections and powders with corresponding hand sample).
3. Contractor shall perform a literature search for all published papers relevant to the specimens already provided by the donor and print hard copies when possible.
4. Contractor shall perform preliminary identification of the lithology of each specimen, when it is not available in the literature and/or field notebooks.
5. Contractor shall apply appropriately sized pant stripe to each specimen larger than a golf ball, and shall place smaller specimens in clear, plastic "ziplock" style bags as appropriate.

STATEMENT OF WORK – NMNH CURATION OF DAVIS-GREEN-MACGREGOR KIMBERLITE XENOLITH COLLECTION

6. Contractor shall develop and appropriate numbering scheme, in consultation with the collection manager, and shall assign sequential, unique museum catalog numbers to each specimen or specimen lot according to the established field number order. Museum numbers shall be written directly onto the rock specimens, bags, thin section and their thin section holders, and any other preparations, using archival quality pens.

7. Contractor shall capture all relevant specimen data including, but no limited to, collectors (field) number, museum catalog number and suffix, quantity, the storage location, all known collecting locality information, preparation(s), reference(s) in the literature, lithology (identification), description (texture, structure), and metadata concerning the acquisition (donor, accession number).

8. Contractor shall create digital records for specimens, using batch-import spreadsheets and/or the Axiell EMu client.

9. Once cataloging has begun, contractor shall submit a copy of the cataloging spreadsheet to the COTR to review prior to receiving payment. A designated technical contact shall review and return the spreadsheet with comments and any necessary corrections. Payment shall be contingent on the contractor providing a written response to each comment and submitted a new copy of the spreadsheet with all requested corrections made.

10. Contractor shall follow departmental data standards and best practices when completing the above tasks. Contractor shall be provided with task-specific training, but will mostly be expected to work with limited supervision.

DELIVERY

The Contractor shall be paid at the agreed upon rate and may submit invoices on a monthly basis. Each payment will be contingent upon the Contractor's submission of a corresponding invoice that references this purchase order by number, and the Smithsonian's acceptance of the work. In lieu of her own invoice, the Contractor may request payment for services by completing Smithsonian invoice form SI-3726.

PERIOD OF PERFORMANCE

All work under this purchase order shall begin upon award of the contract and be completed by December 31, 2025.

GOVERNMENT FURNISHED PROPERTY

The Smithsonian will supply all necessary supplies and a template spreadsheet to complete the work. Contractor will supply own laptop. At the completion of the project, the Contractor shall return all unused supplies and leftover materials.

CONTRACTOR TRAVEL EXPENSES

Not Applicable

SECURITY REQUIREMENTS

Not applicable beyond Contractor having SI badge with general NMNH access.

STATEMENT OF WORK – NMNH CURATION OF DAVIS-GREEN-MACGREGOR KIMBERLITE XENOLITH COLLECTION

PLACE OF PERFORMANCE

The Contractor shall perform all work required at the following locations:

Smithsonian Institution
Museum Support Center (MSC)
4210 Silver Hill Road
Suitland, Maryland 20746

The Contractor shall perform work on the Contractor's premises or at the Smithsonian Institution, Museum Support Center (MSC)

WORK HOURS

Contractor shall perform all work Monday through Friday during normal business hours, excluding Federal holidays and specific office closures.

The work schedule may be subject to adjustment upon mutual agreement of the parties. Considerations of change will be dependent upon satisfactory performance of duties and other extenuating office setting circumstances, as determined appropriate by the COTR. All matters related to time and attendance shall be reported to the COTR daily, for recordkeeping relative to payment.

APPENDIX I: POLICIES, PROCEDURES AND STANDARDS

- SD600 SI Collections Management Policy
- National Museum of Natural History Collections Management Policy Revision 13 Dec 2017

SMITHSONIAN INSTITUTION

PURCHASE ORDER TERMS AND CONDITIONS

1. COMPLETE AGREEMENT - The purchase order and all documents attached represent the entire agreement between the Smithsonian Institution (SI) and the Contractor. Any modification, alteration or amendment to this purchase order must be in writing and signed by an authorized agent of the SI.

2. INSPECTION AND ACCEPTANCE - The Contractor shall tender for acceptance only those items that conform to the requirements of this contract. The SI reserves the right to inspect, test or evaluate any supplies or services that have been tendered for acceptance. The SI may require repair or replacement of nonconforming supplies or performances of nonconforming services at the Contractors expense. The SI must exercise its post acceptance rights- **(a)** Within a reasonable period of time after the defect was discovered or should have been discovered; and **(b)** Before any substantial change occurs in the condition of the item, unless the change is due to the defect in the item. Inspection and acceptance will be at destination, unless otherwise provided in writing. Until delivery and acceptance, and after any rejections, risk of loss will be on the Contractor unless loss results from negligence of the SI. Final acceptance by the SI will be conditional upon fulfillment of the above requirements.

3. OVERPAYMENT - If the Contractor becomes aware of a duplicate invoice payment or that the SI has otherwise overpaid on an invoice payment, the Contractor shall immediately notify the Contracting Officer and request instructions for disposition of the overpayment.

4. USE OF SMITHSONIAN NAME or LOGO PROHIBITED - The SI owns, controls and/or has registered the trademarks /service marks "Smithsonian," "Smithsonian Institution" and the Smithsonian sunburst logo. Except as may be otherwise provided herein, the Contractor shall not refer to the SI or to any of its museums, organizations, or facilities in any manner or through any medium, whether written, oral, or visual, for any purpose whatsoever, including, but not limited to, advertising, marketing, promotion, publicity, or solicitation without written consent.

5. WARRANTY - The Contractor warrants and implies that the goods and services furnished hereunder are merchantable, fully conform to the SI's specifications, drawings, designs, and are fit for intended use described in this contract. The Contractor agrees that the supplies or services furnished under this contract shall be covered by the most favorable commercial warranties the Contractor gives to all customers for such supplies or services, and that the rights and remedies provided herein are in addition to and do not limit any rights afforded to the Government by any other clause of this contract. Contractor agrees to pass through all warranties from other manufacturers.

6. TITLE - Unless otherwise specified in this contract, title to items furnished under this contract shall pass to the SI upon acceptance, regardless of when or where the SI takes physical possession.

7. EXCUSABLE DELAYS - The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence, such as acts of God or the public enemy, acts of the SI, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the Contracting Officer in writing as soon as it is reasonably possible after the commencement of any excusable delay, setting forth the full particulars in connection therewith, shall remedy such occurrence with all reasonable dispatch, and shall promptly give written notice to the Contracting Officer of the cessation of such occurrence.

8. DISPUTES - Any dispute arising under this contract that the parties are unable to resolve shall be decided by the Contracting Officer. All disputes must be submitted to the Contracting Officer in

the form of a written claim supported by evidence within twelve (12) months following accrual of the claim. The Contracting Officer will provide a written decision to the Contractor, and that decision is the final and conclusive decision of the Smithsonian Institution, which is effective on the date the Contractor receives the decision. The Contractor retains all rights to subsequent judicial review to which it is entitled under federal law. The Contractor shall comply with any decision of the Contracting Officer and otherwise proceed diligently with performance of this contract pending final resolution of any request for relief, claim, or action arising under the contract.

9. TERMINATION FOR CAUSE - The SI may terminate this contract, or any part hereof, for cause in the event of any default by the Contractor, or if the Contractor fails to comply with any contract terms and conditions, or fails to provide the SI, upon request, with adequate assurances of future performance. In the event of termination for cause, the SI shall not be liable to the Contractor for any amount for supplies or services not accepted, and the Contractor shall be liable to the SI for any and all rights and remedies provided by law. If it is determined that the SI improperly terminated this contract for default, such termination shall be deemed a termination for convenience.

10. TERMINATION FOR THE SMITHSONIAN'S CONVENIENCE - The SI reserves the right to terminate this contract, or any part hereof, for its sole convenience. In the event of such termination, the Contractor shall immediately stop all work hereunder and shall immediately cause any and all of its suppliers and subcontractors to cease work. Subject to the terms of this contract, the Contractor shall be paid a percentage of the contract price reflecting the percentage of the work performed prior to the notice of termination, plus reasonable charges that the Contractor can demonstrate to the satisfaction of the SI, using its standard record keeping system, have resulted from the termination. The Contractor shall not be required to comply with the cost accounting standards or contract cost principles for this purpose. This paragraph does not give the SI any right to audit the Contractor's records. The Contractor shall not be paid for any work performed or costs incurred that reasonably could have been avoided.

11. CHANGES - The SI may at any time, in writing, make changes within the general scope of this purchase order to include. **(a)** Technical requirements and descriptions, specifications, statements of work, drawings or designs; **(b)** Shipment or packing methods; **(c)** Place of delivery, inspection or acceptance; **(d)** Reasonable adjustments in quantities or delivery schedules or both; and, **(e)** SI-furnished property, if any. If any such change causes an increase or decrease in the cost of or the time required for performance of this purchase order, the Contractor shall inform the SI in writing within thirty (30) days after receipt of change request. Any additional charges must be approved in writing by the SI authorized procurement officer executing this purchase order. Contractor shall not make any changes without the written consent of the SI authority executing this purchase order.

12. CONFIDENTIALITY and DISCLOSURE - Confidential Information. Confidential Information consists of trade secrets, product concepts, customer information, marketing communication material, marketing strategies, and other commercial or financial information that if affirmatively used by a competitor of the disclosing party would cause the disclosing party substantial competitive harm or information the release of which would violate the privacy rights of a third party with no overriding public interest. If Confidential Information is disclosed in tangible form, it shall be

clearly designated in writing as such by the disclosing party. If Confidential Information is disclosed other than in writing, the information deemed to be Confidential Information shall be confirmed in writing as such within thirty days of such disclosure.

Limited Disclosure -- Each party agrees that it will not disclose Confidential Information provided to it by the other party to others except to the extent that it is necessary to disclose such Confidential Information to its directors, officers, representatives, legal and financial consultants, and employees having a need to know such Confidential Information ("authorized parties") for the purpose of pursuing a business and contractual relationship between the parties. The parties shall use at least the same degree of care that each party uses to protect its own Confidential Information of similar importance, but no less than a reasonable degree of care. Further, the parties may disclose Confidential Information if required by law, subpoena, order or request of a federal governmental authority or court of competent jurisdiction, and further, provided that the party obligated to disclose such Confidential Information shall (a) assert the confidential nature of the Confidential Information to be disclosed, (b) use reasonable efforts to obtain confidential treatment for any Confidential Information so disclosed, and (c) immediately notify the other party of the requirement, order, or request to disclose in advance of such disclosure in order to afford the other party the opportunity to contest disclosure. No other use or disclosure of Confidential Information may be made by any party without the prior written consent of the disclosing party.

13. INDEMNITY - The Contractor shall defend, indemnify, and hold harmless the SI, its Regents, directors, officers, employees, volunteers, licensees, representatives, agents and the United States Government (hereinafter referred to as "Indemnitees") from and against all actions, causes of action, losses, liabilities, damages, suits, judgments, liens, awards, claims, expenses and costs including without limitation costs of litigation and counsel fees related thereto, or incident to establishing the right to indemnification, arising out of or in any way related to:

Any breach of this Agreement, Terms and Conditions, and the performance thereof by Contractor, Subcontractor, other third parties, or any activities of Indemnitees, including, without limitation, the provision of services, personnel, facilities, equipment, support, supervision, or review; any claims of any kind and nature whatsoever for property damage, personal injury, illness or death (including, without limitation, injury to, or death of employees or agents of Contractor or any Subcontractor).

Any claims by a third party of actual or alleged direct or contributory infringement, or inducement to infringe any United States or foreign patent, trademark, copyright, common law literary rights, right of privacy or publicity, arising out of the creation, delivery, publication or use of any data furnished under this contract or any libelous or other unlawful matter contained in such data or other intellectual property rights and damages. The contractor shall notify the SI immediately upon receiving any notice or claim related to this contract.

14. HAZARDOUS MATERIAL - The Contractor shall inform the SI in writing at the correspondence address listed on the purchase order prior to shipment and delivery of any hazardous material. Any materials required by this purchase order that are hazardous under federal, state or local statute, ordinance, regulation, or agency order shall be packaged, labeled, marked and shipped by the Contractor to comply with all federal, state and local regulations then in effect.

15. OTHER COMPLIANCES - The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.

16. SECURITY CONSIDERATION - OPS, OCon 520 Contractor's conducting work on the SI premises are required to obtain a temporary or

long-term identification badge. Contractor's employee (s) requiring a long-term identification badge is subject to a fingerprint review. An adverse finding during the fingerprint review may prohibit a contractor's employee (s) from working on the contract. The SI will inform the contractor if a long-term identification badge is required.

17. INSURANCE and BONDS - Contractor shall maintain at all times during the performance of this contract Commercial General Liability Insurance. Contractor shall maintain Worker's Compensation Insurance in accordance with statutory requirements and limits. If during the performance of this contract, a vehicle is required, contractor shall maintain business automobile insurance. If this contract relates to any type of media exposure, then Contractor is required to have professional errors and omissions coverage. If this contract requires Contractor to handle Smithsonian funds or guard or protect Smithsonian artifacts, Contractor will also be required to obtain a fidelity bond or crime insurance. Limits of such bonds or insurance policies are to be determined. SI shall be listed as an "additional insured" under the comprehensive general liability and business automobile policies. Proof of insurance shall be in the form of a binder, policy, or certificate of insurance and this is to be submitted to the SI's Procurement Officer prior to work being initiated.

18. INVOICE INSTRUCTIONS - Invoices shall be submitted to the bill to address on the face of the purchase order after delivery of supplies and/ or services, and shall contain the following information:

(a) Contractor's name, address, and taxpayer identification number (TIN). (b) Invoice date and number. (c) Purchase order number including contract line item number. (d) Item description, quantity, unit of measure, unit price, and extended price. (e) Name, title, telephone and fax number, and mailing address of point of contact in the event of an invoice discrepancy. (f) Invoice total, payment discount terms and remittance address. (g) Shipping and payment terms (e.g. shipment number, date of shipment, and discount terms). Bill of lading number and weight of shipment should be included when using Smithsonian Institution bills of lading. Prepaid shipping costs shall be indicated as a separate item on the invoice. (h) Any other information or documentation required by other provisions of the contract.

19. Travel - (a) If travel is specified under this purchase order; it must be pre-authorized by the Contracting Officer's Technical representative (COTR) prior to occurrence. The Contractor shall be reimbursed for such travel upon receipt of documentation that the expenses were incurred. (b) Rail or air transportation costs shall not be reimbursed in an amount greater than the cost of economy class rail or air travel unless the economy rates are not available and the Contractor certified to this fact in vouchers or other documents submitted for reimbursement. (c) Room and meals (per diem travel allowance) shall be reimbursed in accordance with the Contractor's established policy, but in no event shall such allowances exceed the rates Contractor's established in the Federal Travel Regulations. (d) The contractor shall be reimbursed for the cost of the out-of-town travel performed by its personnel in their privately owned automobiles at the rates established in the Federal Travel Regulations, not to exceed the cost by the most direct economy air route between the points so traveled. If more than one person travels in the same automobile, the Contractor for such travel shall incur no duplication of or otherwise additional charges. (e) The Contractor shall be reimbursed upon receipt of appropriate documentation that the expenses were incurred. Total travel cost will not be reimbursed for an amount that exceeds the estimated amount stated in this purchase order.

20. RESPONSIBILITY OF SMITHSONIAN PROPERTY - Contractor assumes full responsibility for and shall reimburse and indemnify the SI for any and all loss or damage whatsoever kind and nature to any and all **SI property**, including any equipment, supplies, accessories, or parts furnished, while in the Contractor's custody and care, or resulting in whole or in part from the negligent acts, omissions of the Contractor, any subcontractor, or any employee, agent, or representative of the Contractor or subcontractor.

21. INTERNET PROTOCOL VERSION 6 (IPV6)

COMPLIANCE - In the event that the Contractor will be developing, acquiring, and/or producing products and/or systems pursuant to this Contract that will be connected to a network or that will interface with the World Wide Web, the following provisions shall apply: [OMB Memo M-05-22](#), dated August 2, 2005, and OMB guidance, dated July 2012 September 28, 2010, that requires procurements of networked IT comply with the [USGv6 Profile and Test Program](#) for the completeness and quality of SI IPv6 capabilities. The Contractor hereby warrants and represents that such products and/or systems to be developed, acquired, and/or produced pursuant to this Contract will be IPv6 compliant. These products and/or systems must be able to receive, process, and transmit or forward (as appropriate) IPv6 packets and must be able to interoperate with other systems and protocols in both IPv4 and IPv6 modes of operation. If the product or system will not be IPv6 compliant initially, the Contractor will provide a migration path and express commitment to upgrade to IPv6 for all application and product features. Any such migration path and commitment shall be included in the Contract price. In addition, the Contractor will have available contractor/vendor IPv6 technical support for development and implementation and fielded product management.

- 52.239-1 Privacy or Security Safeguards (see form SI 147B)
- 52.233-3 Protest After Award
- 52.244-6 Subcontracts for Commercial Items

Additional FAR clauses that apply when applicable:

- 52.204-6 Universal Numbering System (DUNS)
NumberUnique Entity Identifier
- 52.204-7 System for Award Management
- 52.208-4 Vehicle Lease Payments
- 52.208-5 Condition of Leased Vehicle
- 52.208-6 Marking of Leased Vehicles
- 52.208-7 Tagging of Leased Vehicle
- 52.211-6 Brand Name or Equal
- 52.211-17 Delivery of Excess Quantities
- 52.222-54 Employment Eligibility Verification (E-Verify)
- 52.228-8 Liability and Insurance Leased Motor Vehicles
- 52.233-4 Applicable Law for Breach of Contract Claim
- 52.236-5 Material and Workmanship
- 52.247-29 F.o.b. Origin
- 52.247-34 F.o.b. Destination

CLAUSES INCORPORATED BY REFERENCE -This contract incorporates one or more clauses by reference with the same force and effect as if they were given in full text. The applicability of these clauses is effective upon the date of the actual contract award. Upon request the Contracting Official will make the full text available. The full text of the following FAR clauses may be viewed at the [Federal Acquisition Regulation \(FAR\) website](#). For the full text of Smithsonian Institution clauses contact the procurement official. The Contractor shall comply with the FAR clauses incorporated by reference, unless the circumstances do not apply: References herein to the "Government" shall be deemed to mean the Smithsonian Institution.

SMITHSONIAN Clauses

- Minimum Insurance
- Smithsonian Institution Privacy and Security Clause
(form SI 147B, SI Privacy and Security Clause)

FAR Clauses

- 52.222-3 Convict Labor
- 52.222-19 Child Labor - Cooperation with Authorities and Remedies
- 52.222-20 Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$15,000
- 52.222-21 Prohibition of Segregated Facilities
- 52.222-26 Equal Opportunity
- 52.222-35 Equal Opportunity for Veterans
- 52.222-36 Equal Opportunity for Workers with Disabilities
- 52.222-41 Service Contract Labor Standards
- 52.222-50 Combating Trafficking in Persons. (non-commercial services awards that do not exceed \$500,000)
- 52.222-56 Certification Regarding Trafficking In Persons Compliance Plan (when applicable)
- 52.223-1 thru 4 Bio-based Product Certification/Affirmative Procurement of Biobased Products Under Service and Construction Contracts/Hazardous Material Identification and Material Safety Data/Recovered Material Certification
- 52.223-5 Pollution Prevention and Right-to-Know Information
- 52.224-1 Privacy Act Notification
- 52.225-1 Buy American Supplies
- 52.225-13 Restrictions on Certain Foreign Purchases
- 52.232-11 Extras

Smithsonian Institution

Privacy and Security Clause

1. Smithsonian Data: (a) The Smithsonian Institution (“Smithsonian”) retains sole ownership of, and unrestricted rights to, any and all physical or electronic information collected, processed, or stored by or on behalf of the Smithsonian (“Smithsonian Data”), which is defined to include personal information, also referred to as personally identifiable information (PII), *i.e.*, information about individuals, which may or may not be publicly available, that can be used to distinguish or indicate an individual’s identity, and any other information that is linked or linkable to an individual, such as medical, educational, financial or employment information, online identifiers such as IP address, device IDs, and cookie data, and any other information defined as “personal information,” “personal data” (or other analogous variations of such terms) under the applicable privacy, security and data protection laws (“PII”). (b) Contractor shall maintain, transmit, and retain in strictest confidence, and prevent the unauthorized duplication, use and disclosure of Smithsonian Data. (i) Contractor shall only access, maintain, use, and disclose Smithsonian Data to the extent necessary to carry out the requirements of this contract, and shall not use Smithsonian Data for any other purposes, including testing or training purposes. (ii) Contractor shall only provide Smithsonian Data to its authorized employees, contractors, and subcontractors and those Smithsonian employees, contractors, and subcontractors who have a valid business need to know such information in order to perform duties consistent with this contract. (iii) Contractor shall ensure that all Smithsonian Data is protected from unauthorized access, disclosure, modification, theft, loss, and destruction and will provide assurance and evidence of such protections upon the Smithsonian’s request. (iv) Contractor shall not disclose Smithsonian Data without the Smithsonian’s advance written authorization. If Contractor receives a legal request (such as a subpoena), or becomes subject to a legal requirement or order to disclose Smithsonian Data, Contractor shall (1) immediately notify the Contracting Officer’s Technical Representative (“COTR”) of it and afford the Smithsonian the opportunity to contest such disclosure, (2) assert the confidential nature of the Smithsonian Data, and (3) cooperate with the Smithsonian’s reasonable requirements to protect the confidential and proprietary nature of Smithsonian Data. (v) Contractor shall not transfer access to any Smithsonian Data in the event of a Contractor merger, acquisition, or other transaction, including sale in bankruptcy, without the prior written approval of the Contracting Officer. (c) Contractor shall provide the Smithsonian reasonable access to Contractor facilities, installations, technical capabilities, operations, documentation, records, databases, and personnel, and shall otherwise cooperate with the Smithsonian to the extent required to carry out an audit for compliance with the requirements in this contract. Contractor shall, as requested by the COTR, complete, or assist Smithsonian staff with the completion of, a privacy and/or security review which might include providing requested information and documentation about how Smithsonian Data

is used, collected, maintained, stored, or shared. (d) Contractor shall make any Smithsonian Data accessible to the COTR as soon as possible, but no later than ten calendar days of receiving a request from the COTR, and shall transfer all Smithsonian Data to the COTR no later than thirty calendar days from the date of such request from the COTR. Contractor shall, when required to transfer Smithsonian Data to the COTR under the terms of this contract, provide that Smithsonian Data in one or more commonly used file or database formats as the COTR deems appropriate. (e) Unless otherwise specified in this contract, Contractor shall purge any Smithsonian Data from its files and shall provide the COTR a Certificate of Destruction (“COD”), confirming the purging of the Smithsonian Data within forty- five calendar days of receiving a request from the COTR or at the expiry of this contract. (f) Contractor shall only be permitted to use non-Smithsonian provided information technology resources to access or maintain Smithsonian Data if Contractor provides, and the COTR approves, the following written certifications about the non-Smithsonian provided information technology resources: (i) Contractor shall maintain an accurate inventory of the information technology resources; (ii) Contractor shall keep all software installed on the information technology resources, especially software used to protect the security of the information technology resources, current and free of vulnerabilities; (iii) Contractor shall encrypt all Smithsonian Data stored or accessed on non-Smithsonian provided mobile devices and back-up devices (*e.g.*, phone, laptop, tablet, or removable media) using a Federal Information Processing Standards compliant encryption method; (iv) Contractor shall utilize anti-virus software on all non-SI information technology resources used under this contract; and (v) Contractor shall encrypt all transmissions of PII using Transport Layer Security 1.2 or higher with secure cyphers. Secure Sockets Layer shall not be used. (g) Unless more substantial requirements are provided for herein, Contractor is responsible for, at a minimum, applying industry best practice background screening, security and privacy training, and other appropriate personnel security safeguards to the services performed under this contract. (h) Contractor shall, if requested by the COTR, require its employees to sign a nondisclosure agreement, sign a conflict of interest agreement, and/or sign an acknowledgement of the requirements in this contract.

2. Privacy Breach or IT Security Incident: In the event of (i) any action that threatens or is likely to threaten the confidentiality, integrity, or availability of Smithsonian IT resources (including computer hardware and software, data, communication links, mobile devices, digitized assets, automated processes, physical computing environments, and associated personnel, whether located inside or outside of the Smithsonian); (ii) any activity that violates Smithsonian IT Security policies provided by the COTR; (iii) any suspected or confirmed loss of control, compromise, unauthorized disclosure, unauthorized acquisition, unauthorized access, or situation where persons other than authorized users or for an

Smithsonian Institution

Privacy and Security Clause

other than authorized purpose have access or potential access to Smithsonian Data or PII in a usable form, whether physical or electronic; or (iv) any suspected loss of control, compromise, unauthorized disclosure, unauthorized acquisition, unauthorized access, or situation where persons other than authorized users or for an other than authorized purpose have access or potential access to PII in a usable form, whether physical or electronic (collectively, “Incident”), Contractor shall: (a) Immediately, but no later than 24 hours after discovery, report the Incident to the designated COTR and Smithsonian Office of the Chief Information Officer (“OCIO”) Service Desk by calling 202-633-4000 and, if the OCIO Service Desk does not answer the telephone, leaving a voicemail which includes the name of Contractor, a brief summary of the Incident, and a return telephone number; (b) The Contractor shall cooperate with Smithsonian investigations and response activities for breaches or incidents that include the Contractor’s IT resources or personnel; (c) Follow industry standard best practices to preserve evidentiary information to support forensics analysis, correct and mitigate any damages resulting from the Incident, provide a final report or summary of the incident to include lessons learned and corrective actions taken and planned; (d) Contractor shall acquire applicable forensics services in the event the Contractor does not have adequate resources or capabilities to respond to the Incident; and (e) Indemnify and hold the Smithsonian harmless from any costs incurred by the Smithsonian in connection with such Incident or corrective actions the Contractor must deploy to safeguard SI information.

3. Public-Facing Software: (a) Any application, system, software, or website used to fulfill the terms of this contract, which can be accessed by members of the public (Public-Facing Software) shall comply with Smithsonian’s Privacy Statement (located at [Smithsonian Institution's Privacy Statement | Smithsonian Institution \(si.edu\)](#) and the Smithsonian Kids Online Privacy (“SKOP”) Statement (located at <http://www.si.edu/privacy/kids>), and such Public-Facing Software shall provide the public with privacy notices in locations that are acceptable in accordance with these policies. (b) For kiosks and interactives developed by Contractor, the Contractor shall take all reasonably necessary steps to ensure they will be maintained with antivirus software and routine patching. (c) If Contractor discovers that information was collected from someone under the age of 13 in violation of the SKOP’s parental permission requirements, Contractor shall provide notice to the Smithsonian Privacy Office as soon as possible, but no later than 24 hours after discovery, and delete that information as soon as possible, but no later than 24 hours after discovery. (d) Any public-facing software that employs tracking technology (such as a cookie, pixel, web bug, or web beacon) or collects contact information shall provide all users with legally-compliant notice of its data collection and tracking practices, and any required consumer choices (including the opportunity to opt-in or opt-out, as required), as well as: (i) for those who opt-out or decline the

“opt-in,” reasonable access to the public-facing software; and (ii) for those who “opt-in”, a subsequent and accessible opportunity to request that the tracking or communications cease (*i.e.*, “opt-out”).

4. Cardholder Data and PCI Sensitive Authentication

Data: (a) Any Contractor that collects, processes, stores, transmits, or affects the security of cardholder data or Payment Card Industry (“PCI”) sensitive authentication data, either directly or through a third party, in order to carry out the requirements of this contract shall provide the COTR, before this contract begins and annually thereafter, for the Contractor and for any third party vendor that processes, stores, transmits, or affects the security of cardholder data or PCI sensitive authentication data, a current, complete, comprehensive, and signed PCI Data Security Standard (“DSS”) Attestation of Compliance (“AOC”), a template for which may be accessible in the online document library of the PCI Security Standards Council (“SSC”); (b) any Contractor that works as a PCI Third-party Service Provider (“TPSP”), in order to carry out the requirements of this contract, shall provide the COTR: (i) the duly authorized contact responsible for the Contractor’s maintenance of PCI DSS compliance; (ii) the *PCI DSS Requirement Management Form* provided by the COTR, which asks whether Contractor or a third party shall be responsible for ensuring that certain key DSS requirements are met; (iii) before this contract begins and for each bespoke and custom software developed for the Smithsonian *i.e.*, application, system, software, or website, the validation for the use of the PCI SSC’s Software Security Framework standards (the Secure Software Standard or the Secure SLC standard); (iv) for each Payment Application hosted by the Smithsonian, the listing from the SSC website’s Validated Payment Software List of Validated Payment Applications or the Report on Validation (“ROV”) from a PCI Secure Software Assessor; (v) for each payment device, the listing from the SSC website’s Approved Personal Identification Number Transaction Security (“PTS”) Devices list; (vi) for each system used to process Point of Sale card-present transactions, the listing from the SSC website’s Point-to-Point Encryption Solutions list; and (vii) if requested, any additional evidence needed to determine the PCI compliance of activities related to this contract; (c) Contractor shall provide the documents and listings identified in Paragraph 4(b) before it shall be permitted to use the relevant technology and shall provide updated documents and listings to the COTR for review and approval before a system change results in one or more of the required documents or listings becoming inaccurate.

5. IT Systems and Cloud Services: (a) Contractor is responsible for applying industry best practices to secure their systems and services provided to or used for the Smithsonian. (b) For any Cloud Service (*i.e.*, computing service provided on-demand via a shared pool of configurable resources instead of via separate dedicated computing resources or information technology system) or IT system Contractor develops, operates, or maintains on behalf of the Smithsonian, or which Contractor uses to collect or store information on the

Smithsonian Institution Privacy and Security Clause

Smithsonian's behalf, Contractor shall provide the requested documentation, security control evidence/artifacts, and other information needed to complete Security Assessment and Authorization activities. (c) For Systems that have been Federal Risk and Authorization Management Program ("FedRAMP") certified or have received other independent third party assessments (e.g., SOC2, HITRUST, etc.), Contractor shall provide FedRAMP documentation or relevant third party assessment report(s) to the Smithsonian for review and shall cooperate with Smithsonian requests for clarification or further evidence. (d) For Systems which are not FedRAMP certified, Contractor shall complete all requested Smithsonian Assessment and Authorization documentation and shall fully cooperate with the Smithsonian's security assessment process, including providing requested security control evidence/artifacts and access to interview appropriate Contractor personnel about security controls. (e) For websites or web servers hosted outside of the Smithsonian's data center, the Contractor must allow OCIO to perform vulnerability scanning and penetration testing. Website owners should consult with information technology security staff to determine specific needs for their environment. (f) The Contractor shall maintain all Smithsonian Data inside the United States. (g) For Contractor custom developed (non-COTS) systems and websites to be hosted at the Smithsonian, Contractor shall complete all requested Smithsonian Assessment and Authorization documentation for the components/aspects of the system provided by Contractor, and shall fully cooperate with the Smithsonian's security assessment process, including providing requested security control evidence/artifacts and access to interview appropriate Contractor personnel about security controls. (h) For Contractor developed applications or Contractor built interactive systems (e.g., public-facing exhibit technology incorporated through digital signage, custom interactives, content players, media players, audio streaming devices, lighting or control automation systems), Contractor shall not circumvent the security of the system (e.g., the use of backdoor or maintenance hook provisions are prohibited) and will ensure that the system can be protected from malware and vulnerabilities while it is in use at the Smithsonian. (i) Contractor shall not implement into live production or use for the Smithsonian or any system containing Smithsonian Data until security and privacy authorization has been granted in writing by the Smithsonian OCIO via the COTR. Contractor will resolve security deficiencies in order to successfully meet the applicable requirements of this section. (j) Contractor consents to and will cooperate with ongoing monitoring for security, privacy, cyber supply chain risk management, and contractual requirement compliance by the Smithsonian, including providing periodic updated evidence/artifacts, third party assessment reports, and questionnaire responses as requested. Contractor will resolve findings from monitoring, assessments, and Smithsonian web vulnerability scans in a timely manner. The Smithsonian may use third party risk intelligence tools to monitor risk and control compliance by

the Contractor. Contractor will address issues as necessary to maintain an acceptable risk rating in these tools. (k) Contractor will provide at least one point of contact to receive and respond to requests related to these requirements.

6. Credentials and Network Access: (a) Contractor and Contractor's employees who have access to Smithsonian network/systems shall, when requested by the COTR, complete Smithsonian-provided privacy and security training course(s), sign a nondisclosure agreement, sign a conflict of interest agreement, sign an acknowledgement of the requirements in this contract, provide fingerprints, pass a Smithsonian background check, and/or provide notice of the results of that background check to the COTR. The content and timing of the course(s), agreement, or background check shall be substantially similar to one that would be required of a Smithsonian employee with access to similar Smithsonian networks/systems. (b) Contractor shall notify the COTR at least two weeks before any of Contractor's employee requiring a Smithsonian credential, network account or other access, or other Smithsonian-furnished equipment stops supporting the work of this contract. In the event that Contractor is not provided two weeks' notice by its employee, Contractor will notify the COTR as soon as Contractor becomes aware of the employee's departure from the contracted work. (c) Contractor shall, when any employee requiring a Smithsonian credential, network account or other access, or other Smithsonian furnished equipment stop supporting the work of this contract, provide such employee's Smithsonian credential and any Smithsonian furnished equipment to the COTR within three business days.

7. California Consumer Privacy Act: (a) The California Consumer Privacy Act as amended by the California Privacy Rights Act, including any regulations and amendments implemented thereto ("CCPA") shall apply to any information collected from California residents on behalf of the Smithsonian. (b) For purposes of the CCPA, Contractor shall be considered a service provider and the Smithsonian is a business. (c) Contractor shall not collect, maintain, store, use, disclose, or share PII for a commercial purpose other than providing the services or performing its obligations to the Smithsonian. (d) Without limiting the foregoing, Contractor: (i) will not sell or share PII (as "sell," "sale," or "share" is defined by the CCPA); (ii) will not retain, use, or disclose Personal Information outside of the direct business relationship between Contractor and the Smithsonian; and (iii) certifies that it understands the restrictions in this section and will comply with them. (e) Contractor agrees: (i) that the personal information disclosed is only for limited and specified purposes; (ii) to comply with applicable CCPA obligations; (iii) to grant the Smithsonian the right to take reasonable and appropriate steps to help ensure that Contractor uses the PII transferred in a manner consistent with the Smithsonian's CCPA obligations; (iv) to notify the Smithsonian if it makes a determination that it can no longer meet its obligations; and (v) to grant the Smithsonian the right (upon notice) to take reasonable and appropriate steps to

Smithsonian Institution Privacy and Security Clause

stop and remediate unauthorized use of PII. (f) Upon request by the Smithsonian, Contractor will assist the Smithsonian in the Smithsonian's fulfillment of any individual's request to access, delete, or correct PII. (g) Contractor will promptly notify the Smithsonian following Contractor's receipt of any request or complaint relating to any PII (unless applicable law prohibits such notification). Contractor will not respond to any such request or complaint, other than to redirect to the Smithsonian, unless expressly authorized to respond by the Smithsonian.

8. European Economic Area. This contract does not include the collection or processing of Personal Information relating to individuals located in the European Economic Area.

9. Terms: The bolded headings at the start of each section of this Smithsonian Institution Privacy and Security Clause are included only to assist the reader in navigating this Smithsonian Institution Privacy and Security Clause. The Parties intend the bolded headings to have no legal effect, and agree that the bolded headings are not intended to limit or modify any other language in this Smithsonian Institution Privacy and Security Clause.

SMITHSONIAN INSTITUTION RIGHTS-IN-DATA CLAUSE

As used herein, the term “Subject Data” includes, but is not limited to, literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic and sculptural works; motion pictures and other audiovisual works; sound recordings; and architectural works, as each of those terms are used and defined by the Copyright Act of the United States (17 USCS §101, et. seq.) (the “Copyright Act”) and works of any similar nature (whether or not copyrighted) which are included in the material to be delivered under this contract.

(a) Work for Hire. All Subject Data first produced, composed, or created in the performance of this contract, where such Subject Data consists of a work: (i) specially ordered or commissioned for use as a contribution to a collective work; (ii) as part of a motion picture or other audiovisual work; (iii) as a translation; (iv) as a supplementary work; (v) as a compilation; (vi) as an instructional text; (vii) as a test; (viii) as answer material for a test; or (ix) as an atlas, as each of those terms are used and defined by the Copyright Act, shall be considered a “work made for hire,” as that term is defined under the Copyright Act. The copyright to such Subject Data shall be the exclusive property of Smithsonian and may be registered by the Smithsonian Institution in its own name.

(b) Other Copyrightable Works. All Subject Data first produced in the performance of this contract, where such Subject Data consists of copyrightable materials that do not fall within the enumerated categories for work for hire, shall become the property of Smithsonian. Contractor hereby transfers to Smithsonian full legal title and all right, title, and interest in the copyright to all such Subject Data, including without limitation, all preliminary renditions of the Subject Data whether or not such renditions are actually delivered to Smithsonian. The copyright to such Subject Data shall be the exclusive property of Smithsonian and may be registered by the Smithsonian Institution in its own name.

(c) Except as specified herein, no Subject Data first produced in the performance of this Agreement may be published or reproduced by Contractor in whole or in part, in any manner or form, without Smithsonian’s prior written consent. Contractor agrees that no right at common law or in equity shall be asserted, and no claim to copyright by statute shall be established by Contractor in any such Subject Data without Smithsonian’s prior written consent. Contractor shall secure Smithsonian’s legal title and interests in and to all Subject Data that is produced for Contractor by third parties pursuant to this Agreement.

(d) License for Other Subject Data. Excluding the Subject Data which Smithsonian owns or has already obtained a license for, Contractor hereby grants to Smithsonian a royalty-free, non-exclusive, perpetual, and irrevocable license in all copyrighted or copyrightable Subject Data not first produced, composed, or created in the performance of this Agreement, but which is incorporated in the material furnished under this Agreement. Such license includes, without limitation, the rights to reproduce, publish, translate, broadcast, transmit, distribute, exploit, display, use, sell, and/or dispose of such Subject Data in any manner, and to authorize others to do so. In the event that Contractor does not have the right to grant such a license with respect to any such Subject Data, Contractor shall immediately notify the Smithsonian of this fact and

obtain Smithsonian's prior written permission to incorporate such Subject Data in the work. Without this notification, Smithsonian will be acting in reliance on this contract and will presume that it possesses all necessary rights and is free to make whatever use of the Subject Data that Smithsonian determines is in its best interests.

(e) The Contractor hereby warrants that the Subject Data delivered to Smithsonian pursuant to this contract does not infringe statutory copyrights or common law literary rights of Contractor or others and contains no matter libelous or otherwise unlawful. Contractor agrees to indemnify the Smithsonian Institution, its Board of Regents, officers, agents, and employees against any liability, including costs and expenses, for: (i) violations of copyright or any other property rights arising out of the use, reproduction, or disposition of any Subject Data furnished under this contract; or (ii) based upon any libelous or other unlawful matter contained in said Subject Data.

(f) The Contractor agrees to report in writing to the Smithsonian Office of the General Counsel, promptly and in reasonable detail, any notice or claims of copyright infringement received by Contractor with respect to any Subject Data or other material delivered under this contract.

SMITHSONIAN CONFIDENTIALITY AND DISCLOSURE CLAUSES

The Smithsonian Institution is a trust instrumentality of the United States and has adopted a written policy for responding to requests for Smithsonian Institution records, including paper documents, electronic data, email, contracts, and other information stored or maintained by the Smithsonian, consistent with the principles of disclosure under the Freedom of Information Act, 5 United States Code (U.S.C.), § 552 and available at <http://www.si.edu/OGC/Records-Requests>:

1. **Confidential Information.** Confidential Information consists of trade secrets and commercial or financial information that is customarily treated as private and provided under an assurance of privacy, as well as information the release of which would violate the privacy rights of the disclosing party or a third party with no overriding public interest. Confidential Information shall be designated in writing by the disclosing party as confidential. To have information disclosed other than in writing treated as Confidential Information, the disclosing party must confirm the status of that information as Confidential Information within thirty (30) calendar days of the original disclosure.
2. **Exceptions to Confidential Information.** Confidential Information shall not include any information, whether or not designated in writing as Confidential Information, which:
 - (a) was publicly available at the time of disclosure to the receiving party;
 - (b) was known by the receiving party prior to such disclosure;
 - (c) becomes publicly available after disclosure to the receiving party through no fault of the receiving party;
 - (d) is obtained by the receiving party from a third party who acquired the information without committing a wrongful or tortious act; or
 - (e) is developed independently by the receiving party without reference to or use of Confidential Information.

The receiving party shall notify the disclosing party promptly in writing of any misappropriation, unauthorized disclosure, or use by any person of the Confidential Information disclosed to the receiving party which may come to the receiving party's attention. The receiving party will take all steps reasonably requested by the disclosing party to stop, limit, or otherwise remedy such misappropriation, unauthorized disclosure, or use.

3. **Limited Disclosure.** In maintaining Confidential Information, each party shall use at least the same degree of care that it uses to protect its own confidential information of similar importance, but no less than a reasonable degree of care. Each party agrees that it will not disclose Confidential Information provided to it by the other party to others except to the extent that it is necessary to disclose such Confidential Information to its Regents, directors, officers, representatives, legal and financial consultants, and employees having a need to know such Confidential Information ("authorized parties") for the purpose of pursuing a relationship between the parties. Further, the parties may disclose Confidential Information if required by law, subpoena, order or request of a federal governmental authority or court of competent jurisdiction, and provided that the party obligated to disclose such Confidential Information shall (i) assert the confidential nature of the Confidential Information to be disclosed, (ii) use reasonable efforts to obtain confidential treatment for any Confidential Information so disclosed, and (iii) immediately notify the other party of the requirement, order, or request to disclose in advance of such disclosure in order to afford the other party the opportunity to contest disclosure. In the event disclosure of Confidential Information is requested in accordance with Smithsonian's records disclosure policy, Smithsonian will provide the Disclosing Party the opportunity to identify Confidential Information for redaction prior to release. To the extent the Smithsonian Institution determines that the records requested contain Disclosing Party's Confidential Information, the Smithsonian will redact and withhold such Confidential Information from release, but final decisions regarding release shall be made by Smithsonian in accordance with its policy. No other use or disclosure of Confidential Information may be made by any party without the prior written consent of the Disclosing Party.
4. **Return of Confidential Information.** The receiving party will either return or destroy all tangible materials embodying Confidential Information within ten business days of receipt of the disclosing party's written request to do so. Notwithstanding the preceding sentence, the receiving party (i) may retain one copy of any portion of the Confidential Information that the receiving party is required to retain by applicable law, rule or regulation, or their internal compliance policies and (ii) shall not be obligated to erase Confidential Information contained in an electronic archiving or backup system operating in the ordinary course of business.
- 5.

Contractor's Name:		
Purchase Order #:		
Individual's Name:		
Individual's Signature:		Date:

Background Investigations and Credentials for Contractors' Personnel

This information applies to the Contractor's employees and subcontractors, who provide services for the Smithsonian Institution (SI). All contractors are subject to SI security directives in effect during the duration of their contracts with the SI.

1. **Background Investigations.** Specifically, all Contractor's employees to be assigned to the SI under this contract shall be required to receive an SI Credential if their association with SI will be greater than thirty (30) days and they will need access to staff-only areas of SI controlled facilities and leased spaces. Prior to being issued this SI Credential, the Contractor's employees shall be required to undergo and pass an appropriate background investigation and complete security awareness training. The Contractor's employees whose associations with the SI shall be less than 30 days shall not receive a background investigation or SI Credential, however, they must be escorted by Credentialed personnel at all times when in staff-only areas of SI facilities. Upon successful completion of a background investigation, the Contractor's employees to be assigned to SI shall be issued an SI Credential that must be worn and visible at all times while on duty and within staff-only areas of SI facilities. If the nature of the work does not require escorted access to SI facilities, or when SI Credentialed staff can accompany contractors at all times, the Contractor and/or Contractor's employees may begin work prior to receiving an SI Credential. Contractor's and subcontractor's employees shall not be allowed unescorted access to SI staff-only areas until they undergo an adjudicated background check and receive an SI Credential.
2. **Forms, Information and Reviews Required.** The Contracting Officer's Technical Representative (COTR), or other designated SI employee, shall furnish the Contractor with an OF-306 (Declaration for Federal Employment form). An OF-306 must be completed by each person employed by the Contractor who shall be assigned to SI. Completed forms OF-306 must be returned by the Contractor to the COTR, or other designated SI employee, within ten (10) workdays from receipt of the forms. Upon notification from the COTR or designated SI employee the Contractor shall send each employee to be assigned to this contract to the SI Personnel Security and ID Office for fingerprinting. For contractors to SI organizations outside the Washington DC and New York City areas, SF-87 Fingerprint Cards shall be provided to the Contractor by the COTR or other designated SI employee. If necessary, the forms SF-87 shall be submitted by the Contractor with the OF-306. Based on the information furnished, the SI shall conduct a background investigation referred to as Special Agreement Checks (SAC). The SAC includes but is not limited to:
 - Security Agency Checks (record of previous suitability determinations)
 - FBI National Criminal History Check
 - Law Enforcement Checks

SI shall review the investigation results and determine if the contractor and contractor's employees did not provide their true identities, or are otherwise not suitable for an SI Credential. SI shall provide the contractor with reasonable notice of the determination, including specific reason (s) the individual(s) has been determined to not have provided his/her true identity or is otherwise unsuitable for an SI Credential. The contractor or subcontractor has the right to answer the notice in writing and may provide documentation that refutes the validity, truthfulness, and/or completeness of the SI initial determination. After consideration of the initial determination and any documentation submitted by the contractor for reconsideration, the Director, Office of Protection Services (OPS), SI, or his/her designee, shall issue a written decision. The reconsideration decision by the Director, OPS, shall be final.

3. **Term Requirement for SI Credentials.** Throughout the life of the contract, the Contractor shall provide the same data for each new employee(s) or subcontractor(s) who will be assigned to this contract. The Contractor's SI Credentials shall expire annually and must be renewed, if necessary. It is the Contractor's responsibility to initiate the renewal process. The Contractor is not required to submit another set of background investigation forms for the Contractor's employees who have already been through this process.
4. **Relinquishing SI Credentials.** Upon expiration of the contract, or removal or termination of the Contractor's employees assigned to SI facilities, the Contractor shall return all SI Credentials issued to the Contractor's and /or subcontractor's employees to the COTR or other designated SI employee.



Smithsonian Institution
Office of Contracting and Personal Property Management

Notice to all Current and Prospective Smithsonian Institution Contractors

Subject: Mandatory Registration in the System for Award Management (SAM)

Individuals and companies that want to do business with U.S. government agencies, including the Smithsonian Institution, are required to maintain active and valid registrations in the System for Award Management (SAM). We are informing you of this requirement because you are a vendor who has been requested to present pricing and/or proposals for goods or services, is currently participating in a Smithsonian solicitation for goods or services, or is already providing goods or services to the Smithsonian.

Registration with SAM is free and accomplished via <https://www.sam.gov>. Included with this letter are tips on how to register in SAM. These have been written by the Smithsonian Office of Contracting and Personal Property Management and are intended to convey specific information on how to register with SAM to do business with the Smithsonian. Full guidance on how to register in SAM is available from the Federal Services Help Desk (FSD) and Professional Technical Assistance Centers, as described in the tips.

Thank you for your attention to this matter. If you received this letter in conjunction with a solicitation or Request for Quote, please address any questions you may have to the Smithsonian point of contact whose name and telephone number are provided therein.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Dempsey". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas E. Dempsey
Director

General Tips for Businesses To Register in SAM

1. **There is assistance directly on the SAM website to start registration.** Look for quick start guides and the SAM user manual using the Help tab on the SAM.gov website. These guides are helpful for vendors in completing the SAM registration process.
2. **Registration in SAM is Free.** If you search online for SAM registration your search might return businesses that will assist you with SAM registration for a fee. You are not required to utilize these services, and the Smithsonian does not reimburse for their use. The easiest way to ensure you are in the right location is to navigate directly to www.SAM.gov.
3. **Free assistance with SAM registration is available via the Federal Service Desk (FSD).** This is available at <http://www.fsd.gov>, or at the toll-free number 1-866-606-8220
4. **APEX Accelerators offer free assistance with SAM registration.** These offices are non-profit, non-governmental organizations established to assist you with doing business with the government. You must use the local or regional office closest to your business address. Locate the center nearest at <https://www.apexaccelerators.us/#/>.
5. **You control all information entered into SAM, and may opt out of public searches.** If you choose to opt out of public searches, please notify the Smithsonian employee you are working with and provide confirmation of your SAM registration.
6. **Be sure to keep your SAM registration up-to-date.** After you have completed registration you will be required to update your information if it ever changes (such as mailing address or banking records) and notify Smithsonian staff as soon as possible. Keep your Unique Entity Identifier Number in a safe place, you will need it to renew or update your registration.

Tips on Valid Registrations:

7. **Your registration must be active before the purchase can be made.** Obtaining a Unique Entity Identifier only is only the first step to a complete registration. You must complete all steps thereafter and be listed in SAM with a record labeled “Active.”
8. **If you have a registration that inactive, then your registration must be made active before you can receive a procurement.** Inactive records cannot be used for a purchase. Your SAM registration must be active throughout the term of the award.
9. **If you have a registration that requires updates then your updates must be complete before you can receive a procurement.** Changes to information including (but not limited to) company or contact names, banking information, and addresses must be completed before you may receive an award. If changes to any information in your SAM registration must be made during the timeframe of an award then you must notify the Procurement Officer who issued the award within two business days of the change in information.
10. **You must register as eligible to receive “All Awards” to qualify for Smithsonian Awards.** In the SAM registration process, you will be asked for your purpose of registration. The question is “Why are you registering this entity to do business with the U.S. Government?” You must answer this question with “I want to be able to bid on federal contracts or other government opportunities. I also want to be able to apply for grants, loans, and other financial assistance programs.” This option will allow you to accept procurements issued by the Smithsonian. Do not select “I only want to apply for federal assistance opportunities like grants, loans, and other financial assistance programs.” If you register for assistance opportunities only then procurements may be delayed until your record is corrected.

11. **The name of your business (entity) that you enter in SAM must match your IRS Tax Payer Consent Name.** This will be the name that Smithsonian will use to register your entity in our internal payment and tax reporting system. If your SAM entity name and your Tax Payer Consent Name differ this can create problems during the Smithsonian vendor enrollment and tax reporting processes, as well as for you when paying taxes. (These two names may be allowed to differ only if you are a single member LLC, and you report and pay taxes to the IRS using the owners name and tax id. In this case, IRS will count the owners name and tax id as the legal business name while disregarding the legal business name of the LLC registered in SAM.)

Tips on Entity Administrators

SAM requires each non-federal entity to have someone with the role of Entity Administrator. SAM will appoint the Entity Administrator role to the first individual who registers a new business entity. They will have the capability to update, renew and end your registration. They will also have the authority to appoint administrative roles with SAM to your entity's staff and to assign other users within your entity to become an Entity Administrator. This administrator must be an employee of your entity. Information for new Entity Administrators and on role assignment is found in the FSD knowledge base.

It is important that your entity always have a current Entity Administrator. If, for any reason your, Entity Administrator leaves your entity before appointing a replacement and you do not have a current administrator, then you must follow the process to appoint a replacement. This process includes submitting a notarized Entity Administrator Appointment Letter and may take several weeks to complete. Your SAM registration will not be editable or renewable until you have a new Entity Administrator. Information on appointing a replacement Entity Administrator is found in the FSD knowledge base.



COLLECTIONS MANAGEMENT

1.	Purpose	2
2.	Background	2
3.	Applicability	3
4.	Authority and Responsibilities	3
5.	Ethics	6
6.	Financial Accounting for Collections	7
7.	Acquisition and Accessioning	7
8.	Deaccessioning and Disposal	10
9.	Preservation	13
10.	Collections Information	14
11.	Inventory	16
12.	Risk Management, Safety, and Security	16
13.	Access	18
14.	Loans	19
15.	Intellectual Property Rights	21
16.	Specific Legal and Ethical Issues	22
17.	Smithsonian Collecting Unit Requirements	27
18.	Exceptions	34
	Appendix A: Smithsonian Collecting Units	
	Appendix B: Related Directives and References	
	Appendix C: Definitions	

1. PURPOSE

Smithsonian Directive (SD) 600, *Collections Management*, is the principal policy document guiding Smithsonian collections management. As the Smithsonian's collections management policy, SD 600 guides collections stewardship to ensure proper management, preservation, and use of the Institution's collections and items in its care and custody.

This directive covers all aspects of collections management, including acquisition and accessioning, deaccessioning and disposal, preservation, documentation, life-cycle management, inventory, risk management, safety and security, access, storage, loans, and intellectual property management. This directive also addresses specific legal and ethical issues that pertain to collections, including shared stewardship and ethical returns, Native American and Native Hawaiian human remains and objects, cultural property, biological material, and objects unlawfully appropriated during the Nazi era.

SD 600 establishes and implements policies consistent with the [Smithsonian Collections Management Guidelines](#) approved by the Board of Regents and issued by the Secretary in May of 1999.

Additional policy and procedural guidance implementing the provisions of this directive is available on the National Collections Program [SharePoint](#) site.

2. BACKGROUND

The stewardship of collections is fundamental to the Smithsonian's mission to increase and diffuse knowledge. Smithsonian collections are a national and global resource accessed each year by millions of visitors and researchers who use traditional methods and digital platforms to explore every subject, from aeronautics to zoology. Through its collections, the Smithsonian expands knowledge through high-impact research, documents our national identity, values, and cultural diversity, and increases public understanding of the world, its history, and our shared future.

Assembled throughout the Institution's history, the national collections are fundamental to the Smithsonian's mission, strategic priorities, and programmatic goals and serve as the intellectual base for scholarship, discovery, exhibition, and education. Smithsonian collections have a unique and vital role in documenting and addressing challenges facing society, such as the effects of climate change, structural racism, global pandemics, and the loss of biological and cultural diversity and its impact on global ecosystems and cultures.

Smithsonian collections represent a diverse range of materials and disciplines, including works of art, historical artifacts, natural and physical science specimens, living animals and plants, images, archives, libraries, audio and visual media, and born-digital material. Together, these collections preserve the past, increase our understanding of society and the natural world, and support the research that expands human knowledge in the arts, humanities, and sciences.

To properly manage collections, the Institution must deliberately develop, acquire, document,

steward, preserve, use, and refine its collections. The Smithsonian carries out its collections stewardship responsibilities through systematic collections management policies, procedures, and plans based on professional and discipline-specific best practices to ensure strict adherence to legal, ethical, and professional standards related to the Smithsonian's diverse collections management activities. Smithsonian collecting units share responsibility for the stewardship of the national collections, with each unit maintaining collections unique to its purpose, character, and role in achieving the Smithsonian's mission.

As stewards of the national collections, held in trust for the public, the Smithsonian has a unique responsibility to properly manage, preserve, and make accessible the collections in its care for current and future generations to appreciate, enjoy, and study. Through SD 600 and the collections management policies of individual collecting units, the Smithsonian affirms its commitment to communities represented in our collections and a shared future regarding knowledge-sharing, collaborative engagement, and ongoing stewardship.

3. APPLICABILITY

This directive applies to all Smithsonian units authorized to acquire and manage collections (hereafter, "collecting units"). To formally be designated as an authorized collecting unit, the unit must obtain the recommendation of the National Collections Program (NCP), the Under Secretary for Museums and Culture, the Under Secretary for Science and Research, the Deputy Secretary and Chief Operating Officer, and the approval of the Secretary.

All Smithsonian collecting units must adhere to the policies set forth in this directive. Newly designated collecting units are subject to the principles of this directive to guide their collections-related activities until a unit collections management policy is developed and authorized in consultation with the NCP and the Office of General Counsel (OGC).

4. AUTHORITY AND RESPONSIBILITIES

The acquisition and possession of collections impose legal, ethical, and professional obligations to provide proper management, preservation, and use of the collections and their associated information. Smithsonian collections management responsibilities are delegated as follows.

4.1. Board of Regents

The Act of August 10, 1846, codified at 20 *United States Code* (U.S.C.) §§ 41, et seq., established the Smithsonian and vested authority for conducting the business of the Institution in the Smithsonian Board of Regents. The Board of Regents retains ultimate oversight authority and responsibility for Smithsonian collections while delegating to the Secretary overall collections management authority.

4.2. Secretary

The Secretary is responsible for overseeing the establishment of appropriate policies and programs, through which the Smithsonian ensures compliance with applicable laws,

regulations, and professional standards concerning collections. The Secretary delegates to the Deputy Secretary and Chief Operating Officer, collecting unit directors, and other appropriate staff, the responsibility to implement established policies and carry out the direct, day-to-day management and care of Smithsonian collections.

The Secretary requires compliance with this directive by directing that development and implementation of collections-specific policies and plans be incorporated into the performance plans of the collecting unit directors, and that the Deputy Secretary and Chief Operating Officer and the Under Secretaries regularly review unit compliance with their policies and plans.

4.3. Deputy Secretary and Chief Operating Officer

The Deputy Secretary and Chief Operating Officer (hereafter, “Deputy Secretary”) supervises the Under Secretaries for Administration, Education, Museums and Culture, and Science and Research. In this capacity, the Deputy Secretary is responsible for supporting and holding accountable the Under Secretaries and their Smithsonian collecting units, research centers, and educational organizations’ implementation of their major strategic initiatives and programmatic goals.

4.4. Under Secretaries

The Under Secretaries for Administration, Education, Museums and Culture, and Science and Research share responsibility for ensuring Smithsonian collections are managed in compliance with this directive by providing central oversight to collecting unit directors.

While each Under Secretary is responsible for overseeing specific collecting units, the Under Secretary for Museums and Culture and the Under Secretary for Science and Research oversee the vast majority of collecting units and have the most direct responsibility for supervising collections management activities.

4.5. Director, National Collections Program

The NCP director provides central leadership, policy oversight, strategic planning, and support for Institution-wide collections initiatives.

The NCP director exercises these responsibilities by:

- serving as a principal advisor to Smithsonian senior leadership and collecting unit directors and staff on matters related to collections management policies, standards, and best practices;
- communicating, administering, and implementing this directive, and the issuance of additional guidance, as necessary, to implement the provisions of this directive and the review and revision of existing policy guidance;
- advising the Under Secretaries on the implementation of this directive, including the compilation of an annual report;

- coordinating the development, review, revision, and approval and monitoring of unit collections management policies and collections stewardship plans to ensure that Smithsonian collections are maintained according to Smithsonian policy, legal obligations, and professional standards; and
- working with senior management and collecting unit directors to develop long-term strategies and priorities to address Institution-wide collections needs, including collections care and space, and the allocation of central collections care resources.

4.6. Collecting Unit Directors

Each collecting unit director is responsible for:

- providing unit policy guidance, program direction and planning, and budgetary support to carry out the requirements established by this directive;
- establishing, approving, and implementing an up-to-date unit collections management policy;
- establishing, approving, and implementing an up-to-date unit collections stewardship plan to establish an intellectual framework and implementation strategy for collections development, acquisition, refinement, and resource allocation decisions;
- approving unit inventory plans and ensuring plans are appropriate to the nature, characteristic, and size of the unit's collections, staff resources, and any unit-specific requirements, and receiving reports on the results of inventories;
- approving and implementing an up-to-date unit digitization plan in accordance with [SD 610, *Digitization and Digital Asset Management Policy*](#); ensuring unit strategic plans include collections-specific elements;
- delegating authority and assigning collections responsibilities to appropriate unit staff;
- implementing and monitoring the unit's collections management policy, procedures, goals, and reporting on collections-related information, such as the Collections and Digitization Reporting System (CDRS) and the Collections Space System (CSS);
- allocating resources for and aligning training of unit collections staff with the requirements of unit strategic plans, professional standards, job descriptions, delegated authority, and assigned responsibilities; and
- ensuring unit compliance with this directive and unit collections management policy, including the submission of an annual report.

4.7 Collecting Unit Advisory Boards or Commissions

A collecting unit may have an advisory board or commission, created by the Board of Regents, pursuant to federal law, or by agreement, to provide advice and assistance to the Board of Regents, the Secretary, and collecting unit directors.

The role of advisory boards or commissions with respect to collections shall be specified in bylaws approved by the Board of Regents or the applicable approval authority.

By statute or legal agreement, the boards of the Archives of American Art, the Hirshhorn Museum and Sculpture Garden, the National Museum of the American Indian, and the National Museum of African American History and Culture have authority for specified collections management decisions. This authority shall be carried out in accordance with the general policies of the Board of Regents and applicable directives established by the Secretary, including this directive.

4.8 Collecting Unit Staff

Collecting unit staff are responsible for carrying out assigned collections management responsibilities to ensure:

- implementation of this directive and unit collections management policies, procedures, and plans;
- adherence to applicable laws and professional ethics and practices;
- proper acquisition, management, preservation, and responsible use of collections throughout their life cycle; and
- the integrity of collections information.

4.9 Smithsonian Collections Advisory Committee

The Smithsonian Collections Advisory Committee (SCAC), chaired by the NCP director and composed of representatives from across the Institution, assists the NCP, senior leadership, and collecting unit directors in implementing this directive by advising on policies, priorities, initiatives, and funding strategies for collections management.

4.10 Other Central Offices and Directives

Other central offices providing collections management functions include the OGC the Office of Finance and Accounting (OF&A) Risk Management Branch, the Office of the Chief Information Officer (OCIO) and the Digitization Program Office (DPO), the Office of Contracting and Personal Property Management (OCon&PPM), the Office of Protection Services (OPS), Smithsonian Facilities (SF), the Office of Safety, Health, and Environmental Management (OSHEM), and the Office of Emergency Management (OEM).

Additional program-level guidance may be provided by other Smithsonian directives on matters related to collections management and the specific function and purpose of the other directive (see Appendix B: Related Directives and References).

5. ETHICS

The Smithsonian recognizes and accepts its responsibility to provide proper management, resources, preservation, access, and use of the collections and associated information it holds for the benefit of the public.

Smithsonian staff have legal, ethical, and professional obligations to discharge their official duties with honesty, integrity, and loyalty to the Institution, as set forth in the [Smithsonian Institution Statement of Values and Ethics](#) and [SD 103, Standards of Conduct](#). Smithsonian staff are expected to be aware of the standards of conduct issued by professional associations relevant to their disciplines and general responsibilities.

6. FINANCIAL ACCOUNTING FOR COLLECTIONS

Smithsonian collections are held for public exhibition, education, and research in furtherance of public service rather than financial gain. Collections are protected, kept unencumbered, cared for, and preserved, and they are subject to the requirement that proceeds from sales of collections are to be used for the acquisition of additional collection items or the direct care of existing collections. Accordingly, the Smithsonian does not treat its collections as assets for purposes of reporting in its financial statements. The Smithsonian adheres to the applicable financial reporting standards governing collections held in public trust.

The NCP is responsible for submitting to the OF&A the information required for disclosure on the Smithsonian's financial statement.

7. ACQUISITION AND ACCESSIONING

Acquisition is the act of gaining legal title to a collection item or group of items.

Accessioning is the formal process used to legally acquire and record a collection item or group of items into a collection.

The acquisition of collections is fundamental to ensuring the continual development and refinement of collections in support of the mission and programmatic goals of the Smithsonian. The acquisition of collections imposes legal and ethical obligations on the Smithsonian and its collecting units to provide proper planning, management, documentation, preservation, storage, and use of collections and their associated information. The Smithsonian observes the highest legal, ethical, and professional standards in the acquisition and care of collections. Acquisition and accessioning procedures are designed to ensure thoughtful, well-documented consideration of such decisions based on responsible stewardship planning and the long-term interests of the Smithsonian, the public, and the collection item.

Accessioned collections are subject to a high standard of care and comprise items the Smithsonian intends to keep, preserve, protect, steward, and document for an indefinite period for public exhibition, education, research, and/or other mission-enabling activities. Some collection items may be acquired and designated for non-accessioned status for exhibit, education, research, or consumptive use.

Non-accessioned collections still require the same acquisition documentation as accessioned collections for accountability and use.

7.1. Policy

The Smithsonian adheres to the following policies regarding the acquisition and accessioning of collections:

- 1) The Smithsonian may only acquire collections in accordance with established authority and only when consistent with established acquisition criteria, applicable law, and professional and Institutional ethics. All applicable federal, state, local, and international laws, treaties, regulations, and conventions will be observed and compliance documented.
- 2) The Smithsonian observes the highest legal, ethical, and professional standards in the acquisition and care of collections. The Smithsonian shall exercise due diligence in the acquisition and care of collections, including making reasonable inquiries into provenance to determine that the Smithsonian can acquire a valid title to the item(s) and that the acquisition will conform to all legal and ethical standards, including the [Smithsonian Institution Policy on the Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects](#).
- 3) The Smithsonian must gain legal title, or its equivalent, to all items acquired and recorded as accessioned or non-accessioned collections. The only exceptions to this policy are for (i) certain transfers of federal scientific collections, formally titled in the United States, for which the Smithsonian retains permanent custodial responsibility, and (ii) certain transfers of biological material from foreign countries, formally titled in the foreign country, for which the Smithsonian retains permanent custodial responsibility.
- 4) As a general rule, collections are acquired and accessioned only when there is a good-faith intention to retain them for an indefinite period of time. Certain types of collections, such as those acquired for consumptive use, fall outside of this rule.
- 5) If collections are acquired with a specific intent at the time of acquisition not to add them to the collections but rather to sell, exchange, or use them for financial gain, the NCP and OGC must be notified in advance.
- 6) As a general rule, the Smithsonian only acquires unrestricted collections. Common restrictions, such as retention by the donor of intellectual property rights, may be accepted following appropriate review and approval. Restrictions that would substantially limit the Smithsonian's ability to use or dispose of an acquisition may be accepted only after consultation with the NCP and OGC. Under no circumstances, however, may the Smithsonian agree to conditions requiring the retention or display of a collection item in perpetuity.
- 7) The Smithsonian may acquire collection items by a variety of methods, including gifts, bequests, purchases, exchanges, transfers, field collecting, and, in certain instances, through propagation or birth.

- 8) The Smithsonian provides responsible collections management through disciplined acquisition and accessioning procedures consistent with established Institutional standards of long-term stewardship, preservation, care, and use.
- 9) Potential acquisitions must undergo a rigorous evaluation process based on the following criteria:
 - consistency with the mission, strategic plan, and programmatic goals of the Smithsonian;
 - quality, physical condition, intellectual value, and significance;
 - documentation of legal title, provenance, and any restrictions on use;
 - size, volume, or quantity;
 - ability and resources to provide appropriate management, care, and accessibility, including documentation, conservation, long-term preservation, digitization, and storage; and
 - potential for exhibition, education, and research use.
- 10) Deeds of gift, gift agreements, bequest documents, and other documents evidencing a gift to the Smithsonian should be signed by the donor or, in the case of a bequest, their executor or personal representative, and by the appropriate collecting unit director or the director's designee, or another authorized Smithsonian official. The OGC must review and approve all standard deeds of gift or gift agreements and any substantial alterations to these standard forms. Collecting units must also obtain the review and approval of the OGC for any bequest documents requiring signatures.
- 11) When acquiring collections by gift, the Smithsonian shall provide written acknowledgment of the gift with a letter to the donor within 30 days following the completion of the gift. The letter must acknowledge receipt of the donation, state whether or not any goods or services were provided to the donor in return for the gift, and include appropriate tax disclosures. The OGC has established standardized acknowledgments and may be consulted regarding tax requirements.
- 12) The Smithsonian may only acquire collections after considering the obligations of long-term stewardship to determine that it can reasonably anticipate the ability to meet such responsibilities with existing and projected resources over the life cycle of the collection. The appropriate Under Secretary or Under Secretaries, following consultation with the NCP, must approve the acquisition of any collection item that would require substantial resources beyond a collecting unit's allocated budget or substantial resources of other Smithsonian units for the management or preservation of the collection.
- 13) When determining whether to acquire collections, the Smithsonian will consider sharing existing, renovated, or new collections storage spaces based on space, type, and environmental needs.

- 14) While overlap in collecting among Smithsonian collecting units is inevitable, competition for a particular acquisition is inappropriate. When more than one collecting unit seeks to acquire the same collection item, the respective unit directors must agree on which unit will acquire the collection item or consider pursuing a joint acquisition/ownership agreement. In those rare cases when the placement of a collection item cannot be resolved by the directors, the Deputy Secretary will decide after consultation with the NCP and the appropriate Under Secretary or Under Secretaries.
- 15) On occasion, collecting units may jointly acquire collections with other museums, educational organizations, or other Smithsonian collecting units with which they agree to share ownership and management. In such circumstances, a written agreement that stipulates the terms and conditions of the joint acquisition/ownership arrangement and the responsibilities of each party must be formalized and approved before final acceptance. The NCP and OGC must be consulted in advance of such cases, and in certain circumstances the collecting unit(s) must obtain approval from the appropriate Under Secretary or Under Secretaries, who may consult with the Deputy Secretary as appropriate.
- 16) The Smithsonian will avoid competitive bidding with federal organizations for collection items of common interest and will seek mutually acceptable agreements whenever the potential for competitive bidding with such organizations becomes apparent.

8. DEACCESSIONING AND DISPOSAL

Deaccessioning is the process used to formally approve and record the removal of a collection item or group of items from an accessioned collection.

Disposal is the act of physically removing a collection item or group of items from a collection.

Deaccessioning and disposal are legitimate components of responsible collections management. The periodic review, evaluation, deaccessioning, and disposal of existing collections is intended to refine and improve the quality and relevance of collections with respect to the Smithsonian mission. The Smithsonian acquires collections only when there is a good-faith intention to retain them for an indefinite period of time. Collections are retained as long as they can be properly maintained and used and align with the collections stewardship objectives of the Institution.

The acquisition and possession of collections impose legal and ethical obligations founded on public trust. For this reason, decisions concerning the deaccessioning and disposal of collections require careful planning and analysis, an appropriate justification, and due diligence. Deaccessioning and disposal procedures are designed to ensure thoughtful, well-documented consideration of such decisions in the context of the long-term interest of the Smithsonian, the public, and the collection item.

8.1. Policy

The Smithsonian adheres to the following policies regarding deaccessioning and disposal of collections:

- 1) The Smithsonian may deaccession and dispose of collections only when consistent with deaccessioning and disposal criteria and approvals, applicable law and professional and Institutional ethics, and any other applicable restrictions. All applicable federal, state, local, and international laws, treaties, regulations, and conventions will be observed and compliance documented.
 - 2) Deaccessioning and disposal may occur for a variety of reasons, including:
 - Lack of capacity to provide proper stewardship;
 - Deterioration of collection items beyond repair or usefulness;
 - Duplication or redundancy of collection material;
 - Insufficient relationship between an item(s) and the mission, programmatic goals, or collections stewardship plan of the collecting unit, such that the item would be better placed elsewhere;
 - Ethical returns;
 - Repatriation;
 - Collection items containing hazardous materials which present threats to other items or create significant health and safety risks to staff or the public;
 - Selection for educational or consumptive use; and
 - Reconciliation of collections accessioned in error.
 - 3) The Smithsonian may dispose of collections by a variety of methods, including donation, transfer, exchange, sale, repatriation, return, educational or consumptive use, destruction, destructive analysis, and, in certain instances, disposal by euthanasia or death.
 - 4) Disposals resulting in a transfer of ownership to a third party must be documented in a written agreement approved by the OGC.
 - 5) Disposals of deaccessioned collection items to foreign entities must comply with [SD 611, *Export Compliance and Trade Sanctions Related to Research, Export and Museum Activities*](#).
 - 6) If the estimated value of a single collection item or a group of collection items considered for disposal is:
 - More than \$10,000 — requires a written, independent appraisal or informed estimate of fair market value.
-

- More than \$100,000 — requires two written, independent appraisals or informed estimates of fair market value and approvals from the NCP, OGC, the appropriate Under Secretary, and the Secretary.
 - More than \$500,000 — requires two written, independent appraisals or informed estimates of fair market value and approvals from the NCP, OGC, the appropriate Under Secretary, the Secretary, and the Board of Regents.
- 7) Documentation of proposed deaccessions may refer to any of the following valuation sources: written, independent appraisals; sales histories of the collection items or comparable items; or other standard valuation sources, including informed estimates by staff.
 - 8) The deaccession and disposal of collection items that, notwithstanding their monetary value, have significant research or historical value, or when the deaccession might create significant public interest, must be approved by the NCP, OGC, and the appropriate Under Secretary, who may consult with the Deputy Secretary and seek higher levels of authorization as appropriate.
 - 9) The disposal of non-accessioned collections does not require the same appraisal and approval processes as deaccessioning accessioned collections. Nevertheless, the disposal of non-accessioned collections should be conducted thoughtfully and consistent with the nature and importance of the items. The disposal of certain non-accessioned collections may warrant the same appraisal and approval procedures as accessioned collections. Collecting units shall consult with the NCP and OGC when considering the disposal of significant non-accessioned collections.
 - 10) Significant collection items manufactured by or for government entities, having no commercial or secondary markets, do not require appraisals of fair market value for deaccessioning and disposal. Deaccessioning and disposal of such collection items are subject to the following procedures:
 - Transfer of a duplicate collection item to a U.S. Government agency requires consultation with the NCP and OGC.
 - Transfer of a collection item to a Government agency or non-profit organization in the United States requires approvals from the NCP, OGC, and the appropriate Under Secretary, who may consult with the Deputy Secretary as appropriate.
 - Transfer of a collection item to a Government agency or non-profit organization outside the United States requires approvals from the NCP, OGC, the appropriate Under Secretary, and the Deputy Secretary.
 - 11) Smithsonian collecting units shall have a right of first refusal for collection items proposed for disposal, except as otherwise stipulated by authorizing legislation or other restrictions, or in the case of hazardous materials that present a health or safety risk. Such transfers are made without financial compensation, except when a collecting unit disposes of a collection item acquired through purchase. If required,
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compensation shall be based on the fair market value of the collection item at the time of disposal or the value negotiated by the involved collecting units.

- 12) Under no circumstances may the ownership of any collection item that has been removed from a collecting unit be transferred, either directly or indirectly, to any employee, volunteer, officer, trustee, or [affiliated person](#) of the collecting unit or of the Smithsonian Institution.
- 13) Any proceeds realized from the sale of collection items may be designated only for collections acquisitions or the direct care of existing collections. Direct care may include:
 - Collections assessments and preservation surveys;
 - The purchase of collections storage equipment, housing materials, and supplies;
 - Conservation treatment and stabilization, and preservation of collections; or
 - Collections reformatting, re-housing, processing, documentation, inventory, cataloguing, and digitization.
- 14) Proceeds realized from the sale of deaccessioned collection items may not be used for operating expenses. Collecting units should consult with the NCP and OGC regarding the appropriate use of proceeds for direct care.
- 15) Collecting units that are members of the Association of Art Museum Directors (AAMD) may limit the use of sale proceeds for the acquisition of collections only as stipulated by the AAMD's policies on deaccessioning.

9. PRESERVATION

Preservation is the protection and stabilization of collections and their associated information through a coordinated set of activities aimed at minimizing chemical, physical, and biological deterioration and damage and preventing loss of intellectual, aesthetic, cultural significance, and monetary value.

Preservation, preventive care, and remedial conservation are integral components of collections management, ensuring collections are available for use. The ability of the Smithsonian to carry out its mission directly relates to its ability to preserve and safeguard collections, collections records, and other documentary materials for public benefit. Given the diverse nature and educational significance of Smithsonian collections, it is imperative to balance use and access with preservation needs.

9.1. Policy

The Smithsonian adheres to the following policies regarding the preservation of collections:

- 1) The Smithsonian shall provide the appropriate preservation, care, protection, and security for all collections and their associated information acquired, borrowed, or in the custody of the Institution.
- 2) The Smithsonian will balance current exhibition, educational, and research, use with the preservation requirements of collection items to ensure collections are properly maintained and rightfully serve their intended purpose.
- 3) Preservation policies, plans, and standards shall be developed in accordance with the intended purpose and use of collections and based on the principles of preventive conservation to ensure protection from the agents of deterioration. The Smithsonian should consider the American Institute for Conservation (AIC) [Code of Ethics and Guidelines for Practice](#) when developing preservation policies, standards, and procedures.
- 4) The Smithsonian is responsible for developing and implementing preservation strategies, policies, procedures, and plans for collections and collections information which respect the diverse nature and purpose of collections, including providing access.
- 5) The Smithsonian is committed to sustainability in the preservation and management of its collections, including the design, management, and maintenance of collections space and preservation environments in accordance with [SD 422, Sustainable Design of Smithsonian Facilities](#).
- 6) The Smithsonian aims to provide and actively manage optimized preservation environments based on a balance of scientific research, engineering capability, collections management protocols, and environmental impact. Collecting units, Smithsonian Facilities (SF), and the NCP shall support collaborative, evidence-based, decision making processes among the professional disciplines and stakeholders who share responsibility for establishing and implementing sustainable collections environments, as outlined in the [Smithsonian Institution Declaration on the Collections Preservation Environment](#).
- 7) Any conservation intervention, restoration, destructive sampling, or consumptive use of collection items must be authorized, documented, and justified for the purpose of preservation or professional scholarship.

10. COLLECTIONS INFORMATION

Collections information is the incremental, cumulative documentation of the intellectual significance, physical characteristics, legal status, use, provenance, and history of collection items, and the collections management processes and transactions they undergo. Collections information can be in analog or digital form and include text and images.

The Smithsonian relies on the well-documented results of scientific, historical, and aesthetic research to fulfill its mission. The Smithsonian acquires, develops, and maintains collections

information systems that enhance access to and accountability for its collections and research findings to ensure the long-term preservation of the resulting information in analog and digital formats. The value of collections information rests in its quality, integrity, availability, and potential for use and public access.

10.1. Policy

The Smithsonian adheres to the following policies regarding collections information:

- 1) Collections information systems must support the mission and public access goals of the Smithsonian.
- 2) The systems of record for Smithsonian collections data include unit collections information systems (CIS) for information, the Smithsonian's enterprise-wide Digital Asset Management System (DAMS) for digital media assets, and the Smithsonian's enterprise-wide 3D repository for 3D data.
- 3) The Smithsonian is committed to placing collections information in publicly accessible digital platforms, implementing professional documentation practices and standards, and sharing collections information through collaborations among collecting units, other educational and research institutions, and the public. The Smithsonian maintains its digital assets to advance the Smithsonian's mission, support its strategic and programmatic goals, and facilitate access.
- 4) The Smithsonian seeks to provide the widest dissemination of its digital assets consistent with the stewardship, management, and preservation responsibilities for its collections. Following [SD 609, Digital Asset Access and Use](#), these obligations take into consideration a wide range of legal, ethical, and practical factors, and reflect the staff and financial resources to generate, maintain, and render digital assets publicly accessible.
- 5) In its commitment to increasing access to collections as broadly as possible, the Smithsonian launched the Open Access Initiative, dedicating eligible digital assets into the public domain with a Creative Commons Zero (CC0) license. Certain digital assets are not part of the Smithsonian's Open Access Initiative because their use is restricted, and they carry a Usage Conditions Apply designation. Use of digital assets can be restricted for various reasons specified in [SD 609](#). These reasons include, but are not limited to, copyright restrictions, restrictions imposed by donors, restrictions imposed by contracts, and restrictions due to the cultural sensitivity of the collection item.
- 6) The Smithsonian may restrict access to sensitive information involving privacy, collecting localities, security, storage location, value, intellectual property restrictions, and culturally sensitive content.
- 7) Business or financial records (e.g., vendor enrollment forms) containing personally identifiable information (PII) or sensitive PII (sPII) about individuals associated with a

collection item (i.e., artists, donors, collectors, or researchers) are subject to [SD 118, Privacy Policy](#).

- 8) Collections information, including all records of collections-related decisions and activities, must comply with established Smithsonian and collecting unit standards and be maintained according to accepted professional practices.
- 9) The Smithsonian is responsible for the development, maintenance, preservation, and retention of collections information. All media containing collections information are maintained for long-term use and must be preserved according to current professional standards.

11. INVENTORY

Inventory is an itemized listing of collection items, groups, or lots that identifies the current physical location of each item, group, or lot; the process of physically locating all or a selection of items for which the collecting unit is responsible; and appropriate information to facilitate research, collections management, security, and access.

Effective collections management requires an inventory system to support decisions regarding the management, use, growth, storage, intellectual control, value, condition, physical information, and security of collection items. Inventory records serve as a tool for accountability and are useful in supporting other Smithsonian programs when augmented with additional documented information.

11.1. Policy

The Smithsonian adheres to the following policies regarding the inventory of collections:

- 1) Inventories of collections are conducted in accordance with established authority, inventory processes, and a written inventory plan appropriate to the purpose, character, and size of the collections in the collecting unit's care and staff resources.
- 2) Inventories of collections shall be conducted according to a predetermined schedule. Inventories may include a complete inventory, a specific percentage or sampling of the collection, or project-oriented inventories conducted during collections moves, rehousing, or digitization, using predetermined, statistically sound inventory methods.
- 3) Inventory control requires creating and maintaining reliable information about the identification, location, and presence of collection items. Inventory is a critical component of ongoing collections documentation.

12. RISK MANAGEMENT, SAFETY, AND SECURITY

Risk Management is the process of identifying and evaluating risk to prevent or minimize exposure to factors which may cause loss or damage to collections or injury or illness to staff and the public.

Safety encompasses occupational health and safety, industrial hygiene, and environmental management.

Security encompasses an entire range of activities concerned with the protection of life, facilities, and property, including collections, from direct or perceived threats.

The programmatic activities of the Smithsonian naturally expose collections to certain levels of risk of damage or loss during exhibition, loan, transit, storage, research, treatment, or handling. Collection items may also contain a wide range of chemical, biological, and physical hazards, whether inherent in the nature, composition, or construction of the item itself or as a result of preparation, treatment, alteration, or degradation.

Certain collections-related activities may expose staff and affiliated persons to residual hazardous materials associated with a collection item, storage equipment, or exhibit case materials. The Smithsonian has adopted an integrated risk management assessment program to mitigate exposure to a variety of risks by requiring the thoughtful review of potential hazards, including natural and human-made emergencies; climate change; vandalism and theft; disease; space and environmental deficiencies; human error; mechanical or operational system failures; deterioration; and collections-based hazards.

12.1. Policy

The Smithsonian adheres to the following policies regarding the risk management, safety, and security of collections:

- 1) The Smithsonian shall minimize and control the level of risk of damage or loss to collections and injury and illness to staff, affiliated persons, and visitors through established risk management practices.
 - 2) The Smithsonian will provide hazard awareness and establish safe work practice information in accordance with [SD 419, Smithsonian Institution Safety, Health, and Environmental Program](#). OSHEM is responsible for the direction, planning, and technical supervision of occupational safety, health, and environmental protection at the Smithsonian.
 - 3) All Smithsonian staff have an obligation to be aware of the Institution's risk management, safety, and security directives.
 - 4) Except in extraordinary circumstances, the Smithsonian has chosen not to insure its own collections while in Smithsonian-owned facilities, either in storage or on display, and in the care and possession of the Institution. However, during transit between Smithsonian units and facilities, insurance can be placed on collection items.
 - 5) Collections on loan to the Smithsonian and Smithsonian collections on loan to or in the custody of others will be insured as stipulated by an authorized loan agreement or negotiated contract. The OF&A Risk Management Branch coordinates Smithsonian risk management and insurance in accordance with [SD 108, Insurance and Risk Management](#).
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- 6) Insurance proceeds from the settlement of claims for damage to Smithsonian collection items may be used only for the conservation and restoration of the affected collection item. Insurance proceeds received due to a total loss of a collection item or in excess of the cost of conservation and restoration of a damaged collection item shall be designated only for collections acquisition or the direct care of existing collections.
- 7) In accordance with [SD 420, Security Operations and Policies](#) and [Collections Space Security Standards](#), collecting unit directors, in collaboration with OPS, shall define the protection policy and goals for collections and ensure that such policies are implemented. Policies are based on risk assessments and consultations with unit staff and central offices such as the NCP and SF. The OPS is responsible for providing physical security and protection of personnel, visitors, collections, facilities, and property of the Smithsonian.
- 8) All Smithsonian facilities, owned or leased, must have a written, comprehensive emergency plan and procedures as required by [SD 109, Smithsonian Emergency Management Program](#). The OEM is responsible for the management and oversight of the Smithsonian Emergency Management Program.
- 9) The Preparedness and Response in Collections Emergencies (PRICE) team is responsible for providing Institution-wide training, policy, procedural, and logistical support in collections emergency preparedness, response, and recovery, promoting improved communication and collaboration across Smithsonian units.

13. ACCESS

Access is the opportunity for the public, scholars, and staff to explore and use the diverse collections and associated information resources of the Smithsonian.

The Smithsonian promotes access to its collections and associated information through research opportunities, traditional and digital exhibitions, educational programs and publications, reference systems, loans and exchanges of collections, and digital platforms.

13.1. Policy

The Smithsonian adheres to the following policies regarding access to collections:

- 1) The Smithsonian will provide access to its collections and associated information in a manner consistent with its stewardship, management, and preservation responsibilities. Physical and intellectual access to the collections must be balanced with preservation concerns.
- 2) The Smithsonian will control, monitor, and document physical access to and use of its collections.
- 3) The Smithsonian may be required to restrict access for various reasons, including resource limitations, security and safety, preservation constraints, object availability,

concerns related to cultural sensitivity and privacy, and legal restrictions (such as copyright and restrictions imposed by contract). Collecting units should consult with the OGC regarding access requests involving restrictions such as privacy and intellectual property rights.

- 4) The Smithsonian generally provides access to Smithsonian information under [SD 807, *Requests for Smithsonian Institution Information*](#), through the OGC. [SD 807](#) applies to transactional documents related to collections, such as gift and purchase agreements, but it does not apply to requests for other kinds of collections information. For requests for collections information other than transactional documents, the collecting unit responsible for the maintenance of the requested information handles the request in accordance with the unit's collections management policy and in consultation with the OGC, as necessary.
- 5) Requests for information citing [SD 807](#) or the Freedom of Information Act (FOIA) must be referred to the OGC.
- 6) The Smithsonian may charge fees to provide digital assets in response to access or use requests in accordance with [SD 609](#).

14. LOANS

A *loan* is the temporary transfer of possession of collection items for an agreed-upon purpose and on the condition that the collection items are returned at a specified time. Loans are not generated with the intent to result in a change of ownership.

Fundamental to the Smithsonian's strategic plan and programmatic goals, the lending and borrowing of collection items between Smithsonian units and other cultural, educational, and scientific organizations for public exhibition, research, and education is an integral part of the Institution's mission.

14.1. Policy

The Smithsonian adheres to the following policies regarding loans of collections:

- 1) All loans to or from the Smithsonian must adhere to applicable federal, state, local, and international laws, treaties, regulations, and conventions, including the [Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects](#).
- 2) Smithsonian collection items may be lent or borrowed only in accordance with a written, authorized loan agreement and established authority, and only when consistent with applicable law and professional and Institutional ethics.
- 3) As a general rule, Smithsonian collections will only be lent for public exhibition, research, and other educational, scientific, or preservation purposes. Smithsonian collections may not be loaned for commercial purposes or private pecuniary gain.

- 4) The Smithsonian adheres to individual collecting unit guidelines for developing exhibitions and procedures for planning public programs, in accordance with [SD 603, *Exhibition, Program Planning, Research, and Educational Content*](#), and with the [Guidelines for Exhibiting Borrowed Objects](#) issued by the American Alliance of Museums (AAM).
 - 5) All loans are for a specified period of time and may contain an option for renewal, if appropriate. The Smithsonian does not permit indefinite or permanent loans, whether as a lender or borrower.
 - 6) Collections on loan to the Smithsonian and Smithsonian collections on loan to, or in the custody of others, will be insured as stipulated by an authorized loan agreement.
 - 7) Requests from lenders for absolute liability — terms and conditions requiring the Smithsonian to agree to accept liability for damage or loss potentially in excess of insurance coverage — are subject to the following procedures:
 - Requests concerning a loaned collection item(s) with an insurance value of \$10 million or less require approval from the appropriate Under Secretary and the Under Secretary for Administration, in consultation with the OGC and the OF&A Risk Management Branch.
 - Requests concerning a loaned collection item(s) with an insurance value of more than \$10 million require approval from the Deputy Secretary, who may consult with the Secretary as necessary.
 - 8) In addition to actual expenses, the Smithsonian may charge loan fees to borrowing organizations in accordance with approved collecting unit policies.
 - 9) The Smithsonian may lend collection items for display in the offices of high-ranking U.S. Government officials, in accordance with the [Loans to High-Ranking Government Officials Guidance](#).
 - 10) The Smithsonian may lend collection items to for-profit entities in accordance with the [Loans to For-Profit Entities Guidance](#).
 - 11) The applicable provisions of the [Board of Regents Ethics Guidelines](#) govern loans to the Smithsonian from members of the Board of Regents.
 - 12) The applicable provisions of the [Smithsonian Advisory Board Ethics Statement](#) govern loans to the Smithsonian from members of Smithsonian advisory boards.
 - 13) Loans to foreign entities must comply with [SD 611, *Export Compliance and Trade Sanctions Related to Research, Export and Museum Activities*](#).
 - 14) Regardless of the length or type of outgoing loans, the Smithsonian retains ownership and stewardship responsibility of its collections.
 - 15) Smithsonian collecting units may accept items for temporary custody in accordance with unit collections management policies and under a temporary custody agreement.
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- 16) The internal lending of collections for exhibition and public display among collecting units is fundamental to cross-unit collaboration and increasing public access to Smithsonian collections. Collecting units will, to the extent possible, facilitate and subsequently expedite exhibition and public display loans to other Smithsonian units, including newly designated collecting units, in accordance with the Smithsonian [Unit-to-Unit Object Loan Guidelines](#).

15. INTELLECTUAL PROPERTY RIGHTS

Intellectual property rights are protections based on federal or state statutes or common law such as patent, trademark, copyright, privacy, and publicity.

Distinct from the right to possess a collection item, intellectual property rights arise from the content of a collection item. The Smithsonian's ability to use and provide access to collections and their associated intellectual property may be subject to copyright, privacy, and publicity rights held by others, which may restrict access to or use of the material.

As both a holder and a user of intellectual property, the Smithsonian seeks to protect the intellectual integrity of collections and the rights of creators and owners of intellectual property, including the Institution itself as a rights holder, to promote the broadest possible access to collections for research and educational purposes.

15.1. Policy

The Smithsonian adheres to the following policies regarding intellectual property rights and collections:

- 1) Smithsonian collections may be subject to intellectual property rights that may be owned by the Smithsonian or others. The Smithsonian shall manage its collections and collections in its custody in a manner that avoids any infringement of intellectual property rights. The Smithsonian will protect the intellectual property rights of creators and intellectual property owners, including the Institution itself as a rights holder.
- 2) The Smithsonian may charge fees to outside organizations and individuals to use and reproduce images of collection items, in accordance with [SD 609](#).
- 3) The Smithsonian may rely on the doctrine of fair use in making reproductions of collections for standard museum purposes, such as for archival, research, educational, exhibition, and other similar uses. Fair use assertions must be made on a case-by-case basis, taking into consideration the legal parameters of the fair use doctrine, and the OGC should be consulted as necessary concerning fair use determinations.
- 4) Smithsonian collections may be used consistent with the current [Smithsonian Terms of Use](#).

16. SPECIFIC LEGAL AND ETHICAL ISSUES

Certain collections present specific issues because of applicable legal and ethical standards. Smithsonian collecting units that acquire, hold, or manage collections must take these legal and ethical issues into account, including incorporating appropriate standards into unit collections management policies. The following sections address six specific legal and ethical issues raised by Smithsonian collections that fall within the scope of the following.

Section 16.1 addresses shared stewardship and ethical returns of tangible and intangible cultural heritage collections; Section 16.2 addresses repatriation and other issues related to Native American and Native Hawaiian human remains and objects covered by the National Museum of the American Indian Act; Section 16.3 addresses provenance requirements for acquiring art, antiquities, archaeological and ethnographic material, and historic objects; Section 16.4 addresses requirements for borrowing, collecting, and managing biological material; and Section 16.5 addresses issues related to objects that have been or may have been unlawfully appropriated during the Nazi era.

16.1. Shared Stewardship and Ethical Returns

Over the course of its long history, the Smithsonian has acquired collections originating from national and international sources, from individuals, communities, and indigenous peoples, from non-profit, for-profit, and governmental entities, and through a variety of methods and circumstances. During this time, ethical norms and professional best practices related to collecting have changed, particularly with respect to collecting cultural heritage (tangible and intangible) from individuals and communities. As a result, the Smithsonian has collections that it would not have acquired under present-day ethical and professional standards.

Although the Smithsonian has legal title or custody of collections it holds in trust for the benefit of the public, continued retention or sole stewardship of such collections may cause harm to communities and be fundamentally inconsistent with the Smithsonian's ethical standards and Institutional values. In these unique circumstances, shared stewardship or ethical return may be necessary to fulfill the Smithsonian's custodial obligations.

The Smithsonian recognizes the value of community representation in Smithsonian collections, the benefit of preserving and making available to the public, with honor and respect, a diverse range of collections, stories, and histories, and the role of museums as collaborative custodians of cultural and historical legacies. The Smithsonian is committed to working transparently and in consultation with descendants, communities, and relevant governmental and regional stakeholders to consider matters of shared stewardship and the potential return of collections, based on ethical considerations. These circumstances, which may vary depending on the nature and scope of a unit's collections, may include but are not limited to the manner in which a collection was originally acquired and the context of its acquisition. A review of the circumstances may demonstrate unethical acquisition through means such as coercion, duress, assertion of power, or forcible taking.

The Smithsonian adheres to the following policies regarding shared stewardship and ethical return of objects in its collections.

- 1) Collecting units may enter into shared stewardship arrangements with communities represented in the unit's collections in appropriate circumstances, based on ethical considerations. Collecting units must establish authority and evaluation criteria and assign responsibility to approve, document, and implement such arrangements within the unit's collections management policy. Shared stewardship arrangements may include, but are not limited to, collaborative consultations for the respectful attribution, documentation, interpretation, display, care, storage, access, use, or disposition of collections. Shared stewardship arrangements must be documented in a written agreement approved by the appropriate Under Secretary in consultation with the OGC and NCP.
- 2) Collecting units may deaccession and return collections in appropriate circumstances, based on ethical considerations. Collecting units must establish authority and evaluation criteria and assign responsibility to approve, document, and process such deaccessions and returns, including transfer of associated collections information, within the unit's collections management policy. Before collections may be deaccessioned and returned for ethical reasons, collecting units must consult with the appropriate Under Secretary, the NCP, and the OGC and must obtain all approvals for deaccessioning and returns required under Section 8 of this directive. Before a collecting unit can deny a claimant's request for return of a collection for ethical reasons, the collecting unit must consult with the appropriate Under Secretary.
- 3) Collecting units must establish and implement readily accessible processes for descendants, communities, and other parties with claims to request shared stewardship or return of collections based on ethical considerations. These processes shall prioritize transparency, respectful engagement, meaningful consultation, and prompt responses to requests.

16.2. Native American and Native Hawaiian Human Remains and Objects

The 1989 [National Museum of the American Indian \(NMAI\) Act](#), 20 U.S.C. §80q et seq., as amended in 1996, requires the Smithsonian to return culturally affiliated human remains, funerary objects, sacred objects, and objects of cultural patrimony to Indian tribes and Native Hawaiian organizations. Under the NMAI Act, the Smithsonian is required to prepare inventories and summaries about such objects, and to disseminate the information to and consult with Indian tribes and Native Hawaiian organizations about human remains and other cultural objects that may be eligible for repatriation under the NMAI Act.

The NMAI Act established the Smithsonian Institution Repatriation Review Committee, which serves as an advisory body to the Secretary or the Secretary's designee on the application of the NMAI Act with respect to the collections of the National Museum of Natural History. Additionally, the NMAI Act also established the NMAI Board of Trustees, which, subject to the general policies of the Board of Regents, has sole authority over certain collections decisions, including final resolution of repatriation claims submitted to the NMAI.

In addition to the applicable requirements of the NMAI Act, Smithsonian collecting units with Native American and Native Hawaiian collections should be aware of and sensitive to other

issues that arise out of cultural concerns of Native American Tribes, Native Hawaiian organizations named in the NMAI Act, and other Native American and Native Hawaiian groups. Such concerns may relate to appropriate standards for the use, management, and care of culturally affiliated human remains and cultural objects and protections for interests in the intellectual content associated with these objects. Collecting units are encouraged to consult with Native American Tribes, Native Hawaiian organizations named in the NMAI Act and other Native American and Native Hawaiian groups associated with the human remains and objects in their collections, and to take their interests into account in establishing policies for the use, management, and care of these collections, provided that such policies are consistent with applicable law and the Smithsonian's responsibilities for the care and management of its collections.

The Smithsonian adheres to the following policies regarding Native American and Native Hawaiian human remains and objects:

- 1) Smithsonian repatriation of Native American and Native Hawaiian human remains and objects is governed by the requirements set forth in the NMAI Act, 20 U.S.C. § 80q, as amended.
- 2) Final repatriation decisions are made by the Secretary or the Secretary's designee, except for the collections of the National Museum of the American Indian. In accordance with the NMAI Act, the NMAI Board of Trustees has sole authority to dispose of any part of NMAI collections, which includes repatriation. All NMAI repatriation decisions are subject to the general policies of the Board of Regents.
- 3) Any Native American or Native Hawaiian collections whose return or repatriation is not required by the NMAI Act shall be managed in accordance with this directive. Decisions to return collection objects outside the scope of the NMAI Act (e.g., to indigenous people in other countries) will be managed in accordance with this directive and unit collections management policies.

16.3. Cultural Property

The Smithsonian Board of Regents first adopted a policy on the acquisition of art, antiquities, and other specimens in 1973. Updated and revised by the Board of Regents on April 13, 2015, the [Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects](#) reaffirms the Smithsonian's support for efforts of local, state, national, and international authorities to protect art, antiquities, national treasures, and ethnographic material from destructive exploitation. The policy establishes rules for the acquisition and borrowing of art, antiquities, archaeological and ethnographic material, and historic objects.

The Smithsonian repudiates the illicit traffic in art and cultural objects that contributes to the despoliation of museums and monuments and the irreparable loss to science and humanity of archeological remains. Objects and specimens which have been stolen, unscientifically gathered or excavated, unethically acquired, or unlawfully exported from their country of origin should not be made part of Smithsonian collections.

The Smithsonian adheres to the following policies regarding cultural property:

- 1) All Smithsonian collections management policies and activities will comply with the [Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects](#).
- 2) Before acquiring or borrowing a collection item, the Smithsonian must conduct due diligence sufficient to ascertain, from the circumstances surrounding the transaction or knowledge of the item's provenance, that the collection item was not stolen or wrongfully converted and is not illegally present in the United States.
- 3) Before acquiring or borrowing a collection item, the Smithsonian must ascertain through provenance research that the collection item was not unethically acquired from its source or unscientifically excavated.
- 4) Before acquiring or borrowing a collection item, the Smithsonian must ascertain through provenance research that the collection item was outside its country of probable modern discovery before November 17, 1970, or was legally exported from its country of modern discovery and lawfully imported into the United States after November 17, 1970. For collection items lacking a complete documented provenance history, the [Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects](#) provides guidelines, based on professional museum standards, for collecting unit directors to make an informed decision as to whether the collection item can be acquired or borrowed.
- 5) The provenance of collection items shall be a matter of public record.

16.4. Biological Material

The Smithsonian has long been a leader in the effort to halt the continuing degradation of the world's natural history and environmental resources. Smithsonian research and collecting activities must be undertaken with sensitivity to the continued protection of biological diversity and in compliance with applicable federal, state, local, tribal, and international laws, treaties, regulations, and conventions protecting animal and plant species, especially those that are threatened or endangered.

Field studies and collecting of biological material should be preceded by disclosure and consultation with the proper authorities and interested scientific institutions in the location of the fieldwork. Field activities must be conducted lawfully, support educational and scientific purposes, and not cause undue detriment to the biodiversity and ecological conditions in the location or region of the activity.

Biological material (e.g., ivory, feathers, blood, and bone) embodied in art or other objects or acquisitions must comply with all applicable laws relating to import, export, and possession of the embedded biological material.

The Smithsonian adheres to the following policies regarding biological material:

- 1) Biological material may be acquired by or on behalf of the Smithsonian through field collecting only when such collecting is legally authorized in advance; the biological

material is obtained solely for the purposes of scientific research or conservation, to add to the Smithsonian collections, or for other educational purposes; and the Smithsonian's collecting activities will not cause undue detriment to the biodiversity and ecological conditions in the area of the activity.

- 2) Nothing in this directive shall prevent collecting units, when acquiring international biological material, from also considering international conventions governing the transfer of biological materials even if such conventions are not legally applicable to the Smithsonian.
- 3) The Smithsonian name may not be used to justify or support permit applications for activities that have not been authorized by or on behalf of the Smithsonian in accordance with this directive and unit collections management policies.
- 4) The Smithsonian may acquire or borrow biological material collected or obtained by others, including when embodied in art and other objects, only when consistent with established collecting unit criteria for the transaction and applicable international, national, state, local, and tribal laws.
- 5) Biological material in Smithsonian collections or in its custody will be managed in accordance with all applicable legal requirements.

16.5. Unlawful Appropriation of Objects During the Nazi Era

Between 1933 and 1945, the Nazi regime and its collaborators orchestrated a system of confiscation, coercive transfer, looting, and destruction of cultural property and artwork throughout Europe on an unprecedented scale. Millions of objects were unlawfully appropriated from their rightful owners, including private citizens, victims of the Holocaust, public and private museums and galleries, and religious, educational, and other institutions. Some of these objects were ultimately transferred, in good faith and without knowledge of their prior unlawful appropriation, through the legitimate market and may have been acquired by museums. Postwar restitution efforts to return unlawfully seized objects to their rightful owners did not lead to complete and comprehensive restoration.

Guidance issued by the AAM and the AAMD concerning objects that may have been unlawfully appropriated during the Nazi era recommends museums identify objects in their collections that were created before 1946, acquired by the museum after 1932, underwent changes in ownership during the Nazi era, and were or may reasonably be thought to have been in continental Europe between 1933 and 1945. The Smithsonian is committed to implementing the AAM and AAMD guidelines by researching, identifying, and making public any objects that fall within their scope.

The Smithsonian adheres to the following policies regarding unlawful appropriation of objects during the Nazi era:

- 1) The Smithsonian shall not knowingly acquire collection items unlawfully appropriated during the Nazi era without subsequent restitution.

- 2) If the Smithsonian has in good faith acquired a collection item subsequently determined to have been unlawfully appropriated during the Nazi era without restitution, the Smithsonian will take prudent and necessary steps to resolve the status of the collection item.
- 3) The Smithsonian shall apply the applicable provisions of the AAM [Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era](#) and the AAMD [Report on the Task Force on the Spoliation of Art during the Nazi/World War II Era \(1933–1945\)](#) to its collection management activities.

17. SMITHSONIAN COLLECTING UNIT REQUIREMENTS

Smithsonian collecting units must adhere to the policies of this directive, including the following policies regarding unit collections management.

A well-managed collection is governed by specific documents that guide collections-related decisions based on strategic planning goals and priorities. In accordance with this directive, each Smithsonian collecting unit must develop, implement, and maintain the following.

17.1 Collections Stewardship Plans

A collections stewardship plan provides an intellectual framework for collections that establishes well-defined goals and priorities to guide collections-related decisions regarding acquisition, deaccessioning, resource allocation, institutional and community partnerships, and other activities related to the growth and refinement of collections.

Each collecting unit must develop, implement, and adhere to an authorized, up-to-date collections stewardship plan to guide collections-related activities that are consistent with strategic planning objectives.

Collections stewardship plans should be reviewed and updated every five years to align with unit strategic planning and require written approval from the collecting unit director and review by the NCP and the appropriate Under Secretary.

17.2 Unit Digitization Plans

Unit digitization plans support the Smithsonian's commitment to promote access to collections and collections information in databases and online platforms to maximize the application of networked technologies, implement professional documentation standards, and share collections information through collaborations among collecting units and with other cultural, educational, and research institutions.

In accordance with this directive and [SD 610, Digitization and Digital Asset Management Policy](#), each collecting unit must develop, implement, and maintain an authorized, up-to-date unit digitization plan that establishes unit-specific goals, priorities, and standards for the digitization of its collections. Unit digitization plans should be reviewed and updated every three years.

17.3 Unit Collections Management Policies

Collections management policies establish general principles and standards to govern the collections-related activities and operations of a collecting unit to achieve its mission, programmatic goals and objectives, and responsibilities regarding collections. Unit collections management policies define areas of authority and responsibility for collections, establish decision-making criteria, and provide guidance on collections management activities that carry out the unit's legal, ethical, and professional obligations for collections in its care.

Each collecting unit designs policies specifically tailored to the nature, scope, character, and intended purpose of its collections. Collections are defined by each collecting unit within their collections management policy.

In accordance with this directive, each Smithsonian collecting unit must develop, implement, and adhere to an authorized, up-to-date collections management policy consistent with the policies established by this directive.

The Smithsonian is increasingly acquiring diverse types of collections, collected for vastly different purposes and uses, and composed of various kinds of materials, which are most appropriately stewarded in accordance with discipline-specific standards of management and care. These discipline-specific standards may in some cases deviate from the standards outlined in this directive. Therefore, the NCP may approve, in consultation with the collecting unit director and the appropriate Under Secretary, to exempt specific types of collections from specific provisions of SD 600. Such exemptions must be specified in the collecting unit's collections management policy, and the unit's policy must specify the national or international discipline-specific standards which will instead apply to the type of collection granted the exemption.

Unit collections management policies must be reviewed every five years and, if necessary, revised and reauthorized as appropriate. Revised collections management policies must be approved by the collecting unit director, the NCP, the OGC, the appropriate Under Secretary, and the Secretary. If a collecting unit reviews its collections management policy and chooses not to revise its policy, the unit director must notify the NCP and appropriate Under Secretary.

In certain circumstances, collecting units may make minor amendments to their existing collections management policy in advance of a full review and revision. Written approval is required from the collecting unit director, the NCP, the OGC, and the appropriate Under Secretary. Any approved amendments are addressed through the formal review and approval process during the unit's next periodic review and revision of its collections management policy.

Certain collecting units may have varying levels of authority that limit the unit from adhering to certain policy requirements. Collecting units that do not have delegated authority to conduct specific transactional activities must clearly articulate such restrictions in the unit's policy.

Each unit collections management policy must include the following components:

- 1) **Introductory Statements.** Each collecting unit must clearly articulate the mission, strategic priorities, programmatic goals, and role of the collecting unit within the larger Smithsonian community in the following introductory statements:
 - Statement of purpose;
 - Statement of authority;
 - Definition of collections;
 - Collections scope; and
 - Description of applicable collections management activities.

 - 2) **Acquisition and Accessioning.** Collecting units must include the following policy components regarding the acquisition and accession of collections. Each unit must:
 - establish authority and assign responsibility to approve, document, and process acquisitions and accessions;
 - develop and implement formalized evaluation criteria for potential acquisitions;
 - establish appropriate methods of acquisition;
 - ensure the documentation of legal title and provenance for all collection items acquired; and
 - ensure the creation and maintenance of permanent records for acquisitions and accessioning.

 - 3) **Deaccessioning and Disposal.** Collecting units must include the following policy components regarding deaccession and disposal of collections. Each unit must:
 - establish authority and assign responsibility to approve, document, and process deaccessions and disposals;
 - develop and implement formalized evaluation criteria for deaccessioning and disposal decisions;
 - establish appropriate methods of disposal;
 - develop and implement disposal plans at the time of deaccession;
 - develop policies and procedures, in accordance with their professional membership, for the appropriate use of proceeds realized from the disposal of deaccessioned items — the acquisition of additional collection items or the direct care of existing collections; and
 - stipulate authority and approval for the disposal of non-accessioned collections.

 - 4) **Preservation.** Collecting units must include the following policy components regarding the preservation and care of collections. Each unit must:
-

- establish authority and assign responsibility for the physical care, storage, handling, preventive conservation, conservation treatment, restoration, pest management, preservation environment, sustainability, and maintenance of collections;
- develop, implement, and adhere to established preservation policies, standards, and procedures consistent with the mission of the unit and the nature, purpose, and intended use of its collections;
- ensure collections and their associated information are cared for and maintained in conditions that preserve and extend their physical and intellectual integrity for use in exhibitions, research, and education; and
- ensure that all collections acquired, borrowed, and in the collecting unit's custody receive the appropriate level of care.

5) **Collections Information.** Collecting units must include the following policy components regarding collections information. Each unit must:

- establish authority and assign responsibility for the development, management, preservation, and maintenance of collections information;
- establish authority and assign responsibility for the implementation and management of collections information systems;
- establish authority and assign responsibility for the development and implementation of a unit digitization plan that defines the unit's digitization program and its objectives and priorities for collections digitization;
- establish documentation standards to ensure the quality, integrity, and proper maintenance, management, and dissemination of collections information;
- ensure the maintenance of collections information on the cultural, historical, scientific, or aesthetic significance, legal status, provenance, and the use and management of its collections and collections in the unit's custody; and
- promote the widest dissemination of collections information consistent with unit stewardship responsibilities.

6) **Inventory.** Collecting units must include the following policy components regarding the inventory of collections. Each unit must:

- establish and assign responsibility for developing and implementing inventory processes and standards, and a written inventory plan appropriate to the purpose, character, and size of the collections in its care and staff resources;
- establish authority and assign responsibility for conducting, supervising, approving, and reporting on inventories and reconciliation of collection records; and

- ensure adequate separation of duties and other internal controls to minimize the possible unauthorized removal of collection items and corresponding records.

7) **Risk Management, Safety, and Security.** Collecting units must include the following policy components regarding risk management, safety, and security of collections. Each unit must:

- establish authority and assign responsibility for unit risk management, safety, and security activities to identify, eliminate, or mitigate conditions which may create the potential for damage or loss to collections, risks of personal injury, or legal, reputational, or financial liability;
- establish authority and assign responsibility for the development, implementation, and coordination of the unit's emergency management plan and program for its facilities housing collections;
- develop policies and procedures for reporting and documenting damage, loss, or possible theft of collections in its custody and on loan;
- make reasonable efforts to identify, document, and promote the appropriate communication of potential collections-based hazards in accordance with this directive, [SD 419](#), and applicable chapters of the [Smithsonian Institution Safety Manual](#); and
- ensure collections are maintained in controlled areas which are adequately protected to reduce exposure to risks such as fire, theft, vandalism, and natural disasters.

8) **Access.** Collecting units must include the following policy components regarding access to collections. Each unit must:

- establish authority and assign responsibility to control, monitor, approve, document, and provide access to physical collections, digital collections, and collections information consistent with the specific type and purpose of the unit's collections and applicable access restrictions;
- establish policies, criteria, and procedures for permitting responsible access to collections, collections storage, and collections information consistent with the unit's mission and the purpose and intended use of the collections; and
- make access policy statements available to the public.

9) **Loans.** Collecting units must include the following policy components regarding lending and borrowing collections. Each unit must:

- establish authority and assign responsibility to approve, process, document, and monitor loans, including, where appropriate, temporary custody;

- establish policies, criteria, and procedures for lending and borrowing collections; and
- apply the provisions of [SD 603](#), the Smithsonian [Unit-to-Unit Object Loan Guidelines](#), and the AAM [Guidelines for Exhibiting Borrowed Objects](#) in unit borrowing activities.

10) **Intellectual Property Rights.** Collecting units must adhere to the following policy requirements regarding intellectual property rights. Each unit must:

- establish authorities to approve permissible use of collections information and images, and assign responsibility for rights management;
- establish policies and procedures to ascertain whether collection items or proposed acquisitions are encumbered by intellectual property rights or other restrictions, and document any [SD 609](#) restrictions for collection items in collection records to determine, if possible, what steps are required to obtain any rights necessary for the intended use of the item;
- establish policies and procedures for handling and documenting outside requests and permissions to publish or reproduce collections information and images in accordance with [SD 609](#);
- determine permissible uses of collections information, metadata, and images to ensure consistency with the mission of the Smithsonian and the collecting unit; and
- ensure that collection records are consulted for possible restrictions or prohibitions to determine permissible image use and reproduction by the Smithsonian and others in all media formats, such as print, digital, audio, video, and the Internet.

11) **Specific Legal and Ethical Issues.** Each collecting unit must determine if it acquires, holds, or manages any collections that fall within the scope of the following and incorporate the appropriate legal and ethical standards in its collections management policy:

Shared Stewardship and Ethical Returns

Each collecting unit must establish authority and evaluation criteria and assign responsibility to approve, document, and implement shared stewardship arrangements and ethical returns in appropriate circumstances, based on ethical considerations. Each collecting unit must further establish readily accessible, transparent, and consultative processes for descendants, communities, and other parties with claims to request shared stewardship or return of collections based on ethical considerations.

Native American and Native Hawaiian Human Remains and Objects

Each collecting unit must determine if its collections include Native American or Native Hawaiian materials to which the requirements of the National Museum of the American Indian Act (NMAI Act), as amended, may be applicable. Any collecting unit with Native American or Native Hawaiian collections must:

- develop written policies and procedures consistent with the legal requirements of the NMAI Act;
- assign responsibility to complete inventories and summaries, and assess the cultural affiliation of the collections in accordance with the provisions of the NMAI Act;
- establish authority and assign responsibility to review, evaluate, document, and process repatriation requests and returns; and
- establish authority and assign responsibility to review proposed acquisitions to determine the applicability of the NMAI Act.

Cultural Property

Each collecting unit must establish authority and assign responsibility for implementing and ensuring compliance with the [Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects](#), and other applicable laws and professional standards regarding the acquisition, borrowing, and management of cultural property.

Biological Material

Each collecting unit with responsibility for biological material must establish authority and assign responsibility to approve, document, and ensure compliance with legal requirements for collections transactions involving biological material.

Unlawful Appropriation of Objects During the Nazi Era

Each collecting unit must establish authority and assign responsibility for implementing and ensuring compliance with the Smithsonian policy on Nazi-appropriated objects and the applicable professional guidelines issued by AAM and AAMD.

- 12) **Ethics.** Each collecting unit must establish policies and procedures for implementing the collections-specific requirements of [SD 103](#) and other standards of professional conduct, including personal collecting, appraisals, and authentication.
- 13) **Financial Accounting for Collections.** Each collecting unit must include a statement on financial accounting for collections in compliance with the Smithsonian's policy regarding the non-capitalization of collections.
- 14) **Monitoring and Revision of Unit Collections Management Policies.** Each collecting unit must establish authority and assign responsibility for monitoring and

reporting on the implementation of SD 600 and the unit collections management policy. Each collecting unit must establish authority and assign responsibility for the development, revision, and implementation of the unit's collections management policy and establish procedures for the periodic review, and, if necessary, revise and obtain reauthorization of the unit's policy. Unit collections management policies must be reviewed every five years to ensure the policy is up to date.

18. EXCEPTIONS

A collecting unit may seek an exception to the policies set forth in this directive or its collections management policy if the application of such a policy directly hinders the unit's ability to achieve the mission objectives or programmatic goals of the Smithsonian. Requests for any such exception must be submitted in writing by the collecting unit director for approval by the NCP, the OGC, and the appropriate Under Secretary.

SUPERSEDES: SD 600, issued on October 26, 2001.

INQUIRIES: National Collections Program (NCP).

RETENTION: Indefinite. Subject to review for currency 36 months from date of issue.

National Museum of Natural History
Smithsonian Institution
Collections Management Policy
(Last revised April, 2012; next revision due 2022)

Have read and approve:



David J. Skorton

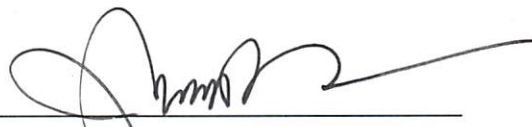
Secretary, Smithsonian Institution

12/13/17

Date



Judith Leonard
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Carol R. Butler
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**National Museum of Natural History
Smithsonian Institution
Collections Management Policy
Rev. December 13th, 2017**

Table of Contents

Section I. Introduction	1
A. Purpose	1
B. Background	1
C. Applicability	2
D. Authority and Responsibility	3
E. Ethics.....	9
F. Accounting for Collections	10
G. Compliance	10
H. Exceptions.....	10
I. Policy Review and Revision.....	10
Section II. NMNH Policy Elements.....	11
A. Acquisition and Accessioning	11
B. Deaccessioning and Disposal	16
C. Preservation.....	19
D. Collections Information Management and Digitization	20
E. Inventory.....	21
F. Risk Management and Security.....	22
G. Access	23
H. Loans and Borrows	26
I. Intellectual Property Rights.....	29
J. Shipping and Transportation.....	30
Section III. Specific Legal and Ethical Issues.....	32
A. Native American and Native Hawaiian Human Remains and Objects.....	32
B. Collections Made via Field Work	33
C. Unlawful Appropriation of Objects during the Nazi Era	33
D. Animal Welfare and Institutional Animal Care and Use Committee.....	34
E. Human Subjects in Research and the Institutional Review Board.....	34
F. Collections Posing Health and Safety Risks	35

Section I. Introduction

A. Purpose

This document sets forth policies and guidance for the acquisition, management, use, and disposal of the collections of the National Museum of Natural History (NMNH). It is subordinate to *Smithsonian Directive 600: Collections Management (SD 600)* and distinct from the NMNH Collections Management Policy Implementation Plan.

B. Background

The NMNH is dedicated to the study of the natural world, including humans and the cultures they have created. As part of the larger Smithsonian mission, the NMNH is committed to the increase of knowledge and to disseminating that knowledge to the public. The NMNH collections serve as primary reference materials for exploring and understanding Earth history, biological and cultural diversity, and global change. These collections are international in scope and diverse in kind: ongoing and intensive scientific study of these reference collections provides critical information and establishes the NMNH as an important international user facility.

The Act of August 10, 1846 [20 USC §§ 41, et seq.] established the Smithsonian and vested authority for management of the Institution in a Board of Regents. The Act establishes stewardship responsibility for collections. The Smithsonian implements its stewardship responsibility through SD 600, the Smithsonian's Collections Management Policy.

In the Sundry Civil Act of March 3, 1879 [20 USC § 59], the following responsibility is charged:

“All collections of rocks, minerals, fossils, and objects of natural history, archaeology and ethnology, made by the National Ocean Survey, the United States Geological Survey, or by any other parties of the Government of the United States, when no longer needed for investigation in progress shall be deposited in the National Museum.”

On this authority, the NMNH serves as a repository for collections made by or on behalf of other Federal agencies and entities. These collections are managed under the terms of the agreements establishing the repository arrangement, which are aligned with the same policies and standards of stewardship applicable to all other NMNH collections.

The NMNH is committed to the growth, improvement, and long-term stewardship of its collections, and to supporting their use by scholars and the general public. As the nation's natural history museum, the NMNH has a responsibility to conserve and protect its collections in a manner that assures their continued accessibility by future generations, and to hold them in trust, ensuring fulfillment of their long-term potential.

The collections of the NMNH have grown in the dual context of the evolution of the Smithsonian Institution and the development of federally funded science. The Smithsonian Institution began to acquire natural history collections soon after it was founded in 1846. In 1858, specimens from the Wilkes Expedition were moved to the Smithsonian Building (“the Castle”). The United States National Museum (USNM) opened in the Arts & Industries Building in 1881 and moved to the Natural History Building (NHB) when it opened on the north side of the National Mall in 1910. In 1969, the USNM became the NMNH. In 1983, the Museum Support Center (MSC) opened in Suitland Maryland. The collections have grown to include anthropological, biological and geological items and data, and archival items.

Several Federal agencies maintain collections and employ staff at the NMNH. The collections and staff of these agencies are embedded within the NMNH departments and are subject to *SD 600* and this Collections Management Policy. In some departments, affiliated agency scientists provide the curatorial oversight and expertise for specific NMNH collections.

Collections holdings in each department are grouped into subcollections based on a characteristic such as taxon, time period, or locality. A single individual is delegated the primary curatorial authority and responsibility for each subcollection regarding acquisition, management, use, and disposal. That individual is expected to consult and collaborate with other designated curators, collections experts, and committees in the department when proposing and making decisions about the subcollections they oversee.

Documents relevant to NMNH collections management include:

- *SD 600*, Collections Management and companion *SD 600* Implementation Manual
- Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects
- *SD 103*, Smithsonian Standards of Conduct, the Advisory Board Ethics Statement, and the Statement of Values and Code of Ethics
- *SD 108*, Insurance and Risk Management
- *SD 109*, Disaster Management Program
- *SD 118*, Privacy Policy and Privacy Program Handbook
- *SD 500*, Smithsonian Libraries
- *SD 501*, Archives and Records of the Smithsonian Institution
- *SD 502*, Cellulose and Nitrate Still Picture and Motion Picture Film
- *SD 503*, Management of Archives and Special Collections in the Smithsonian Institution.
- *SD 609*, Digital Asset Access and Use
- *SD 610*, Digitization and Digital Asset Management Policy
- *SD 611*, Export Compliance and Trade Sanctions Related to Research, Export, and Museum Activities
- *SD 807*, Requests for Smithsonian Institution Information
- NMNH Collections Management Policy (this document) and companion Implementation Plan
- NMNH Strategic Plan 2016-2020
- NMNH Collections Plan
- NMNH Unit Digitization Plan
- NMNH Collections Information Access and Data Sharing at the NMNH Policy

C. Applicability

This policy applies to all the NMNH departments that have delegated authority to acquire, manage, and use collections and associated collections information (analog and digital). These collecting departments currently are: Anthropology, Botany, Entomology, Invertebrate Zoology, Mineral Sciences, Paleobiology, Vertebrate Zoology, and the Collections Program which holds collections on behalf of Education and Outreach. Archival materials are transferred to the Smithsonian Institution Archives (SIA), per Smithsonian Directives 501 and 503 or are housed within their collection of origin. Books and journals intended for permanent retention are accessioned and managed by the Smithsonian Libraries (SL) in consultation with the NMNH, per Smithsonian Directive 500.

All the NMNH staff including retirees, research associates, fellows, interns, and volunteers as well as affiliated agency staff who are officially stationed at the NMNH, (both the Natural History Building and the Museum Support Center) and others with delegated collections management responsibilities or access to the NMNH collections are required to adhere to this policy, *SD 600*, and *SD 103*.

These policies also apply to any staff, academic appointees, volunteers, contractors or visitors who are granted access to areas that house the NMNH collections, and to members of other Smithsonian units that are co-located with the NMNH collections, or whose work may affect the collections or occurs in the NMNH collections spaces, except as otherwise stipulated by other agreements.

Although the NMNH Advisory Board has no specific authority for the NMNH's collections, Board members are required to comply with Smithsonian rules regarding collections, including the Advisory Board Ethics Statement and the Smithsonian Institution Statement of Values and Code of Ethics. The rules and monitoring of compliance are managed by the NMNH Director's Office.

D. Authority and Responsibility

The acquisition and possession of collections impose legal and ethical obligations to provide proper management, preservation, and use of the collections and their associated information. Authorities and responsibilities for collections management at the NMNH are subordinate to the authorities and responsibilities at the Institution level, as defined in SD 600 and its companion Implementation Manual.

The Smithsonian Board of Regents holds ultimate oversight responsibility and fiduciary responsibility for Smithsonian collections. This responsibility is carried out by the Secretary, Provost, Under Secretary for Finance and Administration, and their designees. The Board of Regents through the Secretary and the Provost delegates primary operational authority for the NMNH collections to the NMNH Director.

The NMNH Director provides written delegations of collections-specific authority to the NMNH and affiliated agency staff on an annual basis via an official memo.

The stewardship of the NMNH collections requires an array of expertise and skills. In general, curatorial staff are responsible for the composition and strategic growth of the collections and for authorizing acquisitions, accessions, scientific use, loans, deaccessions, and disposals. Collections staff are responsible for the processing, organization, digital preservation, and accessibility of each collection. Other staff may be delegated these responsibilities based upon their individual qualifications. All of the NMNH's staff members work collaboratively to support collections stewardship ensuring objectivity, compliance with policy, appropriate and efficient use of resources and alignment with agreed priorities.

The NMNH Director

is accountable for:

- Compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.
- Adherence to applicable professional practices.
- Proper management, preservation, and use of collections.
- The integrity and accuracy of collections information.

is responsible for:

- Providing museum policy guidance, program direction and planning, and budget support to carry out the collections management requirements established in *SD 600*, the *SD 600 Implementation Manual*, and this policy.
- Designating authorized collecting departments.
- Implementation of established collections management policies and procedures by delegating curatorial authority and assigning collections responsibility to the appropriate staff.
- Issuing an annual report on compliance to the National Collections Program and the museum.

- Approval of this policy in consultation with staff with delegated collections management responsibilities.
- Approval of any NMNH Collections Management policy exceptions.
- Approval of the NMNH Collections Plan.
- Approval of external agreements for partnerships and collaborations that impact accessibility and accountability of collections.
- Directly authorizing any acquisition or loan that requires or risks more than \$500,000 in museum resources (as based upon purchase price, insurance value, and/or cost of care); any collections purchase or disposal valued at more than \$100,000; and any significant disposal as defined in the NMNH Collections Management Policy Implementation Plan.

The **Associate Director for Science (ADS)** provides curatorial leadership to the NMNH, supervises the museum's departmental chairs and central science staff including the Assistant Director for Collections (ADColl), and

is accountable for:

- The establishment and enforcement of department collections management policies, procedures, and standards that comply with *SD 600*, the *SD 600 Implementation Manual*, and this policy.
- The establishment of the NMNH Collections Plan and the NMNH Collections Policy Implementation Plan.

is responsible for:

- Recommending to the Director specific delegation of curatorial authority and responsibility.
- Reviewing, approving, and revising department collections management policies, procedures, standards and priorities under the consultation of staff with delegated collections management responsibilities.
- Recommending to the Director collecting department authorization.
- Reviewing agreements that affect the care and accountability of collections under the consultation of staff with delegated collections management responsibilities and when appropriate, recommending to the Director for approval.
- Approving any exceptions to department collections management policies, procedures, and standards.
- Providing policy guidance, program direction and planning, and budget support to carry out the collections management requirements established in this policy.
- Ensuring that Department Chairs are accountable for collections tasks and that their staff's training is aligned with delegated authority and responsibility.
- Enforcement of performance measures for monitoring and reporting progress towards implementation of collections management policies, procedures, and standards.
- Directly authorizing any acquisition or loan that requires or risks between \$100,000 and \$500,000 in museum resources (as based upon purchase price, insurance value, and/or cost of care); any collections purchase or disposal valued between \$50,000 and \$100,000; and any significant disposal as defined in the collections policy implementation plan.

The **Assistant Director for Collections (ADColl)** leads the Collections Program, oversees the Registrar, the Conservator, and pan-museum collections work, serving as a resource on collections accessibility and accountability for museum staff, and

is accountable for:

- Communication of the pan-museum collections management policies, procedures, standards, and priorities.
- Monitoring and documenting compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.

is responsible for:

- Advising museum staff on collections accessibility and accountability in compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.
- Reviewing requested exceptions to *SD 600*, the *SD 600 Implementation Manual*, and this policy, and providing recommendations to the ADS or Director for approval.
- Assisting the ADS and Director in the establishment, implementation, review, and revision of the NMNH's collections management policy.
- Establishing performance measures for monitoring and reporting progress towards implementation of collections management policies, procedures, and goals.
- Leading the NMNH Collections Committee.
- Serving as Department Chair for Education and Outreach collections.
- Leading the process to develop the NMNH Collections Plan and the NMNH Collections Policy Implementation Plan for review and approval by the ADS and Director.
- Preparation and approval of reports for the ADS's and Director's review, including annual reports on collections use and transactions.
- Advising Department Chairs on collections stewardship priorities relative to available pan-museum resources.
- Advising Department Chairs and Collection Managers on the development and implementation of departmental collections management policies and procedures.
- Collating and review of all department collections management policies and procedures, providing recommendations to ADS for final approval.
- Collaborating with the Assistant Director for Information Technology to maintain functional information management systems and access to collections information.
- Providing support in obtaining and properly using permits that allow collections acquisition, use, and transportation.
- Signing Internal Revenue Service forms for collections donations (IRS 8283 / 8282).

The Registrar

is accountable for:

- The documentation of collections transaction records, permits, and other agreements in compliance with *SD 600*, the *SD 600 Implementation Manual*, and the NMNH and collecting department collections management policies.

is responsible for:

- Maintaining the central registry of all collections transactions and associated analog and digital records that document decisions and collections related activities as defined in the NMNH Collections Policy Implementation Plan.
- Conducting a final review of documentation for all acquisitions, accessions, loans, deaccessions, and disposals, and reporting any policy or procedural discrepancies to the collecting departments, ADColl, ADS, and Director as appropriate.
- Maintaining a current knowledge of legal, policy, and ethical issues to advise the departments as they acquire, accession, loan, borrow, deaccession, dispose, and otherwise use collections.
- Leading cyclical inventories in collaboration with collecting department staff that have delegated curatorial authority and responsibility and maintaining the museum's records of its inventories.
- Leading development, maintenance, and use of data standards of automated transaction management systems in cooperation with the Assistant Director for Information Technology, Informatics, and collections management staff.
- Managing specific aspects of transactions, including insurance, and coordinating with other NMNH and central offices as defined in the NMNH and departmental collections management policies and procedures.
- Responding to the Office of the Inspector General (OIG) on audits related to collections and collections activities, and holding associated records including records of museum accreditation.

- Managing museum-level permits for acquisition, possession, use or transport of items (e.g., Material Transfer Agreements [MTA], Prior Informed Consent [PIC], Mutually Agreed Terms [MAT], Certificate of Scientific Exchange [COSE], or Animal Plant Health Inspection Service [APHIS]).
- Signing and maintaining records of Internal Revenue Service forms for collections donations (IRS 8283 / 8282).
- Providing regular training on policies and procedures associating with all aspects of collections transactions.

The Conservator

is accountable for:

- Establishing, maintaining and monitoring relevant professional standards with respect to care, preservation and safety of the NMNH collections and collections users.
- Communication of the pan-museum physical collections care risks, policies, procedures, standards, and priorities.

is responsible for:

- Advising staff with delegated collections responsibilities on the physical care of collections.
- Leading or collaborating on conservation initiatives including integrated pest management.
- Providing regular training that promotes the care of the collections.
- Providing conservation services related to exhibitions.

The **Department Chairs** manage scientific, curatorial, and collections management staff, and

are accountable for:

- The establishment, review, and revisions of the department collections management policy, procedures, standards, and priorities.
- The implementation of collections policies, procedures, standards, and priorities at a departmental level in compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.

are responsible for:

- Providing policy guidance, program direction and planning, and budget to carry out the collections management requirements established in this policy under advisement of the ADS and with consultation with the ADColl.
- Approving the department collections management policy, procedures, and collections plan.
- Ensuring that their staff's training is aligned with delegated authority and responsibility.
- Ensuring that collections-related responsibilities are reflected in annual performance plans.
- Approving travel for fieldwork that will result in collecting activities.
- Recommending appropriate staff to the ADS and Director for annual delegation of curatorial authority.
- Appointing department members to the NMNH Collections Advisory Committee.
- Establishing and overseeing any departmental working groups or committees.
- Ensuring appropriate access to collections areas and managing collections activities and use within the scope of resources.
- Management, preservation and use of any and all departmental archival holdings other than the National Anthropological Archives (NAA) and Human Studies Film Archives (HSFA).
- Directly authorizing any acquisition or loan that requires or risks between \$50,000 and \$100,000 in museum resources (as based upon purchase price, insurance value, and/or cost of care); and any collections purchase or disposal between \$25,000 and \$50,000.

Department Curators are those individuals who have received the annual delegation of curatorial authority for one or more subcollections from the NMNH director. Curators are typically federal or trust Research Scientists; however, in certain cases, curatorial authority will be delegated to affiliated agency scientists or

other NMNH staff based on their particular expertise and experience. Curatorial authority is the authority to make decisions on the composition and strategic growth of the collections and for authorizing acquisitions, accessions, scientific use, loans, deaccessions, and disposals subject to all necessary approvals.

are accountable for:

- The composition, accessibility, composition, and use of collections under their delegated curatorial authority as it relates to scientific research, outreach, education, and exhibition in compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.

are responsible for:

- Initiating and/or approving the acquisition, accession, loan, deaccession, and disposal of their subcollections according to the deadlines set forth in this policy.
- Developing and implementing collections plans for their assigned subcollections.
- Initiating and/or approving requests for use of collections items; their surrogates and images, and information; and promoting responsible use of the collections.
- Initiating any acquisition or loan that requires or risks less than \$50,000 in museum resources; and any collections purchase or disposal less than \$25,000.
- Undertaking or pre-approving any fieldwork that results in collecting.

Department Collections Managers are responsible for the accessibility and accountability of one or more subcollections, and may supervise collections staff. Collections managers

are accountable for:

- Monitoring and enforcing compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy at the departmental level.
- Communication of the pan-museum and departmental collections management policies, procedures, standards, and priorities.

are responsible for:

- Advising departmental staff on collections accessibility and accountability in compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.
- Ensuring all collections are registered, identified, processed, and maintained according to departmental policy, procedures, and standards.
- Providing direct physical care and access for collections and collections information (digital and analog) ensuring their safety and security.
- Assisting the Department Chair by leading the establishment, implementation, review, and revision of the department's collections management policy, procedures, standards, and priorities.
- Advising and collaborating with the Department Curators on the development and implementation of department collections plan.
- Advising Curators on collections stewardship priorities relative to departmental resources and staff.
- Collaborating with Curators to improve the quality and use of collections according to departmental procedures and priorities.
- Preparation and approval of reports for the Department Chair's, ADColl's, ADS's and Director's review, including annual reports on collections use and transactions.
- Implementation, maintenance, and use of data standards for the collections information systems in cooperation with departmental and Informatics staff.
- Assisting the Registrar with cyclical inventories and maintaining the department's records of its inventories.
- Timely processing of acquisitions, accessions, loans, deaccessions, and disposals jointly with the Department Curator.
- Providing departmental support in obtaining and properly using permits that allow collections acquisition, use, and transportation.
- Maintaining a current knowledge of legal, policy, and ethical issues to advise the department as they acquire, loan, borrow, dispose, and otherwise use collections.

- Documenting records of all collections transactions and associated records that document decisions and collections related activities as defined in the NMNH Collections Policy Implementation Plan.

The **Associate Director for Operations (ADO)** oversees the planning, management and budget of the Natural History Building and the Museum Support Center, staff who lead emergency planning and response, and the financial and personnel functions of the museum. The ADO liaises with the Smithsonian Institution Office of Protection Services, Smithsonian Enterprises, and Smithsonian Facilities. The ADO is accountable and responsible for:

- Ensuring that the facility and its systems are appropriate for the care and use of the collections.
- Ensuring that emergency response plans and systems are appropriate for the protection of the facility, its occupants, and the collections.

The **Museum Support Center Program Manager** provides oversight of the MSC facility. The MSC manager is accountable and responsible for:

- Ensuring that the facility and its systems are appropriate for the care and use of the collections.
- Ensuring that emergency response plans and systems are appropriate for the protection of the facility, its occupants, and the collections

The **Assistant Director for Information Technology** working with the ADColl, the ADS and the collecting departments, is accountable and responsible for:

- Developing and maintaining collections information and transaction management systems that support collections control and accessibility.
- Ensuring collections information security.
- Developing and maintaining the museum's Data Access Policy, and providing information per its terms as requested.
- Providing public access to collections data through online collections information systems.

The **Assistant Directors for Education and Exhibition** are each responsible for working with Department Curators and Collections Managers to ensure that the NMNH collections borrowed for exhibitions or acquired for use in educational programs are used in compliance with this policy.

The **NMNH Collections Committee** has representation from each collecting department and the NMNH facility, led by the ADColl, and charged with advising the ADS and Director on larger issues of collections policy and management. This committee leads significant collections initiatives and projects for the benefit of the entire museum.

The NMNH Collecting Departments each establish **Collections Advisory Committees** to support the Department Chair in the stewardship of the collections and the designated curators in their delegated responsibilities. Collections Advisory Committees assist with reviews of potential collections transactions, and may advise on significant sampling requests.

The NMNH may establish standing, temporary, or ad hoc committees to guide and advise on collections management, or to perform services on behalf of the museum. Such committees will have a charter and will operate under the oversight of the Department Chair, ADColl, ADS, or the NMNH Director.

Central Offices, such as the Provost, National Collections Program, Office of General Counsel, Office of Protection Services, Risk Management of the Office of Finance and Accounting, Privacy Office, Digitization

Program Office, Office of the Chief Information Officer, and Smithsonian Facilities, provide a collections management service oversight to the NMNH as specified in *SD 600* and the *SD Implementation Manual*.

E. Ethics

The NMNH's collections activities are conducted in compliance with *The Smithsonian Institution Statement of Values and Code of Ethics*; *SD 103: Smithsonian Institution Standards of Conduct*, the *Advisory Board Ethics Statement*; *SD 600: Collections Management*; and the *SD 600 Implementation Manual*. The NMNH recognizes and accepts its fiduciary responsibility to provide proper management, preservation, and use of its collections and of associated information for the benefit of the international scientific community and the general public. The NMNH strives to exceed the applicable legal standards and to manage its collections to the highest professional and ethical standards. The museum recognizes that we operate within national and international spheres of interest regarding collections. We seek to maintain awareness of the changing landscape of legal and ethical issues associated with collections, such as intellectual property rights, access and benefit sharing, and other emerging areas of interest, nationally and internationally.

Smithsonian staff are expected to be aware of, and guided by, generally accepted ethics and professional standards applicable in their fields as published by reputable professional membership societies and organizations. If such standards are in conflict with those of the Smithsonian, the NMNH staff member must abide by the Smithsonian's standards. Such a conflict should be brought to the attention of the ADS.

Staff will consider and evaluate the concerns of indigenous source communities regarding collections items, recordings, information, collecting activities and use.

Staff are required to avoid personal and institutional conflicts of interest in collections activities, including the provisions of *SD 103* related to personal acquisition of collection items. Only authorized staff may engage in collections transactions on behalf of the NMNH. Staff will follow the provisions in *SD 103* related to appraisals of collection items, authentication of collection items, and dealing in collection items.

All affiliated agencies stationed at the NMNH are also bound by the ethical standards established by their respective agencies. If such standards are in conflict with those of the Smithsonian, the affiliated agency employee must bring this to the attention of the ADS.

External parties must warrant that collections they bring into the NMNH's facilities are acquired or possessed legally. If collections already in the NMNH's custody are found to have been acquired improperly, the NMNH will promptly and thoroughly resolve their status.

Personal Collections. The NMNH staff, research associates, interns, fellows, volunteers, visitors, and affiliated agency staff (all hereinafter referred to collectively as "staff") may not maintain personal collections in the NMNH's facilities without the express written approval of their Department Chair and the ADS. Once the ADS gives approval for a personal collection to be kept on site, an inventory of the collection shall be provided to the Department Chair. Personal book collections used for work purposes, and personal collections determined to be reasonably outside the scope of the owner's department and used primarily as office decoration are excepted from this rule. Personal collecting may only be done on personal time. No personal collecting may be done on the NMNH's business or field trips unless written permission from the Department Chair and the ADS is obtained in advance and subject to the requirement that any such collecting be conducted on annual leave taken in the midst of business or field trips. Personal items remaining in the NMNH's facilities 90 days after the close of an academic appointment tenure or contract will be considered abandoned. The NMNH will handle such items according to this policy.

F. Accounting for Collections

Smithsonian collections are held for public exhibition, education, and research in furtherance of public service rather than financial gain. Collections are protected, kept unencumbered, cared for, and preserved, and they are subject to the requirement that proceeds from sales of collections are to be used to acquire other collections items. Accordingly, the Smithsonian does not treat its collections as assets for purposes of reporting in its financial statements. The NMNH adheres to the applicable financial reporting standards governing collections held in public trust as set forth in the *SD 600 Implementation Manual*.

G. Compliance

All employees who work with collections in the course of their assigned duties will have an element in their performance plan that affirms compliance with the NMNH and Smithsonian collections management policies and any department procedures.

Each collecting department will report on its compliance with this policy. Curators, collections managers, and other supervisors in the department will indicate areas in which the department has complied, and will account for areas of noncompliance. The Department Chair will then provide a signed compliance statement with checklist to the ADColl. The Director will periodically report on the NMNH's compliance to the National Collections Program and the NMNH community.

H. Exceptions

Prudent exceptions to the NMNH's collections management policy may be permitted when in the best interests of the NMNH. Exceptions to the NMNH Collections Management Policy must be approved by the Director in writing and only after consultation with the National Collections Program and the Office of General Counsel, and approval by the Provost. Requests should be submitted to the National Collections Program, which will facilitate the required review.

I. Policy Review and Revision

This policy will be reviewed every five (5) years, unless the Director determines that a significant change in circumstances or a collections issue has arisen that indicates a need for review.

J. Categories of the NMNH's Collections

This policy applies to the following categories of the NMNH's collections:

Accessioned (Permanent) Collections. Items that are significant for research or exhibition and important to preserve for an indefinite period. These collections undergo the accessioning process managed by the Registrar. Care of permanent collections is prioritized over other types of collections. Genetic resources collections may be gradually consumed through research use but are still considered permanent. Archival assets such as printed and digital collections of images, recordings, scientific reproductions and illustrations (works of art), or digital surrogates that are representations of items or phenomena are collections items.

Custodial or Repository Collections. These collections are a type of Accessioned Collections. They are items transferred to the NMNH by another federal agency or entity for which the NMNH has long-term custody but does not fully “own” because the items are owned by the United States. These items and associated documentation are acquired only under specialized agreement, signed by the Director or at the Institutional level. Agreement terms may vary with each collection, but in general the NMNH gains custodial responsibilities and specific usage rights. These collections differ from permanent (accessioned) collections in that the organization conveying custody and rights has established terms of use that retain some rights or establish obligations that the NMNH must fulfill.

Acquired Unaccessioned Collections. Some items are not suitable for inclusion in the permanent accessioned collections because of an agreement, impediment, duplication, or other consideration that leaves them available for exchange, sampling, and destruction, or means that they must be maintained per agreement. These items may be referred to in records systems simply as “acquired.” All of these collections must be properly acquired, used, managed and disposed to the same level of accountability as the permanent collections.

Educational or Teaching Collections. These collections are a type of Acquired Unaccessioned Collections. They are items not desired for permanent accessioned collections, but appropriate for educational or other outreach uses. Unlike the permanent collections, there is no expectation of permanence for educational or teaching collections. The NMNH holds a defined Education Collection, managed by the Collections Program, developed and maintained to support the museum’s educational programs. Other teaching collections are held in scientific departments. All of these collections must be properly acquired, used, managed and disposed to the same level of accountability as the accessioned collections.

Section II. The NMNH’s Policy Elements

A. Acquisition and Accessioning

***Acquisition** is the act of gaining legal title to a collections item or group of items.*

***Accessioning** is the formal process used to acquire legally and to record a collections item or group of items into the NMNH’s accessioned collections.*

PRINCIPLES

The acquisition of collections is fundamental and critical to the mission, purpose, and programmatic goals of the NMNH. The museum observes the highest legal and ethical standards in the acquisition of collections. The NMNH requires responsible, disciplined acquisition of collections through the following principles:

- Acquisition of collections relevant to the mission, programmatic goals, and collections plan of the NMNH.
- The establishment, utilization and regular updating of museum and departmental collections plans to define the museum’s vision of the collection (intellectual framework), collecting goals and priorities, and implementation strategies.
- Strict adherence to all applicable laws and regulations and to professional ethics relating to collections acquisition and use.
- Written delegation of curatorial authority within the NMNH.
- Use of formalized, stringent acquisition evaluation criteria.
- Consideration and approval of the associated resource requirements and the lifecycle costs of long-term collections management, preservation, storage, and use.
- Acquisition and accession is initiated and approved only by individuals with delegated curatorial authority

The Smithsonian repudiates the illicit traffic in objects and specimens that contribute to the despoliation of museums, monuments, environments, sites and species resulting in irreparable loss to science and humanity. Items that have been stolen, unscientifically gathered or excavated, or unethically acquired should not be made part of Smithsonian collections.

The NMNH acquires collections items by a variety of methods, including gift, bequest, purchase, exchange, transfer, field collecting, and propagation. Items are acquired for three main purposes: research, exhibition, and education. The NMNH may acquire or otherwise have custodial responsibility for collections via a repository or similar agreement.

POLICY

COVERAGE. All collections acquisitions are subject to this policy.

AUTHORITY. Primary collecting authority rests with the Director, who delegates general responsibility for a subcollection(s) to appropriate staff via written memorandum. Any delegation of collecting activity to non-Smithsonian staff will be made in writing by the Director.

Each NMNH collecting department must recommend to the Director the staff to whom curatorial authority will be delegated, and establish procedures for the formal review and approval of collections acquisitions.

Only those staff with written delegation from the Director may acquire collections. Collecting departments shall not opportunistically or purposefully collect or acquire items outside of their recognized discipline on behalf of another collecting department without the prior agreement of the designated curator of that subcollection.

Authority to document and process acquisitions and accessioning is vested in the Director and delegated to the Registrar. All staff with delegated authority to acquire must take training from the Registrar to ensure compliance with all applicable laws and regulations.

The Director and specific designees, as identified in writing, are the only staff members authorized to sign international or national agreements and permits regarding collections acquisition on behalf of the NMNH. The ADColl and Registrar are the only staff members authorized to sign IRS forms 8283 / 8282.

LEGAL COMPLIANCE. Collections will be acquired only in accordance with established authority and only in compliance with applicable laws, regulations, and professional ethics. The NMNH exercises due diligence in complying with all applicable federal, state, local, and international laws, treaties, regulations, and conventions. Compliance is documented by obtaining and providing all applicable collecting, transportation, and use permits or agreements in writing to the Registrar. Collecting department staff shall obtain all necessary authorizations and permits, in writing, prior to acquisition.

PROVENANCE. The concept of provenance refers to the history of ownership of a collection item. Collecting departments shall exercise due diligence in the acquisition of collections, including making reasonable inquiries into the provenance of collections items under consideration for acquisition consistent with Smithsonian policy. Such inquiries are made to determine that the NMNH can acquire valid title to the collections item and that the acquisition will conform to all legal requirements and ethical standards. For the purposes of this policy, the scientific concept of "provenance" that relates to the locality where an item originated will be referred to as the item's "locality."

The NMNH complies with the *Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects*, adopted by the Board of Regents on April 13, 2015, which affirms the Smithsonian support for efforts of local, state, national, and international authorities to protect art, antiquities, national treasures, and ethnographic material from destructive exploitation. It sets forth rules for the acquisition and borrowing of art, antiquities, and other items. The text of the Policy is included in the *SD 600 Implementation Manual*. The NMNH does not consider geological, paleontological, or mineralogical materials in an unmodified state to be cultural property covered by this Policy. However, gems and items of jewelry that have an historic or iconic nature will be subject to the Policy.

Before acquiring or borrowing a collection item, the NMNH must ascertain, from the circumstances surrounding the transaction or knowledge of the item's provenance that the collection item was not stolen or wrongfully converted and is not illegally present in the United States. The NMNH must also ascertain, consistent with Smithsonian policy, that the collections item was not unethically acquired from its source, unscientifically excavated, or illegally removed from its country of origin after 1970.

The provenance of collections items shall be a matter of public record. Locality records and related information may be reasonably protected from non-approved access if there is reason to fear any breach of privacy or confidentiality, site vandalism, or theft.

Items related to named individuals or extant cultural groups shall be managed in a sensitive, respectful manner.

EVALUATION. The NMNH collecting departments must establish evaluation criteria when reviewing potential acquisitions. The following criteria must be considered during the review and evaluation of potential acquisitions:

- Consistency with the NMNH's mission, strategic plan, programmatic goals, collecting scope and collections plan
- Documentation of clear and legal title, including compliance with all national and international laws and regulations
- Fits within the collecting department's existing storage space
- The NMNH and/or the collecting department has the ability and resources to provide appropriate management, care, and accessibility, including documentation, long-term preservation, conservation, digitization, and storage
- Does not require substantial care that would place undue hardship on the museum.

Consultation with the Director is required before acquisition of any collections that would require substantial resources beyond the allocated budgets of the collecting department, space beyond the allotted footprint for the department, or other substantial resources for the management or preservation of the collections. Consultation with the Provost and National Collections Program is required before acquisition of any collection that would require substantial resources, including collections storage space, beyond the NMNH's allocated budget and space or substantial resources of other Smithsonian units for the management, preservation, or storage of the collection.

METHODS OF ACQUISITION

The NMNH acquires collections items by a variety of methods, including gift, bequest, purchase, exchange, transfer, fieldwork, and propagation.

- **Fieldwork:** Field collecting activities must be undertaken in compliance with all applicable local, state, federal, and international laws, regulations, and conventions, and compliance must be appropriately documented at the time of acquisition, including all necessary governmental permits

and other applicable permissions. All the NMNH and research collaborators conducting scientific field research and collecting as part of their official duties must be authorized in advance and obtain all necessary collecting permits, export/import licenses, and other necessary permissions. Shipping and handling of items acquired in the field must conform to the NMNH procedures and comply with all applicable laws and regulations.

- **Gifts:** All gifts to the museum must be documented in writing by a deed of gift or gift agreement to establish transfer of legal title to the NMNH and the Museum must comply with applicable IRS regulations concerning acknowledgement of gifts to donors. All fractional gifts must be documented in a fractional gift agreement which is reviewed and approved by the NMNH Director and the Office of General Counsel.
- **Bequests:** the NMNH reserves the right to accept or decline any bequest, or a portion of a bequest, at its discretion, or to negotiate with executors to obtain bequests of a clear and unrestricted nature. The museum applies the same criteria to bequests as to gifts with respect to restrictions. All release or receipt documents relating to a bequest must be reviewed and approved by the Office of General Counsel. OGC is the sole signatory for bequests.
- **Purchases:** Wherever possible, purchases must be documented by use of a standard purchase order or, if the terms of the purchase are complex, negotiated contracts written in consultation with the Office of General Counsel and/or Office of Contracting. If necessary to purchase by petty cash or credit card, the purchase must be documented by a standard invoice or bill of sale. These instruments document the transfer of title and, if applicable, transfers of associated rights such as intellectual property rights. The NMNH complies with the documentation requirements of *SD 600* and the *SD 600 Implementation Manual* for determining that the proposed purchase price is fair and reasonable.
- **Exchanges:** the NMNH may engage in exchanges with other non-profit and educational organizations documented by an exchange agreement as long as the general criteria for acquisitions are adhered to for the proposed acquisition and the criteria governing deaccessions are adhered to for a collections item selected for removal and exchange. Questions about exchange agreements will be referred to the Office of General Counsel.
- **Government Transfers:** Transfers are documented by a transfer agreement between the NMNH and the transferring entity that is reviewed and approved by the Office of General Counsel.
- **Found in Collection:** the NMNH collecting departments may acquire or accession a collection item(s) by the discovery of its presence (found in collection) in the NMNH without connection to provenance or loan status records or otherwise abandoned if written evidence of due diligence is approved by the Registrar, who may consult with the National Collections Program and Office of General Counsel as appropriate. Prior to transferring title to a “found in collection” item to a third party, the NMNH will consult with the National Collections Program and the Office of General Counsel.

The NMNH may decline offers of collections items at its discretion as appropriate.

DOCUMENTATION. Collections records must show decision-making processes of acquisitions evaluation, including proposal, review, approval and required donor acknowledgement, and must include all necessary acquisition documents such as collecting authorizations/permits, import/export licenses, transportation permits and manifests, indication of legal title and provenance, all legal documents associated with the acquisition, intellectual property rights where applicable, and all other documentation required by the *SD 600 Implementation Manual*. Gifts must be acknowledged in writing by the collecting department within 30 days of receipt. Records are managed by the Registrar.

PROCESSING. Receipt and processing of acquisitions is managed through a centralized log-in point in each collecting department.

- Each transaction should be entered into the museum’s collections transaction management systems within 15 business days of receipt, regardless of type of transaction

- The accession process will be completed within the year of acquisition, unless there are extenuating circumstances that result in an extension granted through the chain of command. Extensions must be in writing and filed with the Registrar.
- Items should be catalogued promptly.

JOINT OWNERSHIP. The NMNH may acquire items jointly with other entities with which it agrees to share ownership and management. In such cases, a written agreement must stipulate the terms and conditions of the agreement and the responsibilities of each party. Joint ownership and management may also be established for collection items subject to repatriation claims. Joint ownership agreements must be approved by the NMNH Director and the Office of General Counsel. Fractional gifts may result in a joint ownership situation, if only for a limited time. All fractional gifts must be reviewed and approved by the Director and the OGC.

RETENTION. Items are acquired and accessioned with a good faith intention to retain them for an indefinite period. Under certain circumstances (e.g., genetic resource samples), collections may be acquired that may be subject to consumption in part or whole, or which may be culled in the course of identification and study. If at the time of acquisition the NMNH intends to dispose of part or all of the collections, this decision should be documented in museum records and communicated to the source or party conveying ownership.

RESTRICTION. The NMNH acquires unrestricted collections as a general rule. Certain restrictions are routinely accepted, such as instances in which the country or agency of origin places restrictions on use and disposal, in which a donor may place a limited term of restriction on archival materials to protect rights of personal privacy, or on retention of intellectual property rights by an individual, community, or indigenous group. Any restrictions must adhere to written policy, be documented in museum records at the time of acquisition, and must be reviewed by the collecting Department Chair and Collections Advisory Committee, Registrar, ADColl, ADS, and Director, as is appropriate in each case. Any restriction must be accepted by the NMNH Director and set forth in the deed of gift or other transfer document.

In evaluating whether to accept a restriction, the NMNH will consider:

- the significance of the gift
- the future use(s) of the collections item(s)
- the nature of the limitations
- the precedent set by acceptance
- the ability to adhere to such restrictions immediately and long-term

If the museum decides to accept specific restrictions, it will attempt to have the restrictions binding only for a set period.

RIGHTS. Where applicable, and as practically possible, ownership of copyright, artist's rights, terms of use, and other intellectual property rights must be established and documented at the time the collections are considered for acquisition. The Conservator should be consulted for conservation implications. In considering works of visual art, the moral rights of living artists (the right of attribution and the right of integrity) will be taken into consideration at the time a work is proposed for acquisition, as delineated in the Visual Artists Rights Act of 1990 and any subsequent revisions.

The NMNH agrees with the spirit of the Convention on Biological Diversity and the Nagoya Protocol, and voluntarily implements certain procedures regarding access and benefit sharing of genetic resources and traditional knowledge. Relevant agreements taking the form of Prior Informed Consent (PIC), Mutually Agreed Terms (MAT), Memorandum of Agreement (MOA) or Understanding (MOU), terms expressed in Material Transfer Agreements (MTAs), or similar documents are agreed in writing by the Director or

designee and associated with the collections transaction and item records. Signed agreements are managed by the Registrar.

COMPETITION. Some overlap among Smithsonian collecting units or the NMNH collecting departments is inevitable; however, competition for a particular acquisition is inappropriate. When more than one NMNH collecting department seeks to acquire the same collections item, the parties concerned must agree on which department will acquire the collections item. In those cases, when placement of a collections item cannot be resolved by the collecting department chairs, the Director will decide.

The NMNH will avoid competitive bidding with federal agencies for collections items of common interest, and will seek mutually acceptable agreements whenever the potential for such competitive bidding becomes apparent. This applies to all collecting activity by any federally established institution or agency, including any component of the Smithsonian.

B. Deaccessioning and Disposal

***Deaccessioning** is the process used to formally approve and record the removal of a collection item or group of items from the NMNH's accessioned collections.*

***Disposal** is the act of physically removing an unaccessioned or deaccessioned collections item or group of items from a NMNH collection. Types of disposal include donation, transfer, exchange, sale, repatriation, sampling for destructive analysis, consumptive or educational use, and destruction.*

PRINCIPLES

Deaccession and disposal are a legitimate part of responsible collections management. Prudent collections management actions, including evaluation, deaccession, and disposal of existing collections, are intended to refine and improve the quality and relevance of the collections with respect to the museum's mission, purpose, programmatic goals, and collections plan.

Deaccession and disposal occur for a variety of reasons, such as deterioration of collections items beyond usefulness; lack of adequate information such as locality or other provenance data; duplication or redundancy of collections material; insufficient relationship to the mission and programmatic goals of the museum; repatriation; and consumptive research or educational use.

The NMNH Repatriation Office, in accordance with the NMAI Act, sets repatriation policy and procedures. These supersede policy and procedures for all other forms of deaccessioning and disposal for affected collections; reviews and approvals are specified with the guidelines of the Repatriation Office that is the authority for repatriation of the NMNH collection items.

POLICY

COVERAGE. Once acquired and/or accessioned, all collections items are subject to deaccessioning and disposal policy. Collection items proposed for removal must undergo the deaccession process unless they meet the following criteria: They are unaccessioned or have no evidence of ever having been accessioned, and have no associated accession or catalog number; and they lack data needed to associate them with a donor or other records.

AUTHORITY. Collections may be deaccessioned and disposed of only in accordance with established authority, and only in compliance with all applicable laws and regulations, professional ethics, and terms agreed upon at the time of acquisition.

Deaccessions and disposals, including destructive analysis or sampling may proceed only after establishing unrestricted title to an item. In cases where title is in question, the collecting department must first seek guidance from the Registrar, the National Collections Program, and the Office of General Counsel.

Only the following disposal methods may be used without the approval of the Director:

- Return to the rightful owner when the NMNH lacks title
- Transfer to another Smithsonian collecting unit, Federal agency, or an educational organization
- Loans which will require total consumption of the item or sample (with permission from the Lender)
- Transfer to another organization under the terms of an established collecting agreement or contract
- Routine destructive analysis as established by the approval procedures of the collecting department
- Routine destruction of items from teaching collections that have deteriorated past usefulness
- Repatriations as approved by the Secretary.

APPRAISAL. In accordance with *SD 600*, if the estimated value of a single collections item or a group of collections items considered for disposal is:

- More than \$10,000, collecting department staff must obtain a written, independent appraisal or informed estimate of fair market value
- More than \$100,000, the NMNH must obtain two written, independent appraisals or informed estimates of fair market value and approval of the deaccession and disposal from the National Collections Program, the Office of General Counsel, the Provost, and the Secretary
- More than \$500,000, the NMNH must obtain two written, independent appraisals or informed estimates of fair market value and approval of the deaccession and disposal from the National Collections Program, the Office of General Counsel, the Provost, the Secretary, and the Board of Regents.

DOCUMENTATION. All disposals and deaccessions will be documented in permanent files maintained by the Registrar.

EVALUATION. Collections items shall only be deaccessioned in compliance with the criteria and procedures established by the department's Collections Advisory Committee.

METHODS OF DISPOSAL

The NMNH disposes of collections items by a variety of methods, including transfer, exchange, repatriation, sampling, sale and destruction.

- Donations or External Transfers: The NMNH may donate or transfer deaccessioned collections items to another non-profit or educational institution. The transfer agreement shall grant the NMNH the right of first refusal in the event the recipient organization decides to dispose of the collections item.
- Internal Transfers: When collections items proposed for disposal are suitable for public teaching purposes, such items should first be offered to the NMNH's Office of Education and Outreach, or considered for the collecting department's teaching collections.
- Smithsonian Transfers: Smithsonian collecting units shall have right of first refusal of collections items proposed for disposal. Such transfers are without compensation, except when the NMNH disposes of a collections item acquired through purchase.
- Exchanges: All exchange of items must be made per written exchange agreements. Long-term open exchange with recognized educational organizations having a similar mission, such as museums and

herbaria may be done with prior written approval by the Director or designee. Such agreements will be reviewed periodically to ensure continuing alignment with the NMNH's mission, policies, programmatic goals, and collections plan.

- **Repatriation:** The NMNH may return collections items in accordance with provisions of the National Museum of the American Indian (NMAI) Act [20 USC. § 80q (1989)], to lineal descendants of the original individuals or owners, or to representatives of the culture of origin as defined by law.
- **Sampling for Destructive Analysis:** This refers to any of a number of procedures in which collection items, or samples of those, are removed for research, entailing the use of analytical processes that require the permanent alteration or destruction of part or all of an item in order to obtain information. The NMNH encourages the uses of non-destructive analytical techniques where feasible, and seeks to incorporate the findings of such analyses in permanent collections records.
- **Sales:** Collections may be sold only via public sale and when proceeds realized are designated for additional collections acquisitions within the collecting department that disposed of the items. The Director must approve all sales proposals in advance.
- **Destruction:** The Director's approval is required before the destruction, including destructive analysis, of any collection item(s) meeting one or more of the following criteria:
 - Item is classified as a primary or name-bearing type specimen and sampling technique would destroy a significant portion of it, or a Smithsonian iconic collection item.
 - Item has been independently appraised as having a monetary value of over \$10,000 and is being considered for outright destruction rather than analytical sampling.
 - Item is considered to have a very high public profile in the United States and/or in its country of origin.

Routine destruction for disposal or destructive analysis does not require approval outside the collecting department. The Conservator should be consulted regarding destructive sampling methods. Destructions requiring a high level of approval must be witnessed by the Director or designee.

HAZARDS. The collecting department disposing of collections items shall comply with all legal and regulatory requirements that may be posed by hazardous or regulated materials. Compliance with those requirements will be documented.

ACQUISITION OF DISPOSED ITEMS. Collections items disposed by means other than repatriation may not be acquired through any means by the NMNH Board members, staff or research associates, affiliated agencies staff, volunteers, interns, or fellows.

EXCEPTION: Repatriated human remains and objects may on occasion be legitimately transferred to a Smithsonian employee, volunteer or other associate, but only in those instances in which: The Smithsonian party is also a legitimately appointed representative of the affected tribal group or nation, or the Smithsonian party is a lineal descendant of a named individual whose remains or items are repatriated under the NMAI Act, or the Smithsonian party is a lineal descendant of a named individual whose remains are held in the NMNH, and the Smithsonian party requests the returns of those remains only, and the Smithsonian party has not participated in an official capacity in this determination.

Such transfer of repatriated human remains or objects to the NMNH Board members, staff or research associates, affiliated agencies staff, volunteers, interns or fellows must be approved by the Office of General Counsel.

C. Preservation

***Preservation** is the protection and stabilization of collections, as well as their associated information, through a coordinated set of activities to minimize chemical, physical, and biological deterioration and damage and to prevent loss of intellectual, aesthetic, cultural, and monetary value. Preservation is an ongoing process with the goal of making collections and their associated information available for current and future uses.*

PRINCIPLES

The NMNH's ability to carry out its mission is directly related to its commitment and ability to provide for the proper physical care and appropriate space for collections as well as preserving, managing, and enhancing the information inherent in them. The NMNH's mission balances the preservation of the collections with promoting the use of the collections.

The NMNH is responsible for working with other Smithsonian collecting units and central offices to provide appropriate collections spaces, environmental conditions, and housing. The NMNH strives to protect the collections as best as possible against agents of deterioration.

POLICY

COVERAGE. The NMNH provides the necessary preservation, protection, training, and security for all collections acquired, accessioned, borrowed, and in the custody of the NMNH, including associated information.

AUTHORITY. The Director is responsible for ensuring that the NMNH and MSC facilities provide the basic utilities and programs for safety and well-being of the collections. During periods of renovation or construction, it is the responsibility of the Director or designee to coordinate collections security and care efforts with the collecting departments and other Smithsonian offices in a clear and timely manner. When collections develop by changing or growing in a way that significantly affects the resources necessary for their housing and care, the collecting department should coordinate plans with the Director or designee so that resources can be prioritized.

Conservation intervention, restoration, destructive sampling, or consumptive use of collections items shall be carried out only as authorized by the Department Chair with advice from the appropriate collecting department's Collections Advisory Committee and in consultation with the museum's Conservator.

The ADO and MSC Facility Manager have authority and responsibility for maintaining facilities that are appropriate for collections preservation.

ASSESSMENT. Each collecting department shall assess the status of the collections within its oversight on a cyclical basis. This cycle shall be established by the collecting department's policy except when established by the Director. This information will be reported to the Director or designee.

PREVENTION. The NMNH develops and maintains an integrated pest management policy and implementation plan across all its collections facilities. The Integrated Pest Management Plan is developed by the Conservator in collaboration with NHB and MSC Facility Managers. Every occupant of the facilities is responsible for following procedures that reduce pest-related risks.

The NMNH prohibits smoking and the consumption of food and drink in locations that place the collections at risk. Special events held in the museum exhibitions that involve food and drink must have a risk management plan approved by the Director.

The NMNH must balance current research and educational use with the preservation requirements of collections items to ensure that collections items are maintained for future generations and rightfully serve their intended purpose.

D. Collections Information Management and Digitization

Collections information documents the intellectual significance, provenance, physical characteristics, location, and legal status of analog and digital collections items including transaction documentation, as well as the collections management processes they undergo and their use in research, education and exhibitions. Gathering, recording and managing collections information is part of an ongoing process, with some information taking the format of items included in archival collections, or documentary files (e.g., field notes and logbooks, illustrations and works of art, data sets, and photographs), electronic information systems, and multi-media formats. The value of collections information lies in its quality, integrity, comprehensiveness, and potential for use for research and educational purposes.

Digitization is the process by which collections information and the collections items themselves are represented in digital form.

PRINCIPLES

The documentary value of a museum collection is a principal criterion for its excellence. Well-documented results of scientific, historic, and aesthetic research enable the NMNH to fulfill its mission and programmatic goals.

The primary purpose of collections information management systems is to provide access to the NMNH analog and digital collections and associated information and documents. The NMNH has a responsibility to acquire, develop, and maintain collections information systems that enhance access to and accountability for its collections and research findings and to ensure long-term preservation in analog and digital formats.

The NMNH houses analog and digital collections information and surrogates in its Research and Collection Information System (RCIS), commonly called “EMu,” which is the official NMNH database of record and includes the research and collections database, transaction management, genetics sample processing (with a server-level integration to the NMNH’s Biorepository Freezer Pro system), and multimedia management (with a server-level integration to the SI-wide Digital Asset Management System - DAMS). This system of record maximizes computerized technologies, workflows, professional documentation standards, and supports the sharing of collections information through collaborations among the NMNH collecting departments and with other educational and research institutions.

POLICY

AUTHORITY. The Assistant Director for Information Technology has authority over the RCIS as a system. The ADS has authority over the collections data or content of the RCIS.

RESPONSIBILITY. Centrally supported collections information systems that document collections holdings and transaction management must support and meet the NMNH goals for accountability and access.

ACCESS AND USE. Access to and, use of, digital or electronically maintained data is governed by the standards established in the NMNH policy *Collections Information Access and Data Sharing at the NMNH*.

Use of data for commercial purposes, by for-profit entities and organizations, or by individuals for profit purposes, requires approval by the Director or designee, after consultation with the Office of General Counsel. Acceptable usage and profit-sharing arrangements between the user and the NMNH must be stipulated in a formal agreement approved by the Director or designee, Office of General Counsel, and Office of Contracting, as appropriate. See also Section G.

The provenance of collections items shall be a matter of public record. Specific collecting localities may be reasonably protected from non-approved access if there is reason to fear any site vandalism or theft, or locality data is otherwise limited by regulation or documented agreement.

Decisions about restrictions must be documented in collections records. The collecting department shall consult the Office of General Counsel and the Registrar when determining policy for restriction of access to information. See also Section A.

RIGHTS. All original primary collections records created by the NMNH staff in the course of their duties (e.g., field notes, research-related notes, images, photographs, illustrations, correspondence, original card catalogues, sound and visual recordings, and other records and documents directly or indirectly related to the collections or collections activities of the NMNH) are the property of the NMNH.

All such original primary collections records are to be maintained in good order and must be accessible to staff, in keeping with current archival policy and procedures.

Some collectors and governmental agencies may reserve the right to retain original primary collections records for specimens donated or transferred to the NMNH. The NMNH will make surrogates of these records when possible.

DIGITIZATION PLANS / PROJECT DIGITAL ASSET MANAGEMENT PLANS. The NMNH is responsible for developing and maintaining a digitization plan and project digital asset management plans for collections data development, maintenance, preservation, and retention per *SD 609: Digital Asset Access and Use* and *SD 610: Digitization and Digital Asset Management Policy*, in collaboration with the Digitization Program Office. All media containing collections information are maintained for long-term use and must be preserved in keeping with archival policy and standards.

E. Inventory

Inventory is a repeated and ongoing process for physically locating and verifying all, or a specified subset, of the museum's collections items. Results of this process are documented in the museum's Research and Collections Information System (RCIS).

PRINCIPLES

In addition to facilitating research, documentation, and storage, an ongoing inventory program is an essential security device to deter and detect theft or misplacement of collections items. Inventory records serve as a tool for accountability. The NMNH counts its collections at the item level for standard reporting purposes. For some collections, these are qualified estimates. The collections also may be counted as "lots" or groups of one or more items that have shared characteristics. The ADColl will recommend the appropriate method for counting the collections on a case-by-case basis. The Director will make the final decision on how the collections are counted.

POLICY

AUTHORITY. The Registrar has authority to initiate an inventory in any collecting department. Others may initiate an inventory per their delegated level of authority.

LOCATION RECORDS. Collecting departments must maintain and update accurate location records of all collections items including those on loan or on exhibit.

CENTRAL CONTROL POINT. All collection items entering or leaving a collecting department must pass through a control point designated by that collecting department. Records of movement of all collections items will be documented in the collections department and available to the Registrar.

CYCLICAL INVENTORY. Collecting departments must establish and implement a cyclical inventory plan. Results of cyclical inventories must be filed promptly with the Registrar.

F. Risk Management and Security

***Risk management** is the process of identification and evaluation of risk to prevent or minimize exposure to factors that may cause loss, damage, or deterioration of collections, or risks to health and safety of persons exposed to collections.*

PRINCIPLES

The programmatic activities of the NMNH naturally involve an exposure of collections to risks of damage or loss. This can occur to a collections item when it is on exhibition or loan, in transit, in storage, or while being studied, treated, or handled. Potential hazards include natural disasters, vandalism, terrorism, theft, disease, space and environmental deficiencies, human error, mechanical or operational system failure, pests, and deterioration.

Prudent collections management requires identification, reduction, or elimination of risks to the collections through a systematic risk management assessment program. Risk management requires thoughtful review of potential hazards.

POLICY

AUTHORITY. The ADO and MSC Facility Manager have authority to take action to manage risks to the collections as posed by deficiencies in the facility or in response to security matters. They are the primary points of contact with the Smithsonian's Division of Risk Management, Office of Safety, Health and Environmental Management, and Office of Protection Services. The ADO and MSC Facility Manager communicate and coordinate with Department Chairs, Curators and Collections Managers about facility-related risks and security matters.

PREVENTION. The NMNH minimizes and controls the level of risk of loss or damage to collections through established collections management practices such as regular inspection, inventory, and integrated pest management.

Living animals (except for service animals) that are not part of approved NMNH research projects or educational programs may not be brought into any NMNH facility.

MANAGEMENT CONTROLS. Effective management controls are the responsibility of all NMNH managers and supervisors responsible for collections, who assure sufficient control and accountability in accordance with *SD 115: Management Controls*.

All staff have the obligation to be aware of the Institution's risk management and security process. Staff must note and communicate to the appropriate office, including the Risk Management Division in the Office of Finance and Accounting, the Office of Protection Services, the National Collections Program, the Office of General Counsel, the Office of Contracting, the Director, the ADS, the ADColl, the Registrar, and the Conservator of situations that create the potential for damage or loss to collections, personal injury, or legal liability.

Risk management and insurance is coordinated at the Smithsonian by the Risk Management Division in the Office of Finance and Accounting and governed by *SD 108: Insurance and Risk Management*. At the NMNH, risk management and insurance is coordinated with Risk Management staff through the ADColl.

Security is coordinated at the NMNH by the Office of Protection Services through the Associate Director for Operations. The NMNH will implement the collections space security standards outlined in the *SD 600 Implementation Manual*. Collecting department staff will use the Smithsonian Collections Pass to track and verify movement of the NMNH collections from and between Smithsonian facilities.

INSURANCE. Except in extraordinary circumstances, the NMNH does not insure its own collections while they are in the care and possession of the NMNH. Collections on loan to the NMNH and the NMNH collections on loan to or in the custody of others will be insured as stipulated by authorized loan agreements or negotiated contracts.

Insurance proceeds from the settlement of claims for damage or loss to the NMNH collections will be used for collections acquisition within the affected collecting department.

REPORTING THEFT. Suspected or confirmed theft or loss must be reported promptly to the Registrar, ADColl, ADS, Director, the Office of Protection Services (OPS), Division of Risk Management, Office of Finance and Accounting, and the National Collections Program.

EMERGENCY PREPAREDNESS. All NMNH facilities, owned or leased, must have a written comprehensive emergency preparedness plan as required by *SD 109: Disaster Preparedness*. The Director shall ensure that an emergency preparedness and response plan is developed and maintained that includes planning, response, and recovery from disasters as well as evaluation and assessment following an incident.

Emergency management at the Smithsonian is coordinated by the Office of Emergency Management in accordance with *SD 109: Disaster Management Program*. Collecting departments must develop and maintain plans for continuity of collections stewardship in the event of temporary, partial or full closure of museum facilities.

G. Access

Access is the opportunity for the general public, scholars, and Smithsonian staff to use the diverse collections resources of the museum.

PRINCIPLES

To carry out its mission, the NMNH promotes access to its collections and associated information through research opportunities, reference systems, loan and exchange of collections, electronic information services, traditional and electronic exhibitions, and educational programs and publications.

POLICY

AUTHORITY. Approving access to the collections is delegated to the Collecting Department Chair or Curator and is facilitated by the Collections Manager.

PRESUMPTION of ACCESS. The NMNH operates with the presumption of access to collections and associated information. It will provide reasonable access to collections and collections information consistent with its stewardship responsibilities. Physical and intellectual access to the collections must be balanced against preservation and protection concerns. See also Section I.

PHYSICAL ACCESS. Staff responsible for providing physical access to collections, as authorized within each collecting department, must be familiar with the collections and their preservation needs.

The NMNH collections users are required to demonstrate competence in handling collections, as appropriate, and also willingness to comply with security precautions or other restrictions.

Access to the collections may be denied to individuals who fail to handle items in accordance with the NMNH's approved practices and standard professional guidelines.

The NMNH may deny access to collections and collections information if access would disrupt or compromise ongoing research.

RIGHTS. The NMNH acknowledges that the right to reproduce a collections item may be held by another individual or organization. In instances where such rights are believed to be held by a non-NMNH or Smithsonian party, the potential user will be notified and required to take full responsibility for obtaining any rights necessary for the intended use. The NMNH undertakes no responsibility for determining the nature of such rights or for obtaining any permissions on behalf of the potential user.

The NMNH collecting departments may enter into agreements of restricted access at the request of Native American tribes (see Section III. Specific Legal and Ethical Issues), in connection with the repatriation process.

The NMNH reserves the right to refuse to furnish images or objects intended for reproduction, and also, to the extent it may be entitled to do so, deny permission for such reproduction at its discretion, using criteria including but not limited to:

- Whether the circumstances of the reproduction would alter the appearance of or otherwise misrepresent the collections item involved;
- Whether the reproduction work would cause harm to the object;
- Whether the attribution, rights, or identification of the collections item are in question; or,
- Whether an agreement precludes granting permission for reproduction, or the NMNH's rights regarding the item are unclear

Electronic access to collections or collections information should be based on traditional principles guiding access to original collections items and documents, comply with *SD 609*, and should serve to enhance the mission of the NMNH.

The NMNH generally has items in its care that are not the property of the Smithsonian. These items may include long-term loans; items borrowed for identification, evaluation, consideration of acquisition study, or exhibition; or collections with shared custody and care. The NMNH is responsible for limiting access to these items pending the permission of their owners.

ACCESS AND BENEFIT SHARING. These concepts are found in the Convention on Biological Diversity and the Nagoya Protocol, and they guide use of collections from other nations. These include gaining Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) regarding planned and future uses of collections as associated information, respecting the terms of use made at the time of acquisition such as a limitation on commercial uses, and the fair and equitable sharing of benefits resulting from the use of collections and traditional knowledge regarding genetic resources. Such terms of use may also be expressed in Material Transfer Agreements (MTAs.) Although the United States is not a signatory to the Convention on Biological Diversity or the Nagoya Protocol, the NMNH voluntarily complies with these agreements when possible. The NMNH has developed a statement regarding commitment to the principles of access and benefit sharing, and procedures that guide and document the acquisition and use of relevant collections and associated information.

RESTRICTIONS. Access to collections and collections information may be restricted or embargoed due to any of the following: resource limitations, security, collections availability, cultural sensitivity, intellectual property rights, applicable restrictions, chain of custody issues or evidentiary concerns, ownership or legal question, approved research requests, loan agreements, and preservation constraints.

Members of the public are allowed access to the collections only when resources and conditions allow, for specific legitimate reasons, e.g., to conduct selected research or to participate in prearranged formal educational activities.

Only authorized staff from the collecting department may provide access to that collecting department's collections. All others must obtain approval in advance from authorized staff in the relevant collecting department.

FOIA. The Smithsonian and the NMNH are not subject to the Freedom of Information Act (FOIA), which governs access by the public to federal agency records. The Smithsonian has a policy based on FOIA, *Smithsonian Directive 807: Requests for Smithsonian Institution Information*, which governs requests for Smithsonian Institution information. All requests citing FOIA or SD 807 must be referred to the Office of General Counsel.

FEES. The NMNH collecting departments may charge organizations or individuals from commercial and non-commercial entities access fees for NMNH-owned intellectual property or materials such as images, recordings, digital surrogates, data and collections items only if such fees are established in accordance with the *SD 600 Implementation Manual* and SD 609. Such fees may be in addition to fees charged for reproduction, transportation, security, and conservation. Access fee schedules must be approved by the Director.

The NMNH may charge a fee or royalty for granting permission to reproduce collections objects in books, journals, catalogues, magazines, and similar scholarly, commercial, or general publications. All reproductions must be fully credited to the NMNH unless an alternate written agreement exists. Contracts for reproduction of any collections item must be approved by the Director or designee.

PRIVATE PHOTOS. Visitors are permitted to photograph collections items on display in public galleries for personal use only when the collections item belongs to the NMNH so long as a hand-held camera with guarded flash is used and the photographer stays outside of the exhibition barriers.

SAMPLING. The NMNH allows destructive sampling and analysis of collections items and the consumption of genetic resource samples in the intent and spirit of the Nagoya Protocol; in accordance with established collecting department policies and procedures; and in compliance with any documented restrictions on use of the items. The importance of test results must be weighed against the total loss of the collections item or sample and its potential for replacement. Information gained from the analysis shall be provided to the collecting departments and included in the museum's records.

CREDIT. Researchers and users of the NMNH collections must acknowledge or credit the NMNH for providing information or collections access per collecting department procedures.

H. Loans and Borrows

Loan and Borrow transactions are the temporary transfer of possession of collections items for an agreed purpose and with the agreement that the collections item is returned at a specified time and in a specified condition. These transactions do not result in a change of ownership. A Loan of the NMNH's collections may also be referred to as an outgoing "loan." Incoming loans from external parties may also be referred to as a "borrow."

PRINCIPLES

Lending and borrowing collections items for research, public exhibition, and education are integral to achieving the NMNH's mission. Loan transactions between Smithsonian collecting units are fundamental to Institutional programs, as are collections transactions to and from other educational and scientific organizations. The NMNH is collegial when using loan mechanisms to manage the exhibition of its own collections.

The NMNH adheres to the *Guidelines for Exhibiting Borrowed Objects* issued by the American Alliance of Museums (AAM).

The NMNH adheres to *Smithsonian Directive 611: Export Compliance and Trade Sanctions Related to Research, Export and Museum Activities*.

POLICY

AUTHORITY. A collections item may be loaned or borrowed only in accordance with established authority and only when consistent with applicable laws, treaties, regulations, mutually agreed terms (MAT), and professional ethics. The NMNH applies the *Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects*, adopted by the Board of Regents in 2015, to incoming loans.

PURPOSE. As a general rule, the NMNH collections are lent for research, public non-commercial exhibition, or non-profit educational purposes.

Loans of the NMNH's collections are made to institutions or organizations, and with rare exceptions to private individuals. Loans may be made to private individuals when it is consistent with the community of practice within a scientific discipline and if it is in the interests of the NMNH to do so.

The NMNH only loans items if it has the rights to do so. The NMNH does not allow third party loans.

The NMNH does not act as an intermediary of objects owned by Board members for loans or other use by other museums or institutions.

In accordance with the Smithsonian Strategic Plan's priority of cross-unit collaboration, the NMNH will facilitate to the extent possible expeditious loans to other Smithsonian collecting units, including the Smithsonian Travelling Exhibition Service, as well as to Smithsonian Affiliate museums. It is understood that all loan protocols will be observed, including donor restrictions, collection availability and physical condition, and preservation / security requirements. Prior contractual or other agreements or in-house exhibition schedules may preclude such loans from time to time.

GAIN. The NMNH collections may not be lent for private pecuniary gain or commercial purposes

HIGH RANKING GOVERNMENTAL REQUESTS. The NMNH may lend collections items to high-ranking government officials according to procedures and guidelines established in the *SD 600: Implementation Manual*. Such loans may only be approved by the collecting department with notification to the Director and the Office of Government Relations. Any such loan requires a written loan agreement signed by the collecting unit and an official authorized to commit to the terms of the loan agreement on behalf of the high-ranking government official.

In the case of loans to the White House, the Curator of the White House is the authorized official. In the case of loans to members of Congress, the Senate Curator is the authorized official for loans to Senators and the Clerk of the House is the authorized official for loans to members of the House. In the case of loans to Justices of the Supreme Court, the Curator of the Supreme Court is the authorized official. In cases where there are no staff representing the borrower that are specifically responsible for collections related activities, the authorized official is generally the high-ranking government official's Chief of Staff.

SAMPLING OR TREATMENT. Loaned NMNH collections items may only be sampled or consumed through destructive analysis or undergo conservation treatment with the prior written permission of the collecting department that made the loan, and if not precluded by terms of use agreed at the time of acquisition.

Collections items borrowed by the NMNH may not be sampled or consumed through destructive analysis or undergo conservation treatment without the prior written permission of the owner or applicable PIC, MAT or MTA.

DOCUMENTATION. All loans and borrows must be documented by a written loan agreement or contract, with documentation of all aspects of the loan agreement maintained in the museum's collections transaction management systems, both digital and analog. These agreements must be reviewed and approved by the collecting department and, depending upon delegated authorities, by others within the chain of command as specified within this policy. Significant departures from standard Smithsonian loan terms and conditions must be reviewed by the Office of General Counsel. Exhibition agreements or contracts must be reviewed by the Office of Contracting (OCon).

Each collecting department shall assess and record the condition of collections items selected for loan to others, whether internal or external, through the loan agreement at the time the loan is established.

TERMS. All loan and borrow transactions are for a specified time period, with a specified party, with option for renewal as appropriate. The NMNH does not permit indefinite or permanent loans.

Formal long-term repository or off-site enhancement programs may be established as long-term loans having defined renewal dates and clearly specified terms for early conclusion of the agreement. These must be reviewed and approved by the Registrar, the Office of General Counsel and National Collections Program.

ACCESS. Access to collections or terms of use of items borrowed by the NMNH, as well as to the NMNH collections on loan to or in the custody of others, must be stipulated in the transaction agreement or applicable PIC, MAT, MOA, MTA, or similar document.

FEES. With the approval of the Director, the NMNH may charge fees to borrowing organizations, and may recover actual expenses for making outgoing loans. All such fees shall go into the funds of the lending collecting department to cover the associated collections management and conservation costs.

RESPONSIBILITIES. Regardless of the length and type of outgoing loan, the NMNH retains fiduciary responsibility for the continued oversight of its collections.

The NMNH acknowledges its responsibility to provide appropriate physical safeguards for borrowed collections items in its custody, for the full term of the transaction agreement or applicable PIC, MAT or MTA.

Responsibility for routine monitoring and preservation of loaned collections items must be established at the time the transaction agreement is initiated. Typically, the responsible party is the Department Curator delegated with responsibility for the collection, or the curator initiating the incoming loan.

DENIALS. The NMNH may deny loan requests at its discretion and may recall loans prior to the agreed-upon date in accordance with the loan agreement. The NMNH may also deny loans if:

- the item(s) is being actively used by a NMNH researcher for a research project that has not yet been published;
- the item(s) is on or scheduled for exhibition; the requestor cannot provide proper facilities or fulfill standard preservation requirements;
- the item(s) is of great scientific or cultural value, is unique, or of highly limited quantity;
- the item(s) is in such a condition that loaning it would place it at risk;
- the requestor has previously violated the terms of a loan, including handling, sampling and/or return requirements;
- issues related to cultural sensitivity and/or repatriation mandate a restriction in access;
- in the judgment of the collecting department, the loan would compromise privacy, safety, or intellectual property rights;
- the loan would impose on the NMNH inordinate costs and resources to satisfy the request; or
- loans are restricted or prohibited per the terms of an agreement (e.g. PIC, MAT, MTA) made at the time of the acquisition of the collection item(s).

ABANDONMENT. The status of loans to the NMNH which have expired, but for which the lender cannot be found, shall be resolved in accordance with the due process, reasonable search, notification procedures set

forth in the *SD 600: Implementation Manual*, and with the advice of the National Collections Program and the Office of General Counsel.

EXHIBITION. The NMNH makes its collections available to the public through loan for exhibition in a number of venues.

No collections item will be exhibited to its detriment deliberately, or exhibited in such a way as to risk human health and safety or the integrity and stability of the collection item.

The collecting department establishes which collections items may be lent for exhibition, and in consultation with the Registrar and Conservator, also establishes the legal and physical conditions under which an item may be lent.

The NMNH will be appropriately credited in the exhibition and in all supporting publications.

Condition reporting requirements for exhibition of collections items are established by the collecting department with the Registrar and the Conservator.

INSURANCE. Insurance settlements for NMNH collection items that are lost or destroyed when on loan will be used only for future collections acquisitions within the collecting department that experienced the collections loss.

FORENSIC ANALYSES. The NMNH receives incoming loans of items for forensic identification and analysis from medical, investigative and enforcement agencies. Such transactions are authorized, documented and managed according to Memoranda of Understanding (MOU) or other formal agreements with the referring agency.

Items on loan to the NMNH for forensic purposes are subject to the requirements of the applicable MOU or agreement, which supersede routine transaction policy and procedures. These may include stringent requirements regarding access to the item and all associated information as well as specialized requirements for storage, handling and conservation.

I. Intellectual Property Rights

Intellectual Property Rights are rights and protections based on federal or state statutes or common law such as patent, trademark, copyright, privacy, and publicity, as well as the rights of attribution and integrity of living artists as delineated in the *Visual Artists Rights Act of 1990* and any subsequent revisions thereof.

PRINCIPLES

The NMNH is both a holder and a user of intellectual property and therefore seeks to protect the intellectual integrity of collections and promote wide access to collections for scientific and educational purposes. In support of its mission, the museum strives to protect the intellectual property rights of creators and intellectual property owners, including the museum itself as rights holder, and promote the responsible dissemination of knowledge.

Intellectual property rights are distinct from the right to possess the collections item itself and arise from its content. Holders of such rights may limit the uses that may be made of a collections item. The museum's ability to use its collections or their associated intellectual property may be subject to intellectual property rights held by others. When acquiring a collection item, the Museum will determine what steps are required to obtain any rights necessary for the intended use of the item. The Museum further will document intellectual property restrictions in collections records and ensure that those records are consulted for possible restrictions or prohibitions before using an object in a manner which may implicate intellectual property rights, including reproducing a collection item for use by the museum and/or others in any media format (print, electronic, audio, video, the Internet, etc.).

The NMNH recognizes that under some circumstances and for some types of collections the establishment of intellectual property rights may be unclear at the time a collection item is accepted. It also recognizes that ownership of intellectual property rights may change over time for some collections items and under some circumstances. As a consequence, the NMNH will make a good faith effort to identify the holder of those intellectual property rights associated with a collections item at the time that collections item is accepted by the Museum and to document ownership in collection records.

POLICY

NMNH PROPERTY. Collections and documentation created as a result of research conducted by staff and non-Smithsonian staff working at the NMNH or under the aegis of the NMNH is considered the NMNH's property and, subject to any written agreement to the contrary with a third party, the NMNH is considered the owner of any associated intellectual property rights.

RIGHTS. The NMNH will not knowingly permit infringement of intellectual property rights. The NMNH will make a good faith effort to protect the intellectual property rights of creators and intellectual property owners, including the museum itself as rights holder.

If the NMNH permanently transfers a collection item to another institution, the NMNH will deal with the disposition of any intellectual property rights owned by the Museum in the transfer agreement.

FAIR USE. Reproductions of collections for standard museum purposes by the NMNH may be allowed by the doctrine of fair use in appropriate circumstances in making reproductions of collections for standard museum purposes, such as archival, research, educational, exhibition, and similar purposes. Fair use assessments will be made on a case-by-case basis by the collecting department Collections Advisory Committee, taking into consideration the facts and circumstances of the proposed use and the legal parameters of the fair use doctrine. The Office of General Counsel should be consulted if there is any question regarding whether an intended use may be considered a fair use.

J. Shipping and Transportation

PRINCIPLES

The NMNH strives to ensure the safety and integrity of its collections and the collections that are being transacted with the museum, while complying with all relevant state, federal and international laws and regulations.

POLICY

COMPLIANCE. Staff shall comply with state, federal and international laws and regulations when transporting collections. The NMNH adheres to *Smithsonian Directive 611* regarding Export Compliance.

RECORDS. Collecting department staff and the Registrar shall maintain permanent records of transportation events in association with the transaction and/or collections items. Staff shall promptly file United States Fish and Wildlife Services (USFWS) electronic declarations (3-177 declarations) when transacting relevant collections across international borders. Copies of cleared declarations must be included in transaction records.

TRAINING. Department Chairs, Collections Managers, the NMNH Shipping Office, and the Registrar ensure that staff members are trained in acceptable procedures and use appropriate materials for packaging, labeling, and transporting collections locally, regionally, nationally and internationally.

Section III. Specific Legal and Ethical Issues

A. Native American and Native Hawaiian Human Remains and Objects

PRINCIPLES

Native American and Native Hawaiian human remains, funerary objects, sacred objects, and objects of cultural patrimony are subject to the terms of the National Museum of the American Indian (NMAI) Act, as amended, 20 USC. § 80q. Under the NMAI Act, the Smithsonian is required to compile information about such material, to disseminate the information to and consult with tribes about collections that may be subject to repatriation, and, in certain circumstances, to return such material to affiliated Native American tribes, Native Hawaiian groups, or lineal descendants.

The Smithsonian Repatriation Review Committee, established by the NMAI Act, serves as an advisory body to the Secretary or designee on application of the NMAI Act. The applicable NMAI Act standards and guidelines for compliance are set forth in the *SD 600: Implementation Manual*.

In addition to the applicable requirements of the NMAI Act, collecting departments with Native American and Native Hawaiian collections should be aware of and sensitive to other issues that arise out of cultural concerns of Native American tribes or Native Hawaiian groups. Such concerns may relate to appropriate standards for the use and management of Native American or Native Hawaiian objects and interests in the intellectual content associated with such objects.

Collecting departments are encouraged to consult with Native American tribes and Native Hawaiian groups associated with objects in their collections and to take their interests into account in establishing policies for the management of these collections, provided that such policies are consistent with applicable law and the Smithsonian's duties for the care and management of its collections.

POLICY

The NMNH collections include Native American or Native Hawaiian materials to which the requirements of the NMAI Act are applicable. The NMNH repatriation of Native American and Native Hawaiian human remains and objects is governed by the requirements set forth in the National Museum of the American Indian Act, 20 USC. § 80q (1989), as amended.

The NMNH administers the Repatriation Office, which is the authority for the NMNH under the NMAI Act and acts as the liaison between the NMNH and any and all groups or individuals seeking discussion about or repatriation of any Smithsonian materials. The Repatriation Office evaluates all repatriation requests covered by the Act, assesses their validity and responds accordingly. Any repatriation request received by any NMNH collecting department should be referred to the NMNH Repatriation Office for advice and guidance.

Final repatriation decisions are made by the Secretary or designee. All repatriation decisions are subject to the general policies of the Board of Regents.

Any Native American or Native Hawaiian collections whose repatriation is not required by the NMAI Act shall be managed in accordance with this policy, *SD 600*, and the *SD Implementation Manual*. Decisions to return or repatriate collections items outside the scope of the NMAI Act will be evaluated and processed in accordance with routine and established deaccession and disposal policies and criteria.

B. Collections Made via Fieldwork

PRINCIPLES

The Smithsonian has long been a leader in the effort to halt the continuing degradation of the world's natural history and environmental resources. Smithsonian research and collecting activities must be undertaken with sensitivity to continued protection of cultural and biological diversity and in compliance with applicable laws protecting animal and plant species.

Field collecting should be preceded by disclosure and consultation and under all appropriate permits. Field activities must be conducted lawfully, support educational and scientific purposes, and not cause undue detriment to the diversity and ecological conditions in the area of the activity other than in instances of salvage collecting in areas which will be destroyed by development projects or other endeavors sanctioned by the authorities of the country in question.

POLICY

Items may be acquired by or on behalf of the NMNH through field collecting only when such collecting is legally authorized; the item is obtained solely for purposes of scientific research, or for other educational purposes; and the Smithsonian's field activities will not cause undue detriment to the diversity and ecological conditions in the area of the activity.

The NMNH name may not be used to justify or support permit applications for activities that have not been authorized by or on behalf of the NMNH.

The NMNH complies with Smithsonian Directive 611 regarding Export Compliance.

C. Unlawful Appropriation of Objects during the Nazi Era

PRINCIPLES

Between 1933 and 1945, the Nazi Regime caused the unlawful appropriation of millions of art objects and other cultural property from their rightful owners, including private citizens; victims of the Holocaust; public and private museums and galleries; and religious, educational, and other institutions. Some of these objects ultimately were transferred, in good faith and without knowledge of their prior unlawful appropriation, through the legitimate market and may have been acquired by museums. In recent years, public awareness of the extent and significance of Nazi looting of cultural property has grown significantly.

The Smithsonian adheres to the *Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era*, issued by the American Alliance of Museums (AAM), and, where applicable, the *Report of the Association of Art Museum (AAMD) Directors Task Force on the Spoliation of Art during the Nazi/World War II Era*. The text of these documents is included in the *SD 600: Implementation Manual*.

POLICY

The NMNH shall not knowingly acquire collections items that were unlawfully appropriated during the Nazi era without subsequent restitution.

If the NMNH has acquired in good faith a collections item that is subsequently determined to have been unlawfully appropriated during the Nazi era without restitution, the NMNH will take prudent and necessary steps to resolve the status of the collections item.

Each collecting department shall apply the applicable provisions of the AAM and AAMD guidelines to its collections management activities.

D. Animal Welfare and Institutional Animal Care and Use Committee

PRINCIPLES

The Federal Animal Welfare Act (AWA) and the Public Health Service (PHS) Policy set standards for the responsible and humane treatment of animals captured alive in the field as well as those maintained in captivity. This includes standards for capture, restraint, handling, marking, captive care, and euthanasia. Demonstration of compliance with AWA provisions is increasingly required by societies and peer-reviewed research journals.

The NMNH complies with the AWA in all collecting departments in which living animals are essential subjects of research, both in the field and in captivity. It will establish and maintain an Institutional Animal Care and Use Committee (IACUC) to review and advice on these issues, as required by Federal regulations.

POLICY

The NMNH staff will comply with *Smithsonian Directive 605, Animal Care and Use*. The NMNH will not support or condone the use of any procedures that have been identified by the AWA and scientific discipline groups as being inhumane in the capture, restraint, handling, marking, captive care, or euthanasia of living animals.

The NMNH will only maintain living animals for research or approved educational purposes in fully acceptable captive care conditions, as determined by the IACUC and scientific discipline standards.

The NMNH will not knowingly accept specimens of animals collected for research purposes in violation of the humane requirements of the AWA.

E. Human Subjects in Research and the Institutional Review Board

PRINCIPLES

The NMNH research involving human subjects compiles with all applicable federal, state or local laws, regulations, and ethical principles, so that the rights and welfare of human subjects involved in research are protected.

POLICY

The NMNH complies with *Smithsonian Directive 606: Research Involving Human Subjects* regarding research involving human subjects, and all applicable legal and ethical requirements for responsible reliance on human subjects in any form of research undertaken by the NMNH. It will establish and maintain an Institutional Review Board (IRB) to review and advice on these issues, as required by Federal regulation. Any research that uses humans, surveys of human subjects, or human subjects' records requires IRB review and approval.

NMNH will not support or condone the use of any procedures that have been identified by the National Institutes of Health, the National Science Foundation, and scientific discipline groups as being unacceptable in relation to human subjects of research.

The NMNH will not knowingly accept collections items or information derived from research conducted in violation of laws relating to the use of human subjects.

F. Collections Posing Health and Safety Risks

PRINCIPLES

The NMNH owns and has custody of collection items that may pose some risk to health and safety, either due to hazards that are their inherent original composition or fabrication, acquired over time through exposure to hazardous materials in their environment, or acquired over time as a result of alterations from ageing or treatment. The NMNH will promote awareness of the potential hazards and of established protective work practices to those at risk. People at potential risk, who need to receive occupational hazard awareness information, include Smithsonian employees, docents, interns, volunteers, visiting researchers, and contractors who are in contact with these collections. In addition, people to whom the NMNH loans or disposes objects with hazardous materials will also be notified. The visiting public will be protected from adverse health or safety risk from objects on display or made available for research, tours or educational programs. The NMNH protects the environment from undue contamination through proper disposal of waste materials generated during curation, treatment, and management of NMNH collections.

POLICY

COMPLIANCE. The NMNH shall comply with the Smithsonian Hazard Communication Program (see *SD 419*), Smithsonian authorities, and all applicable laws in the handling, storage, shipping, transport, fumigation, and transacting of such items, and in the event of their disposal.

IDENTIFICATION OF HAZARDS. Collecting departments must make reasonable attempts to determine the presence of hazardous materials within collections. Once a hazard is identified, employee health risk must be determined through occupational exposure surveys conducted by the Office of Safety, Health, and Environmental Management (OSHEM) and the results must be communicated to affected staff and users.

PROCEDURES AND METHODS. Written *Safe Work Practices* and storage procedures must be developed by the Conservator, the collections management staff, and the relevant curators for the particular needs of the collecting department or program. Storage methods must be appropriate to the risk.

COMMUNICATION. All staff and users or persons who come into contact with hazardous items will be informed of any known risks, and must be provided with appropriate procedures, materials, and equipment for mitigating the risks of working with those collections. Hazard notification, to the extent applicable, is incorporated into transaction and repatriation documents. Communication of hazards must take the form of written fact sheets, incorporation of collections-based hazards into the basic NMNH Hazard Communication Training program, and/or information labels or signs on collections labels, storage cases, storage rows, or entry doors to storage, or text in transaction documents.

SHIPPING. The NMNH Shipping Office or other properly trained staff is responsible for ensuring that hazardous materials shipped on behalf of the NMNH are packed, shipped and transported as required by applicable laws and international treaties. Incoming loan and accession agreements should also include a description, from the sender, of any known or suspected hazardous material. Such documentation is to be in accordance with applicable law or international treaties. The Shipping Office will establish written guidance on the shipping and transport of hazardous/dangerous goods.