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SUBCHAPTER I—CHARTER PROVISIONS

**§ 41. Incorporation of institution**

The President, the Vice President, the Chief Justice, and the heads of executive departments are constituted an establishment by the name of the Smithsonian Institution for the increase and diffusion of knowledge among men, and by that name shall be known and have perpetual succession with the powers, limitations, and restrictions hereinafter contained, and no other.

(R.S. § 5579; Feb. 27, 1877, ch. 69, 19 Stat. 253; Mar. 12, 1894, ch. 36, 28 Stat. 41.)

**Editorial Notes**

**CODIFICATION**

R.S. § 5579 derived from acts Aug. 10, 1846, ch. 178, § 1, 9 Stat. 102; Mar. 20, 1871, ch. 1, 17 Stat. 1.

R.S. §§ 5579 to 5594 (codified as sections 41 to 46, 48, 50, 51 to 53, 54 to 57, and 67 of this title) constituted Title 73 of the Revised Statutes, entitled "The Smithsonian Institution." A preamble to these sections was as follows: "James Smithson, esquire, of London, in the kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found, at Washington, under the name of the 'Smithsonian Institution,' an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said

trust; therefore, for the faithful execution of said trust, according to the will of the liberal and enlightened donor.”

R.S. § 5579, as originally enacted, constituted the President, the Vice-President, the Secretaries of State, the Treasury, War, and the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, the Commissioner of the Patent Office, and the Governor of the District of Columbia, and such persons as they might elect honorary members, an establishment by the name of the “Smithsonian Institution,” for the purposes and with the powers specified in the section as set forth here.

#### AMENDMENTS

1894—Act Mar. 12, 1894, substituted “the Chief Justice, and heads of executive departments” for “the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney General, the Chief Justice, the Commissioner of Patents, the governor of the District of Columbia, and other such persons as they may elect honorary members”.

1877—Act Feb. 27, 1877, substituted “Patents” for “Patent Office”.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-72, § 1, Aug. 15, 2003, 117 Stat. 888, provided that: “This Act [enacting section 253/-8 of Title 41, Public Contracts, enacting provisions set out as notes under section 75b of this title and section 3521 of Title 5, Government Organization and Employees, and amending provisions set out as a note under section 50 of this title] may be cited as the ‘Smithsonian Facilities Authorization Act’.”

##### SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89-674, § 1, Oct. 15, 1966, 80 Stat. 953, provided: “That this Act [enacting section 65a of this title and repealing section 65 of this title] may be cited as the ‘National Museum Act of 1966’.”

#### § 42. Board of Regents; members

(a) The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and nine other persons, other than Members of Congress, two of whom shall be resident in the city of Washington, and seven of whom shall be inhabitants of some State, but no two of them of the same State.

(b) Notwithstanding any other provision of law, the Board of Regents of the Smithsonian Institution may modify the number of members, manner of appointment of members, or tenure of members, of the boards or commissions under the jurisdiction of the Smithsonian Institution, other than—

(1) the Board of Regents of the Smithsonian Institution; and

(2) the boards or commissions of the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the Woodrow Wilson International Center for Scholars.

(R.S. § 5580; Mar. 12, 1894, ch. 36, 28 Stat. 41; Pub. L. 91-551, § 1(a), Dec. 15, 1970, 84 Stat. 1439; Pub. L. 105-277, div. A, § 101(e) [title III, § 355], Oct. 21, 1998, 112 Stat. 2681-231, 2681-303.)

#### Editorial Notes

##### CODIFICATION

R.S. § 5580 derived from acts Aug. 10, 1846, ch. 178, § 3, 9 Stat. 103; Jan. 10, 1865, ch. 11, 13 Stat. 420; Mar. 20, 1871, ch. 1, 17 Stat. 1.

##### AMENDMENTS

1998—Pub. L. 105-277 designated existing provisions as subsec. (a) and added subsec. (b).

1970—Pub. L. 91-551 authorized three additional persons on the Board of Regents.

1894—Act Mar. 12, 1894, struck out “the governor of the District of Columbia” after “the Chief Justice of the United States,”.

#### § 43. Appointment of regents; terms of office; vacancies

The regents to be selected shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Congress. The Members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner to serve until the fourth Wednesday in December, in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without re-election, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress.

(R.S. § 5581; Pub. L. 91-551, § 1(b), (c), Dec. 15, 1970, 84 Stat. 1440.)

#### Editorial Notes

##### CODIFICATION

R.S. § 5581 derived from act Aug. 10, 1846, ch. 178, § 3, 9 Stat. 103.

##### AMENDMENTS

1970—Pub. L. 91-551 authorized appointment of three additional members of the board by joint resolution of Congress.

#### § 44. Organization of board; expenses; gratuitous services

The Board of Regents shall meet in the city of Washington and elect one of their number as chancellor, who shall be the presiding officer of the Board of Regents, and called the chancellor of the Smithsonian Institution, and a suitable person as Secretary of the institution, who shall also be the secretary of the Board of Regents. The board shall also elect three of their own body as an executive committee, and shall fix the time for the regular meetings of the board; and, on application of any three of the regents to the Secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, eight shall constitute a