

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R.S. §5579, as originally enacted, constituted the President, the Vice-President, the Secretaries of State, the Treasury, War, and the Navy, the Postmaster-General, the Attorney-General, the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 253l-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

quorum to do business. Each member of the board shall be paid his necessary traveling and other actual expenses, in attending meetings of the board, which shall be audited by the executive committee, and recorded by the Secretary of the board; but his service as regent shall be gratuitous.

(R.S. §5582; Pub. L. 91-551, §1(d), Dec. 15, 1970, 84 Stat. 1440.)

#### Editorial Notes

##### CODIFICATION

R.S. §5582 derived from act Aug. 10, 1846, ch. 178, §3, 9 Stat. 103.

##### AMENDMENTS

1970—Pub. L. 91-551 increased number of members required to constitute a quorum from five to eight.

#### § 45. Special meetings of members

The members of the institution may hold stated and special meetings, for the supervision of the affairs of the institution and the advice and instruction of the Board of Regents, to be called in the manner provided for in the by-laws of the institution, at which the President, and in his absence the Vice President, shall preside.

(R.S. §5585.)

#### Editorial Notes

##### CODIFICATION

R.S. §5585 derived from act Aug. 10, 1846, ch. 178, §8, 9 Stat. 103.

#### § 46. Duties of Secretary

The Secretary of the Board of Regents shall take charge of the building and property of the institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in the institution until no longer needed in conducting current business; and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants.

(R.S. §5583; Oct. 25, 1951, ch. 562, §2(4), 65 Stat. 639.)

#### Editorial Notes

##### CODIFICATION

R.S. §5583 derived from act Aug. 10, 1846, ch. 178, §7, 9 Stat. 105.

##### AMENDMENTS

1951—Act Oct. 25, 1951, inserted “until no longer needed in conducting current business”.

#### § 46a. Employment of aliens by Secretary

The Secretary of the Smithsonian Institution, subject to adequate security and other investigations as he may determine to be appropriate, and subject further to a prior determination by him that no qualified United States citizen is available for the particular position involved, is authorized to employ and compensate aliens in a scientific or technical capacity at authorized rates of compensation without regard

to statutory provisions prohibiting payment of compensation to aliens.

(Pub. L. 88-549, Aug. 31, 1964, 78 Stat. 754.)

#### § 47. Acting Secretary

The chancellor of the Smithsonian Institution may, by an instrument in writing filed in the office of the Secretary thereof, designate and appoint a suitable person to act as Secretary of the Institution when there shall be a vacancy in said office, and whenever the Secretary shall be unable from illness, absence, or other cause to perform the duties of his office; and in such case the person so appointed may perform all the duties imposed on the Secretary by law until the vacancy shall be filled or such inability shall cease. The said chancellor may change such designation and appointment from time to time as the interests of the Institution may in his judgment require.

(May 13, 1884, ch. 44, 23 Stat. 21.)

#### Editorial Notes

##### PRIOR PROVISIONS

Similar prior provisions were contained in act Jan. 24, 1879, ch. 21, 20 Stat. 264.

#### § 48. Salary and removal of Secretary and assistants

The Secretary and his assistants shall, respectively, receive for their services such sum as may be allowed by the Board of Regents; and shall be removable by the Board of Regents whenever, in their judgment, the interests of the institution require such removal.

(R.S. §5584.)

#### Editorial Notes

##### CODIFICATION

R.S. §5584 derived from act Aug. 10, 1846, ch. 178, §7, 9 Stat. 105.

Provisions which related to semi-annual payments on the first day of January and July have been omitted.

#### § 49. Omitted

#### Editorial Notes

##### CODIFICATION

Section, act Oct. 2, 1888, ch. 1069, 25 Stat. 529, which required the Secretary of the Smithsonian Institution to submit to Congress annually a detailed statement of expenditures under appropriations for “International Exchanges,” “North American Ethnology,” and the “National Museum,” terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 192 of House Document No. 103-7.

#### § 50. Reception and arrangement of specimens and objects of art

Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States, which may be in the city of Washington, in whosoever custody they