



Smithsonian Institution

The Board of Regents

BYLAWS
of the Board of Regents

and

CHARTER PROVISIONS
of the
Smithsonian Institution

2009

**BYLAWS OF THE BOARD OF REGENTS
OF THE
SMITHSONIAN INSTITUTION**

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SMITHSONIAN INSTITUTION
Bylaws of the Board of Regents
September 2008

Section 1. Promulgation

1.01 CHARTER

These bylaws have been adopted by the Board of Regents to govern the conduct of the Smithsonian Institution's business pursuant to an Act of Congress approved August 10, 1846, as amended (20 U.S.C. § 41, et seq.), which act as so amended is hereinafter referred to as the "Charter." These bylaws are in all respects subject to the provisions of the Charter and shall be interpreted accordingly.

1.02 AMENDMENT

These bylaws may be amended at any meeting of the Board of Regents by a majority vote of the Regents present, provided that the proposed amendments have been mailed to each member of the Board of Regents not later than thirty days prior to such meeting.

Section 2. Board of Regents

2.01 POWERS AND COMPOSITION

The governing body of the Smithsonian Institution is the Board of Regents specified in the Charter. (See also 20 U.S.C. § 42.)

2.02 APPOINTMENT

Members of the Board of Regents are appointed or elected in the manner specified by the Charter. When a vacancy arises from death, resignation, or retirement of a citizen member elected by joint resolution of Congress, the Board of Regents shall nominate a proposed successor for consideration by the Senate and the House of Representatives. (See also 20 U.S.C. § 43.)

2.03 TERM OF OFFICE AND VACANCIES

Regents shall serve such terms, and vacancies on the Board of Regents shall be filled, as specified in the Charter. In nominating citizen members of the class, other than residents of the District of Columbia, for election by joint resolution of Congress, the Board of Regents shall give consideration to rotation of membership among citizens of the various states. The Board of Regents shall not nominate citizen members to succeed themselves after they have served two consecutive six-year terms. (See also 20 U.S.C. § 43.)

2.04 MEETINGS

The Board of Regents shall hold regular and special meetings at such times and places as the Board of Regents may from time to time determine, provided that one meeting annually shall be held in the District of Columbia, and provided further that any meeting at which a Chancellor or a Secretary is elected shall be held in the District of Columbia. A special meeting of the Board of Regents may be called on request of any three members of the Board of Regents. (See also 20 U.S.C. § 44.)

2.05 NOTICE OF MEETINGS

Notice of regular meetings of the Board of Regents shall be given in writing to each Regent at least thirty days prior to such meetings. Notices of special meetings shall be given to each Regent at least ten days prior to such meetings. Information about matters to be considered shall be furnished to the Regents as soon as practicable prior to each meeting. (See also 20 U.S.C. § 44.)

2.06 ACTION BY BALLOT WITHOUT A MEETING

When requested by the Executive Committee, any action required or permitted to be taken at a meeting of the Board of Regents, except the election of a Secretary or the nomination of a member of the Board, may be taken without a meeting if a majority of the Board of Regents votes to approve the action by responding affirmatively to a written ballot distributed to each Regent by the Office of the Regents. The ballot shall set forth the proposed action(s) and provide an opportunity to specify approval or disapproval of each proposed action, a place for the Regent's signature, and a reasonable time within which to return the ballot to the Office of the Regents. Each Regent who wishes to vote must mark and sign the ballot and return it to the Office of the Regents within the time specified. The Regents' approval or disapproval of any action by this method shall have the same force and effect as a vote by the Board of Regents at a formal meeting of the Board. All ballots returned to the Office of the Regents shall be filed with the records of the proceedings of the Board of Regents maintained in the Office of the Regents.

2.07 EMERGENCY MEETINGS

When requested by the Executive Committee, any six Regents, the Chancellor, the Chair of the Board, or the Secretary may convene an emergency meeting of the Board of Regents by providing 72 hours notice, including notice by telephonic communication. The emergency meeting may be conducted in person, telephonically, or by such other means as may be determined by the Executive Committee.

2.08 METHOD OF COMMUNICATION FOR ACTION WITHOUT A MEETING

Any and all communications to and from Regents seeking or taking action by the Regents without a meeting may be made by hand delivery, by deposit in U.S. Mail, by express mail, by electronic facsimile, or by such other means as may be determined by the Executive Committee.

2.09 QUORUM

At any meeting of the Board of Regents, eight members constitute a quorum, but in the absence of a quorum a lesser number may adjourn the meeting. (See also 20 U.S.C. § 44.)

2.10 MINUTES

Minutes of meetings of the Board of Regents shall be made available to all members of the Board of Regents, the Congress, and the public as soon as practicable after each meeting.

2.11 REGENT EMERITUS

The Board of Regents may, by resolution, confer the title of Regent Emeritus on former Regents who accept responsibilities for continuing activities in the interests of the Smithsonian Institution.

2.12 INDEMNIFICATION

Members of the Board of Regents, Regents' Committees, Regents Emeriti, Smithsonian advisory bodies, officers, or employees of the Smithsonian may be indemnified for any and all liabilities and reasonable expenses incurred in connection with any claim, action, suit, or proceeding arising from present or past service for the Smithsonian Institution, in accordance with resolutions adopted by the Board.

2.13 ETHICS AND CONFLICTS OF INTEREST

The Board of Regents shall adopt and members of the Board of Regents shall adhere to ethics guidelines setting forth appropriate standards of conduct, provisions to avoid potential conflicts of interest, and requirements for disclosure of personal interests that may relate to the Smithsonian Institution.

Section 3. Executive Committee

3.01 POWERS; COMPOSITION

The Board of Regents shall elect from its members an Executive Committee consisting of three members (in accordance with 20 U.S.C. § 44). The Executive Committee shall have and may exercise all powers of the Board of Regents when the Board of Regents is not in session, except those expressly reserved to itself by the Board of Regents, provided that all such proceedings shall be reported to the Governance and Nominating Committee and the Board of Regents on a regular basis. The Chair of the Board shall also serve as Chair of the Executive Committee. The Vice Chair of the Board shall serve as a member of the Executive Committee.

3.02 APPOINTMENT

Elections to the Executive Committee may be made at any regular or special meeting of the Board of Regents. The Executive Committee shall include at

least two citizen members of the Board of Regents who are elected by joint resolution of Congress.

3.03 MEETINGS

The Executive Committee shall hold meetings at such times as it shall determine. Meetings of the Executive Committee shall be held in the District of Columbia unless otherwise determined by the Executive Committee. Expenses of Regents in attending meetings of the Executive Committee, including travel expenses to and from the place of meeting, may be paid by the Institution. Two members of the Executive Committee shall constitute a quorum.

3.04 MINUTES

Minutes of all meetings of the Executive Committee shall be made available to all members of the Board of Regents as soon as practicable.

3.05 RULES

The Executive Committee shall have power to adopt rules for the conduct of its business in respect to all matters not provided for in the bylaws or by rules adopted by the Board of Regents.

Section 4. Other Committees

4.01 ADVANCEMENT COMMITTEE

With approval of the Board of Regents, the Chancellor shall appoint an Advancement Committee including no fewer than three members of the Board of Regents. The Advancement Committee shall assist the Board of Regents in overseeing institutional advancement philosophy and policies; providing guidance to the Secretary and senior Smithsonian staff on attracting private sector support; reviewing proposed gifts and sponsorships that may require full Board consideration or action; leading, guiding, and overseeing Institutional development efforts, including fund-raising campaigns and projects; and performing such related functions as may be assigned to it by the Board of Regents. The Advancement Committee may call upon the Institution's officers or staff for assistance and may seek outside consultation or professional assistance in the performance of its duties.

4.02 AUDIT AND REVIEW COMMITTEE

With approval of the Board of Regents, the Chancellor shall appoint an Audit and Review Committee including no fewer than three members of the Board of Regents. The Audit and Review Committee shall do all things necessary to assure the Board that the Institution's accounting systems and internal financial controls are in good order and to facilitate communication between the Board of Regents and the Institution's Office of the Inspector General, its independent auditors, and those of the Government Accountability Office.

The Audit and Review Committee shall provide a direct channel of communication between the Board of Regents and the Institution's independent auditors who shall be certified public accountants nominated by the Audit and Review Committee and appointed by the Board of Regents. The Audit and Review Committee shall review the Institution's operations for compliance with approved programs and policies and shall perform related functions as directed by the Board of Regents. The Audit and Review Committee may call upon the Institution's officers or staff for assistance as necessary and may employ outside professional assistance in performance of its duties. The Audit and Review Committee shall report its findings directly to the Board of Regents at appropriate intervals but not less frequently than annually.

4.03 COMPENSATION AND HUMAN RESOURCES COMMITTEE

With approval of the Board of Regents, the Chancellor shall appoint a Compensation and Human Resources Committee including no fewer than three members of the Board of Regents. The Compensation and Human Resources Committee shall assist the Board of Regents in establishing and reviewing the Smithsonian's compensation philosophy, policies, and procedures to ensure that they are fair and equitable to employees and to provide appropriate stewardship of Smithsonian human and financial resources; determining reasonable compensation for the Secretary and certain other senior trust positions; reviewing human resources management at the Institution and examining with management significant developments in such areas as staff relations, organization structure, management depth, diversity, and employee training; and performing such related functions as may be assigned to it by the Board of Regents. The Compensation and Human Resources Committee may call upon the Institution's officers or staff for assistance and may seek outside consultation or professional assistance in the performance of its duties.

4.04 FACILITIES COMMITTEE

With approval of the Board of Regents, the Chancellor shall appoint a Facilities Committee including no fewer than three members of the Board of Regents. The Facilities Committee shall be responsible for providing leadership and oversight for the revitalization and maintenance of the Smithsonian physical plant, working with the Congress to address facilities capital needs, and performing such related functions as may be assigned to it by the Board of Regents. The Facilities Committee may call upon the Institution's officers or staff for assistance and may seek outside consultation or professional assistance in the performance of its duties.

4.05 FINANCE COMMITTEE

With approval of the Board of Regents, the Chancellor shall appoint a Finance Committee including no fewer than three members of the Board of Regents. The Finance Committee shall be responsible for oversight of the Institution's annual budgets and long-range financial planning, and shall perform such related functions as may be assigned to it by the Board of Regents. The

Finance Committee may call upon the Institution's officers or staff for assistance and may seek outside consultation or professional assistance in the performance of its duties. The Finance Committee shall report its findings, conclusions, and recommendations to the Board of Regents.

4.06 GOVERNANCE AND NOMINATING COMMITTEE

With approval of the Board of Regents, the Chancellor shall appoint a Governance and Nominating Committee including no fewer than three members of the Board of Regents. The Governance and Nominating Committee shall be responsible for oversight of the governance policies and practices of the Board of Regents and the Smithsonian; for making recommendations to the Board to improve governance policies and practices; for assessing the effectiveness of the Board and its members and committees; for recommending candidates for service as citizen members of the Board; for nominating candidates for election as Chancellor, Chair, Vice Chair, or members of the Executive Committee; and for such other nominations or recommendations as may be required by the Board from time to time. The Governance and Nominating Committee may call upon the Institution's officers or staff for assistance and may seek outside consultation or professional assistance in the performance of its duties.

4.07 INVESTMENT COMMITTEE

With approval of the Board of Regents, the Chancellor shall appoint an Investment Committee including no fewer than two members of the Board of Regents. The Investment Committee shall be responsible for oversight of the Institution's endowment, the Institution's overall investment strategy, and guidelines for the endowment, and shall perform such related functions as may be assigned to it by the Board of Regents. The Investment Committee may call upon the Institution's officers or staff for assistance and may seek outside consultation or professional assistance in the performance of its duties if it seems desirable. The Investment Committee shall report at least annually on the Institution's investment strategies and the status of the endowment.

4.08 STRATEGIC PLANNING AND PROGRAMS COMMITTEE

With approval of the Board of Regents, the Chancellor shall appoint a Strategic Planning and Programs Committee including no fewer than three members of the Board of Regents. The Strategic Planning and Programs Committee shall assist the Board of Regents in cooperation with the Secretary in overseeing the development, periodic refreshment, and implementation of a pan-Institutional strategic plan; providing programmatic guidance and direction; reviewing major programmatic initiatives and ensuring their consistency with the Smithsonian's mission and nature as a public trust; promoting programmatic collaborations among Smithsonian units and between the Smithsonian and outside organizations; and performing such related functions as may be assigned to it by the Board of Regents. The Strategic Planning and Programs Committee may call upon the Institution's officers or staff for assistance and may seek outside consultation or professional assistance in the performance of its duties.

4.09 OTHER STANDING OR SPECIAL COMMITTEES

The Board of Regents shall have power to establish other standing or special committees. Any committee so established may call upon the Institution's officers or staff for assistance and may seek outside consultation or professional assistance in the performance of its assigned functions.

4.10 QUORUM

Unless otherwise specified by the Board of Regents, a majority of the members of all standing and special committees as may be established by the Board shall constitute a quorum.

4.11 CHAIR; RULES

Each committee established by the Board of Regents shall perform its functions under the general direction of a chair appointed by the Chancellor with approval of the Board of Regents. Each such committee shall have the power to adopt rules for the conduct of its business in respect of all matters not provided for in the bylaws or by rules adopted by the Board of Regents. Expenses of members in attending meetings of committees established by the Board of Regents, including travel expenses to and from the place of meeting, may be paid by the Institution. Each committee established by the Board of Regents shall keep or cause to be kept minutes of its meetings, which shall be filed and maintained in the Office of the Regents.

Section 5. Officers

5.01 CHANCELLOR

The presiding officer of the Institution shall be the Chancellor elected in accordance with the Charter. The Chancellor shall have the duties and responsibilities set forth in the Charter and as designated by the Board of Regents. The Chancellor may call upon the Chair of the Board, the Executive Committee, or any other committee established by the Board of Regents for assistance in the performance of the Chancellor's duties.

5.02 CHAIR OF THE BOARD

The Board of Regents shall elect from its members a Chair of the Board, who shall also serve as Chair of the Executive Committee. The Chair shall lead the Board of Regents in its deliberations and the exercise of its oversight function. The Chair shall be the chief spokesperson for the Board of Regents, shall represent the Board in dealings with the Secretary and senior management between meetings of the Board, and shall have such other duties and responsibilities designated by the Board of Regents. The Chair shall be a voting member of the Executive and the Compensation and Human Resources Committees. The Chair may also serve as a non-voting, ex officio member on any other committees of the Board. The Chair shall be elected for a term of

one year and may serve until a successor is duly elected. A Regent may be elected Chair for no more than three consecutive terms.

5.03 VICE CHAIR OF THE BOARD

The Board of Regents shall elect from its members a Vice Chair of the Board, who also shall serve on the Executive Committee. The Vice Chair shall assist the Chair in the execution of the Chair's duties as provided for in Bylaw 5.02 and act as Chair of the Board in the Chair's absence. The Vice Chair shall be elected for a term of one year and may serve until a successor is duly elected. A Regent may be elected Vice Chair for no more than three consecutive terms.

5.04 SECRETARY

The Secretary, who shall be elected in accordance with the Charter, shall serve as the chief executive officer of the Institution. The Secretary shall be responsible for carrying into effect the policies and programs approved by the Board of Regents and those provided for in applicable laws and regulations. All employees of the Institution, except those reporting to the Board of Regents, shall perform their duties under the Secretary's general direction. The Secretary shall provide for maintaining the Institution's official records, including the proceedings of the Board of Regents, the Executive Committee, and other standing and select committees of the Board. In accordance with applicable statutes and the policies established by the Board of Regents, the Secretary may employ assistants and shall prescribe and document the Institution's organization structure, operating policies and procedures, and delegations of authority. (See also 20 U.S.C. §§ 44 and 46.)

5.05 CHIEF FINANCIAL OFFICER

With the consent of the Board of Regents, the Secretary shall appoint a Chief Financial Officer who shall have charge of all funds of the Institution, keep the books of account, and designate depositories for funds of the Institution. The Chief Financial Officer shall assist the Board of Regents, its committees, and the Secretary in the exercise of their fiduciary responsibilities. The Chief Financial Officer or his or her designee shall attend all meetings of the Board of Regents and relevant Board committees and shall have the right and obligation to bring directly to the Board or its committees any information on financial or compliance matters that he or she reasonably determines should be brought to their attention. (See also 20 U.S.C. §§ 46 and 48.)

5.06 GENERAL COUNSEL

With the consent of the Board of Regents, the Secretary shall appoint a counselor who shall serve as General Counsel and shall advise the Secretary and the Board of Regents on such legal matters as may be referred to the General Counsel by the Secretary or the Board of Regents or its committees. The General Counsel or his or her designee shall attend meetings of the Board of Regents and its committees and shall have the obligation to bring directly to the Board or its committees any information on legal or compliance matters that are within the purview of the Board of Regents by statute, bylaw, or as

may be directed by the Board of Regents, and shall have the right to bring directly to the Board or its committees any such information that he or she reasonably determines should be brought to their attention. (See also 20 U.S.C. §§ 46 and 48.)

5.07 INSPECTOR GENERAL

The Board of Regents shall appoint an Inspector General. As provided by the Inspector General Act, the Inspector General shall be independent of all other officers and shall attend meetings of the Board of Regents and of relevant Board committees. The Inspector General has the right to bring to the Board of Regents or its committees any information regarding the economy, efficiency, and effectiveness of Smithsonian programs and operations and regarding any waste, fraud, or abuse at the Smithsonian. (See also 5 U.S.C. App. 3).

5.08 CHIEF OF STAFF TO THE BOARD OF REGENTS

The Board of Regents shall appoint a Chief of Staff to the Board of Regents who shall serve as the primary liaison between the Regents and the Smithsonian administration, working directly with the Chair of the Board and the Secretary on a regular basis in the execution of Board-related projects, initiatives, and mandates, including Board meetings and their agendas, providing substantive research and analysis, planning, preparation and support, and review. The Chief of Staff shall respond to communications and events on behalf of the Board and its members, serving as an ambassador of the Regents.

5.09 OTHER SENIOR OFFICERS

In consultation with the Board of Regents, the Secretary shall appoint such other senior officers and assign them such titles, duties, and responsibilities as may be necessary for effective management of the Institution's affairs. (See also 20 U.S.C. §§ 46 and 48.)

Section 6. Administration

6.01 AUTHORITY TO RECEIVE AND DISPOSE OF PROPERTY

In accordance with policies established by the Board of Regents, the Secretary may accept or receive for the Institution gifts, grants, bequests, and other transfers of real and personal property, and may hold and dispose of the same in promotion of the purposes of the Institution, and shall administer and budget the use of such property for the purposes specified, if any. The Secretary may delegate this authority to employees of the Institution. (See also 20 U.S.C. § 55.)

6.02 ENDOWMENT FUND; OTHER NONAPPROPRIATED FUNDS

Unless otherwise designated by the donor or directed by the Board of Regents, all monies derived from gifts made by will, trust, or similar instrument shall be received in and held in the Smithsonian Institution endowment fund. The Board of Regents may augment the Institution's endowment fund from time to time through budgetary transfers of the net income derived from investments, donations, or revenues from auxiliary activities. (See also 20 U.S.C. §§ 54 to 56.)

6.03 APPROPRIATED FUNDS

The Institution shall, in accordance with applicable statutes and administrative regulations, request an annual appropriation for the necessary expenses of the Smithsonian Institution in executing its statutory responsibilities. The Board of Regents shall authorize the expenditure of appropriated funds by the Secretary in accordance with law and the policies of the Board of Regents. (See also 20 U.S.C. §§ 53a, 54, 65a and 70.)

6.04 BUDGET

The Secretary shall prepare and recommend an annual budget for consideration by the Board of Regents showing the Institution's program plans, its estimated income from all sources, and the expenditures proposed for the ensuing fiscal year. With approval of the Board of Regents, the Secretary shall submit the Institution's request for appropriations to the Office of Management and Budget for incorporation in the Budget of the United States. The Secretary shall provide all supporting data required for Congressional review of the Institution's budget. When the annual appropriation act has been approved, the Board of Regents shall review the Institution's budget with the Secretary and authorize the Secretary to expend appropriated and nonappropriated funds in accordance with the approved budget. The Secretary may authorize any necessary reprogramming within any limitations established by the Board of Regents or the Congress and may recommend to the Board of Regents any necessary amendment of the Institution's budget. The Institution shall make no expenditures except those authorized in a budget so approved or so amended.

6.05 AUDIT

The accounts of the nonappropriated funds of the Institution shall be audited annually by a recognized firm of certified public accountants, which shall submit its report to the Board of Regents. This audit shall be in addition to audits of grant and contract funds conducted by the designated Federal audit agency and audits conducted by the General Accounting Office under other authority with respect to appropriated funds. The Secretary shall provide for an internal audit of the Institution's activities to ensure compliance with statutes and budgetary authorizations in the execution of programs.

6.06 EXECUTION OF DOCUMENTS

Pursuant to the Secretary's general authority as chief executive officer of the Institution, the Secretary may execute in the name and behalf of the Institution any documents necessary to the acceptance, transfer, sale, or redemption of

real or personal property (including the sale or redemption of stocks, bonds, other investments) acquired or to be acquired, held, or disposed of by the Institution through gifts, devises, bequests, or other transfers, and may execute loans, mortgages, sureties, contracts, and any other documents necessary to the administration of the Institution. Such actions shall be reported to the Board of Regents in accordance with policies established by the Board. The Secretary may delegate authority for executing such documents to employees of the Institution.

SMITHSONIAN INSTITUTION
Charter Provisions
(Title 20, United States Code, Sections 41-70)

*Chapter 3. Smithsonian Institution,
National Museums and Art Galleries*

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.)

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".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 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; Dec. 15, 1970, Pub. L. 91 -551, § 1(a), 84 Stat. 1439, as amended Oct. 21, 1998, Pub. L. 105-277, Div. A., § 101(e) [Title HI, §355], 112Stat. 2681-303.)

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— Act Oct. 21, 1998, designated the existing provisions as subsec. (a) and added subsection (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,".

CROSS REFERENCES

National Zoological Park, administration by Regents of Smithsonian Institution, see section 81 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

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

CODIFICATION

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

AMENDMENTS

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

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

CODIFICATION

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

AMENDMENTS

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 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 bylaws of the institution, at which the President, and in his absence the Vice President, shall preside.

(R.S. § 5585.)

CODIFICATION

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 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.)

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".

CROSS REFERENCES

Management and disposition of records, see sections 2101 etseq., 2301 etseq., 2501 etseq., 2901 etseq., 3101 et seq., and 3301 et seq. of Title 44, Public Printing and Documents.

Statement of expenditures, see section 49 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 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.)

PRIOR PROVISIONS

Act May 13, 1884, is derived from 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 49. Omitted

This section (Act Oct. 2, 1888, ch 1069, § 1, 25 Stat. 529) which required the Secretary to annually report expenditures made under appropriations for International Exchanges, North American Ethnology, and National Museum, was terminated, effective May 15, 2000, pursuant to § 3003 of Act Dec. 21, 1995, P.L. 104-66, codified as a note to 31 USCS § 1113. 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 may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the Institution as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy are obtained for the museum of the Institution, by exchanges of duplicate specimens, which the Regents may in their discretion make, or by donation, which they may receive, or otherwise, the Regents shall cause such new specimens to be appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the Institution.

(R. S. § 5586.)

CODIFICATION

R.S. § 5586 derived from Act Aug. 10, 1846, ch. 178, § 6,9 Stat 105.

OTHER PROVISIONS:

VERITAS astrophysical observatory project; facility authorized. Act

Pub. L. 108-331, Oct. 16, 2004, 118 Stat. 1281; Oct. 3, 2008, P.L. 110-341, § 1(2), 122 Stat. 3738, provides:

"Section 1. Authorizing Board of Regents of Smithsonian Institution to carry out construction and related activities in support of VERITAS astrophysical observatory project. The Board of Regents of the Smithsonian Institution is authorized to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project at the Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, or other similar location.

"Sec. 2. Authorization of appropriations. There is authorized to be appropriated \$ 1,000,000 for fiscal year 2005 to carry out section 1."

PRESERVATION OF SEPTEMBER 11 ARTIFACTS IN NATIONAL MUSEUM OF AMERICAN HISTORY

Pub.L. 107-117, Div. B, Ch. 7, § 701, Jan. 10, 2002, 115 Stat. 2311, provided that:

"(a) in general.-The Secretary of the Smithsonian Institution shall collect and preserve in the National Museum of American History artifacts relating to the September 11th attacks on the World Trade Center and the Pentagon.

"(b) Types of artifacts.-In carrying out subsection (a) [of this note], the Secretary of the Smithsonian Institution shall consider collecting and preserving-

"(1) pieces of the World Trade Center and the Pentagon.

"(2) still and video images made by private individuals and the media;

"(3) personal narratives of survivors, rescuers, and government officials; and

"(4) other artifacts, recordings, and testimonials that the Secretary of the Smithsonian Institution determines have lasting historical significance.

"(c) Authorization of appropriations.- There is authorized to be appropriated to the Smithsonian Institution \$5,000,000 to carry out this section [this note]."

THE SMITHSONIAN ASTROPHYSICAL OBSERVATORY SUBMILLIMETER ARRAY

Pub. L. 106-383, §§ 1 to 2, Oct. 27, 2000, 114 Stat. 1459, provided that:

"Sec. 1. Facility authorized.

"The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

"Sec. 2. Authorization of appropriations.

"There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, \$2,000,000 for fiscal year 2001, and \$2,500,000 for fiscal year 2002, which shall remain available until expended."

SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM

Pub. L. 105-178, Title I, § 1214(b), June 9, 1998, 112 Stat. 204, provided that:

"(1) In general.-The Secretary shall allocate amounts made available by this subsection for obligation at the discretion of the Secretary of the Smithsonian Institution, in consultation with the Secretary, to carry out projects and activities described in paragraph (2).

"(2) Eligible expenses.-Amounts allocated under paragraph (1) may be obligated only-

"(A) for transportation-related exhibitions, exhibits, and educational outreach programs;

"(B) to enhance the care and protection of the Nation's collection of transportation-related artifacts;

"(C) to acquire historically significant transportation-related artifacts; and

"(D) to support research programs within the Smithsonian Institution that document the history and evolution of transportation, in cooperation with other museums in the United States.

"(3) Authorization of appropriations.-There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$1,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

"(4) Applicability of Title 23.-Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code [section 101 et seq. of Title 23]; except that the Federal share of the cost of any project or activity under this subsection shall be 100 percent and such funds shall remain available until expended."

WEST COURT OF NATIONAL MUSEUM OF NATURAL HISTORY BUILDING

Pub. L. 103-151, Nov. 24, 1993, 107 Stat. 1515, provided that:

"SECTION 1. PLANNING DESIGN, AND CONSTRUCTION OF WEST COURT OF NATIONAL MUSEUM OF NATURAL HISTORY BUILDING.

"The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct the West Court of the National Museum of Natural History building. "SECTION 2. FUNDING.

"No appropriated funds may be used to pay any expense of the planning, design, and construction authorized by section 1."

EAST COURT OF NATIONAL MUSEUM OF NATURAL HISTORY MUSEUM

Pub. L. 101 -455, Oct. 24, 1990,104 Stat 1067, as amended by Pub. L. 103-98, § I (a), Oct 6, 1993, 107 Stat. 1015, provided that:

"SECTION 1. ADDITIONAL SPACE IN NATIONAL MUSEUM OF NATURAL HISTORY.

"The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip approximately 80,000 square feet of space in the East Court of the National Museum of Natural History building.

"SECTION 2. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Smithsonian Institution for fiscal year 1991 and succeeding fiscal years not to exceed \$30,000,000 to carry out this Act."

[Section 1(b) of Pub. L. 103-98 provided that: "The amendment made by subsection (a) [amending section 2 of Pub. L. 101-455, set out above] shall take effect as of October 24, 1990."]

CONSTRUCTION OF CHARLES McC. MATHIAS, JR. LABORATORY FOR ENVIRONMENTAL RESEARCH

Pub. L. 99-617, § 1, Nov. 6, 1986,100 Stat. 3488, provided that:

"(a) Construction authorization.—The Board of Regents of the Smithsonian Institution is authorized to construct the Charles McC. Mathias, Jr. Laboratory for Environmental Research.

"(b) Location.—The Charles McC. Mathias, Jr. Laboratory for Environmental Research shall be located at the Smithsonian Environmental Research Center, a bureau of the Smithsonian Institution, located at Edgewater, Maryland.

"(c) Authorization of appropriations.—Effective October 1,1986,there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution 51,000,000 to carry out the purposes of this section.

"(d) Transfer of funds.—Any portion of the sums appropriated to carry out the purposes of this section may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes."

SMITHSONIAN ASTROPHYSICAL OBSERVATORY AND SMITHSONIAN TROPICAL RESEARCH INSTITUTE; AUTHORIZATION OF CONSTRUCTION AND APPROPRIATIONS

Pub. L. 99-423, Sept. 30, 1986, 100 Stat 963, provided:

"That the Board of Regents of the Smithsonian Institution is authorized to plan and construct facilities for the Smithsonian Astrophysical Observatory and the Smithsonian Tropical Research Institute.

"Sec. 2. Effective October 1, 1986, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution:

"(a) 54,500,000 for the Smithsonian Astrophysical Observatory; and

"(b) \$11,100,000 for the Smithsonian Tropical Research Institute.

"Sec. 3. Any portion of the sums appropriated to carry out the purposes of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes."

FRED LAWRENCE WHIPPLE OBSERVATORY; PURCHASE OF LAND

Pub. L. 98-73, Aug. 11, 1983,97 Stat 406, provided:

"That the Smithsonian Institution is authorized to purchase land in Santa Cruz County, Arizona, for the permanent headquarters of the Fred Lawrence Whipple Observatory.

"Sec. 2. Effective October 1, 1984, there is authorized to be appropriated \$150,000 to carry out the purposes of this Act."

CONSTRUCTION OF NATIONAL MUSEUM OF AFRICAN ART, CENTER FOR EASTERN ART. AND STRUCTURES FOR RELATED EDUCATIONAL FACILITIES

Pub. L. 97-203, §§ 1 to 3, June 24, 1982, 96 Stat. 129, provided:

"That the Board of Regents of the Smithsonian Institution is authorized to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington.

"Sec. 2. Effective October 1, 1982, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution \$36,500,000 to carry out the purposes of this Act. Except for funds obligated or expended for planning, administration, and management expenses, and architectural or other consulting services, no funds appropriated pursuant to this section shall be obligated or expended until such time as there is available to such Board, from private donations or from other non-Federal sources, a sum which, when combined with the funds so appropriated, is sufficient to carry out the purposes of this Act.

"Sec. 3. Any portion of the sums appropriated to carry out the purposes of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes."

SMITHSONIAN INSTITUTION; DEVELOPMENT OF PROPERTY ADJACENT TO ORIGINAL BUILDING

Pub. L. 96-36, July 20, 1979, 93 Stat. 94, provided:

"That the Board of Regents of the Smithsonian Institution is authorized to plan for the development of the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street, Southwest, in the city of Washington.

"Sec. 2. Effective October 1, 1979, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution 5500,000 to carry out the purposes of this Act.

"Sec. 3. Any portion of the sums appropriated to carry out the purposes of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes."

SMITHSONIAN INSTITUTION PLANS FOR AND CONSTRUCTION OF MUSEUM SUPPORT FACILITIES: APPROVAL OF PLANS AND SPECIFICATIONS; SITUS: TRANSFER OF LAND: APPROPRIATIONS: CONTRACTS BY GENERAL SERVICES ADMINISTRATION

Pub. L. 94-98, Sept. 19, 1975, 89 Stat 480, as amended by Pub. L. 95-569, Nov. 2, 1978, 92 Stat 2444; Pub. L. 108-72, § 2(b), Aug. 15, 2003, 117 Stat 888-890, provided:

"The Regents of the Smithsonian Institution are authorized to prepare plans for, and to construct, museum support facilities to be used for (1) the care, curation, conservation, deposit, preparation, and study of the national collections of scientific, historic, and artistic objects, specimens, and artifacts; (2) the related documentation of such collections of the Smithsonian Institution; and (3) the training of museum conservators. No appropriation shall be made to construct the facilities authorized by this Act until the Committee on Public Works and Transportation of the House of Representatives and the Committee on Rules and Administration of the Senate, by resolution approve the final plans and specifications of such facilities.

"Sec. 2. The museum support facilities referred to in section 1 shall be located on federally owned land within the metropolitan area of Washington, District of Columbia. Any Federal agency is authorized to transfer land under its jurisdiction to the Smithsonian Institution for such purposes without reimbursement.

"Sec. 3. There is authorized to be appropriated to the Smithsonian Institution \$21,500,000 to carry out this Act (other than section 4). Any portion of the sums appropriated for such purposes may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes." [Amendment of section 3 of this Act effective Oct. 1, 1979.]

"Sec. 4. Additional Space and Resources for National Collections Held by the Smithsonian Institution.

"(a) In General.-The Board of Regents of the Smithsonian Institution may plan, design, construct, and equip additional special use storage and laboratory space at the museum support facility of the Smithsonian Institution in Suitland, Maryland, to accommodate the care, preservation, conservation, deposit, and study of national collections held in trust by the Institution.

"(b) Authorization of Appropriations-There are authorized to be appropriated to carry out this sectional) 52,000,000 for fiscal year 2003; "(2) \$10,000,000 for Fiscal year 2004; and "(3) such sums as are necessary for each of fiscal years 2005 through 2008."

NATIONAL MUSEUM

The National Museum was not created by any express statutory provision for that purpose. It was first mentioned in an appropriation for postage for "the National Museum in the Smithsonian Institution," contained in Act June 20, 1874, ch. 328, § 1, 18 Stat. 103. An appropriation for a building for the use of the National Museum was made by Act Mar. 3, 1879, ch. 182, § 1, 20 Stat. 397, and annual appropriations have continuously been made for expenses of heating, etc., such building.

NATIONAL MUSEUM EXHIBIT

Res. Feb. 28, 1922, ch. 86, 42 Stat. 399, authorized the Secretary of State to transfer to the custody of the Secretary of the Institution for safekeeping and exhibition in the National Museum the sword of George Washington and the staff of Benjamin Franklin, presented by Samuel T. Washington, and the sword of Andrew Jackson, presented by the family of General Robert Armstrong.

TRANSPORTATION OF PROPERTY

The Quartermaster-General and his officers were required to receive and transport property for the National Museum by a provision of Act July 5, 1884, ch. 217, 23 Stat 107.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 37, 67 of this title.

§ 50a. Gellatly art collection; estimates of sums needed for preservation and maintenance

The Smithsonian Institution is authorized to include in its estimates of appropriations such sums as may be needful for the preservation and maintenance of the John Gellatly art collection.

(June 5, 1929, ch. 9, 46 Stat. 5)

§ 51. Library

The Regents shall make, from the interest of the fund, an appropriation, not exceeding an average of \$25,000 annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge. (R.S. § 5587.)

CODIFICATION

R.S. § 5587 derived from act Aug. 10, 1846, ch. 178, § 8, 9 Stat 105.

PUBLIC USE OF RESEARCH AND STUDY FACILITIES OF CERTAIN INSTITUTIONS

Under provisions of R.S. § 94 and act Mar. 3, 1875, ch. 179, 18 Stat 512, the Joint Committee on the Library of Congress was authorized to extend the use of the Library to the Regents of the Smithsonian Institution. These provisions were not classified to the Code, being rendered superfluous by a general declaration of public policy by Congress, by a joint resolution adopted Apr. 12, 1892, 27 Stat. 395, to the effect that facilities for study and research in the Library of Congress, the National Museum, and similar institutions shall be afforded investigators, students, etc., in the several states and territories as well as in the District of Columbia.

CROSS REFERENCES

Appropriation of interest moneys, see section 54 of this title.
Regulations governing Smithsonian Institution; see sections 151 and 152 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 52. Evidence of title to site and buildings

The site and lands selected for buildings for the Smithsonian Institution shall be deemed appropriated to the institution, and the record of the description of such site and lands, or a copy thereof, certified by the chancellor and Secretary of the Board of Regents, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to the institution.

(R.S. § 5588.)

CODIFICATION

R.S. § 5588 derived from Act Aug. 10, 1846, ch. 178, § 4, 9 Stat. 104.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 53. Protection of property

All laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of the Smithsonian Institution. All moneys recovered by or accruing to the Institution shall be paid into the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for.

(R. S. § 5589.)

CODIFICATION

R.S. § 5589 derived from Act Aug. 10, 1846, ch. 178, § 5, 9 Stat. 104.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 53a. Authorization of appropriations

Appropriations are authorized for the maintenance of the Astrophysical Observatory and the making of solar observations at high altitudes; for repairs and alterations of buildings and grounds occupied by the Smithsonian Institution in the District of Columbia and elsewhere; and for preparation of manuscripts, drawings, and illustrations for publications.

(Aug. 22, 1949, ch. 494, § 2, 63 Stat. 623.)

§ 54. Appropriation of interest

So much of the property of James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of \$541,379.63, shall be lent to the United States Treasury and invested in public debt securities with maturities requested by the Smithsonian Institution bearing interest at rates determined by the Secretary of the Treasury, based upon current

market yields on outstanding marketable obligations of the United States of comparable maturities, and this interest is hereby appropriated for the perpetual maintenance and support of the Smithsonian Institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the Institution shall be exclusively from the accruing interest, and not from the principal of the fund. All the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, are hereby pledged to refund to the Treasury of the United States the sums hereby appropriated.

(R. S. § 5590; Pub. L. 97-199, § 1, June 22, 1982, 96 Stat. 121.)

CODIFICATION

R.S. § 5590 derived from Acts Aug. 10, 1846, ch. 178, § 2,9 Stat. 102; Feb. 5,1867, ch. 34, § 2,14 Stat. 391.

AMENDMENTS

1982—Pub. L. 97-199 substituted "and invested in public debt securities with maturities requested by the Smithsonian Institution bearing interest at rates determined by the Secretary of the Treasury, based upon current market yields on outstanding marketable obligations of the United States of comparable maturities, and this interest is hereby" for ", at 6 per centum per annum interest; and 6 per centum interest on the trust-fund and residuary legacy received into the United States Treasury, payable in half-yearly payments, on the first of January and July in each year, is", substituted "purposes of the Institution" for "purposes of the institution", and substituted "are hereby pledged" for "are pledged".

EFFECTIVE DATE OF 1982 AMENDMENT

Section 2 of Pub. L. 97-199 provided that: "The amendment made by the first section [amending this section] shall apply with respect to fiscal years beginning after September 30, 1982. "

CROSS REFERENCES

Expenses of Smithsonian Institution Trust Fund, see section 1321 of Title 31, Money and Finance.
Permanent indefinite appropriation for Smithsonian Institution, see section 1305 of Title 31.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title; title 31, section 1305.

§ 55. Acceptance of other sums

The Secretary of the Treasury is authorized and directed to receive into the Treasury, on the same terms as the original bequest of James Smithson, such sums as the Regents may, from time to time, see fit to deposit, not exceeding, with the original bequest, the sum of \$ 1,000,000. This shall not operate as a limitation on the power of the Smithsonian Institution to receive money or other property by gift, bequest, or devise, and to hold and dispose of the same in promotion of the purposes thereof.

(R.S. § 5591; Mar. 12, 1894, ch. 36,28 Stat. 41.)

CODIFICATION

R.S. § 5591 derived from Act Feb. 5, 1867, ch. 34, § 1, 14 Stat. 391.

AMENDMENTS

1894—Act Mar. 12, 1894, made the limitation on deposits into the treasury inapplicable to receipt of gifts, bequests and devises and dispositions of money or other property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 56. Disposal of unappropriated money

The Regents are authorized to make such disposal of any other moneys which have accrued, or shall hereafter accrue, as interest upon the Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, as they shall deem best suited for the promotion of the purpose of the testator.

(R. S. § 5592.)

CODIFICATION

R.S. § 5592 derived from Act Aug. 10, 1846, ch. 178, § 9, 9 Stat 105.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 57. Disbursements.

Whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of section 41 to 46, 48, 50, 51, to 53, 54 to 57, and 67 of this title, or for making the purchases and executing the objects authorized by said sections, the Board of Regents, or the executive committee thereof, may certify to the chancellor and secretary of the board that such sum of money is required, whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment.

AMENDMENTS

Last sentence of this section (RS § 5593, derived from Act. Aug. 10, 1846, ch 178, § 3, 9 Stat. 103) which required the Board of Regents to submit a report of the operations, expenditures, and condition of the institution, was terminated, effective May 15, 2000, pursuant to § 3003 of Act Dec. 21, 1995, P.L. 104-66, codified as a note to 31 USCS § 1113. See also page 192 of House Document No. 103-7.

§ 58. Omitted.

This Section, (Act Mar. 3, 1899, c. 424, § 1, 30 Stat. 1085), which required that the salaries of all officers and employees paid from appropriations under the Smithsonian Institution be reported to Congress annually, was terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under 31 U.S.C.A. § 1113. See, also, page 192 of House Document No. 103-7.

§ 59. Collections of National Ocean Survey, Geological Survey, and others deposited in National Museum

All collections of rocks, minerals, soils, 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 for the Government of the United States, when no longer needed for investigations in progress shall be deposited in the National Museum.

(Mar. 3, 1879, ch. 182, § 1, 20 Stat 394; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Nov. 13, 1991, Pub. L. 102-154, Title I, 105 Stat. 1000; May 18, 1992, Pub. L. 102-285, § 10(a), 106 Stat. 171.)

CODIFICATION

Words "Coast and Interior Survey" appearing in Act Mar. 3, 1879, were in prior editions of the Code changed to "Coast and Geodetic Survey." Congress never created a Coast and Interior Survey. In a communication dated Nov. 6, 1940, the Director of the Geological Survey explained that the words "Coast and Interior Survey" were inadvertently incorporated upon authority of report contained in Senate Misc. Doc. No. 9, 45th Congress, 3d Session, which recommended the "Coast and Geodetic Survey" be changed to "United States Coast and Interior Survey" and an organization be created in the Interior Department to be known as the "United States Geological Survey." Congress adopted only the latter suggestion.

The Coast and Geodetic Survey was consolidated with the National Weather Bureau in 1965 to form the Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. The Environmental Science Services Administration was abolished in 1970 and its personnel, property, records, etc., were transferred to the National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of the Acting Associate Administrator of the National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, the Coast and Geodetic Survey was redesignated the National Ocean Survey. See notes under section 3111 of Title 15, Commerce and Trade.

CHANGE OF NAME

Pub. L. 102-285, § 10(a), May 18, 1992, 106 Stat. 171, redesignated the Geological Survey and provided that on and after May 18, 1992, it shall be known as the United States Geological Survey. An earlier statute [Pub. L. 102-154, Title I, Nov. 13, 1991, 105 Stat. 1000] had provided for the identical change of name effective on and after Nov. 13, 1991. See note under section 31 of Title 43, Public Lands.

NATIONAL MUSEUM

Establishment of the National Museum, see note set out under section 50 of this title.

NATIONAL MUSEUM OF AMERICAN HISTORY

Pub. L. 96-441, § 2, Oct. 13, 1980, 94 Stat. 1884, provided that: "The bureau of the Smithsonian Institution known as the Museum of History and Technology and so referred to in the Act entitled 'An Act to authorize the construction of a building for a Museum of History and Technology for the Smithsonian Institution, including the preparation of plans and specifications, and all other work incidental thereto', approved June 28, 1955 (20 U.S.C. 59 note), shall be known as the 'National Museum of American History'."

For provision deeming references to the Museum of History and Technology in laws and regulations to be references to the National Museum of American History, see section 3 of Pub. L. 96-441, set out as a note under section 71 of this title.

MUSEUM OF HISTORY AND TECHNOLOGY FOR THE SMITHSONIAN INSTITUTION

Act June 28, 1955, ch. 201, 69 Stat. 189, authorized construction of a building for a Museum of History and Technology, which was redesignated the National Museum of American History, for the use of the Smithsonian Institution, at a cost not to exceed \$36,000,000.

§ 60. Army articles furnished to National Museum

The Secretary of the Army is authorized to furnish to the National Museum, for exhibition, upon request therefor by the administrative head thereof, such articles of arms, materiel, equipment, or clothing as have been issued from time to time to the United States Army, or which have been or may hereafter be produced for the United States Army, and which are objects of general interest or of foreign or curious research, provided that such articles can be spared. (Mar. 4, 1921, ch. 166, § 1, 41 Stat. 1438; July 26, 1947, ch. 343, Title II, § 205(a), 61 Stat. 501; Oct. 31, 1951, ch. 654, § 3(4), 65 Stat. 708.)

AMENDMENTS

1951—Act Oct. 31, 1951, struck out "are surplus or" after "articles".

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, Title II, 61 Stat. 501. Section 205(a) of Act

July 26, 1947, was repealed by section 53 of Act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section I of Act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECRETARY OF AIR FORCE

For transfer of certain personal property and personal property functions, insofar as they pertain to the Air Force, from the Secretary of the Army to the Secretary of the Air Force, see Secretary of Defense Transfer Order No. 39 [§ 2vv], eff. May 18, 1949.

§§ 61 to 64. Repealed Oct. 31, 1951, ch. 654, § 1(37) to (40), 65 Stat. 702

Section 61, Act Mar. 3, 1879, ch. 182, § 1, 20 Stat. 397, required archives, records and materials relating to the Indians of North America to be turned over from the Geographical and Geological Survey to the Smithsonian Institution for purposes of completion of collection of information and its publication.

Section 62, Act Aug. 1, 1914, ch. 223, § 1, 38 Stat. 661, authorized the Secretary of Commerce to transfer instruments of historical value of the Coast and Geodetic Survey [the National Ocean Survey] to the Smithsonian Institution. See section 483 of Title 40, Public Buildings, Property, and Works.

Section 63, Act June 5, 1920, ch. 235, § 1, 41 Stat. 930, related to transfer, by the Secretary of Commerce, of Coast and Geodetic Survey [the National Ocean Survey] instruments of historical value, to educational institutions and museums. See sections 483 and 484 of Title 40.

Section 64, Act Mar. 3, 1883, ch. 143, 22 Stat. 629, related to distribution of specimens of National Museum and Bureau of Fisheries to schools and colleges. See sections 483 and 484 of Title 40.

§ 65. Repealed. Pub. L. 89-674, § 3, Oct. 15, 1966, 80 Stat. 953

Section, Act July 7, 1884, ch. 332, 23 Stat. 214, required the Director of the National Museum to report annually to Congress on the progress of the Museum during the year and its present condition. See section 65a of this title.

§ 65a. Director of the National Museum

(a) Duties; programs and studies; annual report to Congress

The Director of the National Museum under the direction of the Secretary of the Smithsonian Institution shall—

(1) cooperate with museums and their professional organizations in a continuing study of museum problems and opportunities, both in the United States and abroad;

(2) prepare and carry out programs by grant, contract, or directly for training career employees in museum practices in cooperation with museums, their professional organizations, and institutions of higher education either at the Smithsonian Institution or at the cooperating museum, organization, or institutions;

(3) prepare and distribute significant museum publications;

(4) perform research on, and otherwise contribute to, the development of museum techniques, with emphasis on museum conservation and the development of a national institute for museum conservation;

(5) cooperate with departments and agencies of the Government of the United States operating, assisting, or otherwise concerned with museums; and

(6) Omitted.

(b) Authorization of appropriations

There are hereby authorized to be appropriated to the Smithsonian Institution for the fiscal year 1981, the sum of \$803,000, and for the fiscal year 1982, the sum of \$1,000,000.

(Pub.L. 89-674, §2, Oct. 15, 1966,80 Stat 953;Pub. L.91-629, §§ 1,2,Dec.31, 1970,84 Stat 1875;Pub. L. 93-345, §§1,2, July 12, 1974, 88 Stat. 339; Pub. L. 94-336, July 1, 1976,90 Stat 795; Pub. L. 96-268, June 13,1980,94 Stat. 485.)

AMENDMENTS

Subsection 20 USC 65a(a)(6), which required an annual report to Congress, was terminated effective May 15, 2000, pursuant to § 3003 of Act Dec. 21, 1995, P.L. 104-66, codified as a note to 31 USCS § 1113. See also page 192 of House Document No. 103-7.

1980—Subsec. (b). Pub.L. 96-268 substituted provisions authorizing appropriations of \$803,000 for fiscal year 1981 and 51,000,000 for fiscal year 1982 for provisions which had authorized appropriations of 51,000,000 each year for fiscal years 1978, 1979, and 1980.

1976—Subsec. (b). Pub. L. 94-336 substituted provisions authorizing the appropriation of \$1,000,000 each year for fiscal years 1978, 1979, and 1980, for provisions under which there had been authorized to be appropriated whatever sums as might be necessary to carry out the purposes of the section, with a proviso that no more than \$1,000,000 could be appropriated annually through fiscal year 1977, of which no less than \$200,000 was to be allocated and used to carry out subsec. (a)(4) of this section.

1974—Subsec. (a)(4). Pub. L. 93-345, § 1, inserted ", with emphasis on museum conservation and the development of a national institute for museum conservation" following "museum techniques".

Subsec. (b). Pub. L. 93-345, § 2, substituted provisions limiting to 51,000,000 the amount which maybe appropriated annually through fiscal year 1977, with no less than \$200,000 annually to be allocated and used to carry out the purposes of subsection (a)(4) of this section for provisions limiting to 51,000,000 the amount which could be appropriated annually through fiscal year 1974, of which \$300,000 annually had to be allocated and used according to the formula of 33 1/3 per centum for purposes of subsec. (a)(2), 33 1/3 per centum for assistance to museums under section 954(c) of this title, and 33 1/3 per centum for assistance to museums under section 956(c) of this title.

1970—Subsec. (a)(2). Pub. L. 91-629, § 2, inserted the provisions that programs be prepared and carried out by grant, contract, or directly and which authorized the training of career employees in museum practices in cooperation with institutions of higher education, and substituted provisions which authorized training programs to be conducted either at the Smithsonian Institution, or at the cooperating museum, organization, or institutions, for provisions which authorized such programs to be conducted at the best locations.

Subsec. (b). Pub. L. 91-629, § 1, substituted provisions which authorized to be appropriated such sums as necessary to carry out the purposes of this section, with no more than \$1,000,000 to be appropriated annually through fiscal year 1974, of which \$300,000, annually, to be allocated in the enumerated manner, for provisions which authorized to be appropriated to carry out this section, not to exceed \$200,000 for the fiscal year ending June 30, 1968, \$250,000 for the fiscal years ending June 30,1969, and June 30, 1970, and \$300,000 for the fiscal year ending June 30,1971, and in each subsequent fiscal year, only such sums as the Congress hereafter authorizes by law.

SHORT TITLE

Pub. L. 89-674, § 1, provided: "That this Act [enacting this section and repealing section 65 of this title] may be cited as the 'National Museum Act of 1966'."

§ 66. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(19), 63 Stat. 400, eff. July 1, 1949, renumbered Sept. 5, 1950, ch. 849, § 6(a),(b), 64 Stat. 583

Section, Act Mar. 3, 1915, ch. 75, § 1, 38 Stat. 839, related to exchange of typewriters and adding machines. See section 481 of Title 40, Public Buildings, Property, and Works.

§67. Right of repeal

Congress may alter, amend, add to, or repeal any of the provisions of sections 41 to 46, 48,50,51 to 53, and 54 to 57, of this title; but no contract or individual right made or acquired under such provisions shall be thereby be divested or impaired.

(R. S. § 5594.)

CODIFICATION

R.S. § 5594 derived from Act Aug. 10, 1846, ch. 178, § 11, 9 Stat 106.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 57 of this title.

§ 68. Repealed Oct. 10,1940, ch. 851, § 4,54 Stat. 1111

Section, Act Feb. 11, 1927, ch. 104, § 1, 44 Stat. 1081, related to advertisements for proposals for purchases and services. See section S of Title 41, Public Contracts.

§ 69. Anthropological researches; cooperation of Institution with States, educational institutions, or scientific organizations

The Secretary of the Smithsonian Institution is hereby authorized to cooperate with any State, educational institution, or scientific organization in the United States to continue independently or in cooperation anthropological researches among the American Indians and the natives of lands under the jurisdiction or protection of the United States and the excavation and preservation of archaeological remains.

(Apr. 10, 1928, ch. 335, § 1,45 Stat. 413; Aug. 22, 1949, ch. 494, § 1, 63 Stat. 623.)

AMENDMENTS

1949—Act Aug. 22, 1949, substituted "to continue independently or in cooperation anthropological" for "for continuing ethnological" and inserted "and the natives of lands under the jurisdiction or protection of the United States".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 70 of this title.

§ 70. Authorization of appropriations; cooperative work

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000, which shall be available until expended for the purposes stated in section 69 of this title: *Provided*, That at such time as the Smithsonian Institution is satisfied that any State, educational institution, or scientific organization in any of the United States is prepared to contribute to such investigation and when, in its judgment such investigation shall appear meritorious, the Secretary of the Smithsonian Institution may direct that an amount from this sum equal to that contributed by such State, educational institution, or scientific organization, not to exceed \$2,000, to be expended from such sum in any one State during any calendar year, be made available for cooperative investigation: *Provided further*, That all such cooperative work and division of the result thereof shall be under the direction of the Secretary of the Smithsonian Institution: *Provided further*, That where lands are involved which are under the jurisdiction of the Bureau of Indian Affairs or the National Park Service, cooperative work thereon shall be under such regulations and conditions as the Secretary of the Interior may provide.

(Apr. 10, 1928, ch. 335, § 2,45 Stat. 413.)

Statutory provisions for individual Smithsonian Bureaus are set forth in Title 20, United States Code, Sections 71-85, as follows:

Subchapter II—National Gallery of Art

Section 71. Designation of site

[Included in the "Historical and Statutory Notes" following this section are notes on: (i) Pub.L. 106-385, Oct. 27, 2000, 114 Stat. 1463, Renaming the National Museum of American Art as the Smithsonian American Art Museum; (ii) Pub.L. 98-523, Oct. 19, 1984, 98 Stat. 2433, General Post Office Building; Transfer to Smithsonian Institution for Use as Art Galleries; Relocation of United States International Trade Commission; (iii) Pub.L. 96-441, §§ 1,3,4, Oct. 13, 1980, 94 Stat. 1884, renaming the National Collection of Fine Arts as the National Museum of American Art; and the Museum of History and Technology as the National Museum of American History; and (iv) Act Mar. 24, 1937, c. 50, 50 Stat. 51, §§ 1 to 5, designating the then-existing bureau of the Smithsonian Institution known as the national gallery of art as the National Collection of Fine Arts.]

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 - (c) Appointment and compensation of officers and employees
 - (d) Review of actions of board
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- 75a. Definitions
- 75b. Establishment of National Portrait Gallery; function
[Note: Patent Office Building Improvements; Pub. L. 108-72, § 3, Aug. 15, 2003, 117 Stat. 888-889.]
- 75c. Creation of National Portrait Gallery Commission; members; functions; powers
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- 76b. Functions of the Regents
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- 76d. Donations of works of art from Government agencies
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- 76f. Appointment, compensation, and duties of Director of Gallery, personnel
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