

**CHAPTER 3—SMITHSONIAN INSTITUTION,
NATIONAL MUSEUMS AND ART GALLERIES**

SUBCHAPTER I—CHARTER PROVISIONS

- Sec.
- 41. Incorporation of institution.
- 42. Board of Regents; members.
- 43. Appointment of regents; terms of office; vacancies.
- 44. Organization of board; expenses; gratuitous services.
- 45. Special meetings of members.
- 46. Duties of Secretary.
- 46a. Employment of aliens by Secretary.
- 47. Acting Secretary.
- 48. Salary and removal of Secretary and assistants.
- 49. Omitted.
- 50. Reception and arrangement of specimens and objects of art.
- 50a. Gellatly art collection; estimates of sums needed for preservation and maintenance.
- 51. Library.
- 52. Evidence of title to site and buildings.
- 53. Protection of property.
- 53a. Authorization of appropriations.
- 54. Appropriation of interest.
- 55. Acceptance of other sums.
- 56. Disposal of unappropriated money.
- 57. Disbursements.
- 58. Omitted.
- 59. Collections of National Ocean Survey, United States Geological Survey, and others deposited in National Museum.
- 60. Army articles furnished to National Museum.
- 61 to 65. Repealed.
- 65a. Director of the National Museum.
- 66. Repealed.
- 67. Right of repeal.
- 68. Repealed.
- 69. Anthropological researches; cooperation of Institution with States, educational institutions, or scientific organizations.
- 70. Authorization of appropriations; cooperative work.

SUBCHAPTER II—NATIONAL GALLERY OF ART

- 71. Designation of site.
- 71a. Additions; payment of construction costs from trust funds.
- 71b. Status of completed addition.
- 72. Board of Trustees.
- 73. Acceptance of gift from A. W. Mellon.
- 74. Maintenance.
- 74a. Permanent loan of funds by Board of Trustees to Treasury; semiannual interest payments to Board.
- 75. Authority and functions of the board.

**SUBCHAPTER III—NATIONAL PORTRAIT
GALLERY**

- 75a. Definitions.
- 75b. Establishment of National Portrait Gallery; functions.
- 75c. Creation of National Portrait Gallery Commission; members; functions; powers.
- 75d. Acceptance of gifts; title to property.
- 75e. Powers of Board.
- 75f. Director; appointment and compensation; officers and employees.
- 75g. Authorization of appropriations.

**SUBCHAPTER IV—SMITHSONIAN GALLERY OF
ART**

- 76, 76a. Omitted.
- 76b. Functions of Regents.
- 76c. Policy to foster appreciation of past and contemporary art.
- 76d. Donations of works of art from Government agencies.

- Sec.
- 76e. Housing or exhibiting objects of art possessed by Smithsonian Institution.
- 76f. Appointment, compensation, and duties of Director of Gallery; personnel.
- 76g. Authorization of appropriations.

**SUBCHAPTER V—JOHN F. KENNEDY CENTER FOR
THE PERFORMING ARTS**

- 76h. Board of Trustees.
- 76i. John F. Kennedy Center for the Performing Arts.
- 76j. Duties of Board.
- 76k. Powers of Board.
- 76l. Official seal, Board vacancies and quorum, trustee powers and obligations, reports, support services, and review and audit.
- 76m. Photovoltaic system.
- 76n. Repealed.
- 76o. Borrowing authority to finance parking facilities.
- 76p. Acceptance and disposition of gifts to the United States contributed in honor or memory of the late President John F. Kennedy.
- 76q. Sole national memorial to the late John F. Kennedy within the city of Washington and environs.
- 76q-1. John F. Kennedy Center Plaza.
- 76r. Authorization of appropriations.
- 76s. Definitions.

**SUBCHAPTER VI—JOSEPH H. HIRSHHORN
MUSEUM AND SCULPTURE GARDEN**

- 76aa. Site for museum and sculpture garden.
- 76bb. Joseph H. Hirshhorn Museum and Sculpture Garden.
- 76cc. Board of Trustees.
- 76dd. Director, administrator, curators, and other personnel; appointment, compensation, and duties.
- 76ee. Authorization of appropriations.

**SUBCHAPTER VII—NATIONAL AIR AND SPACE
MUSEUM**

- 77. National Air and Space Museum.
- 77a. Functions of museum.
- 77b. Repealed.
- 77c. Museum board.
- 77d. Transfer or loan of aeronautical or space flight equipment to museum.

**SUBCHAPTER VIII—PALEONTOLOGICAL
INVESTIGATIONS**

- 78. Cooperation of Smithsonian Institution with State institutions for continuing paleontological investigations.
- 78a. Authorization of appropriations; availability of funds; limit on use of funds during fiscal year; supervision; rules and regulations.

**SUBCHAPTER IX—CANAL ZONE BIOLOGICAL
AREA**

- 79. Barro Colorado Island in Gatun Lake to be set aside.
- 79a. Preservation of natural features for scientific observation and investigation.
- 79b. Functions of Smithsonian Institution.
- 79c. Resident manager; powers and duties; compensation.
- 79d. Deposit of receipts into Treasury; disbursements.
- 79e. Authorization of appropriations.

**SUBCHAPTER X—NATIONAL ARMED FORCES
MUSEUM ADVISORY BOARD**

- 80. National Armed Forces Museum Advisory Board.
- 80a. Display of contributions of Armed Forces.
- 80b. Selection of site.
- 80c. Transfer or loan of objects, equipment and records to Smithsonian Institution.

- Sec.
80d. Authorization of appropriations.
- SUBCHAPTER XI—WOODROW WILSON
INTERNATIONAL CENTER FOR SCHOLARS
- 80e. Congressional declaration of policy.
80f. Woodrow Wilson International Center for Scholars; Board of Trustees of the Center.
80g. Powers and duties of Board.
80g-1. Hubert H. Humphrey Fellowship in Social and Political Thought.
80h. Administration; quorum.
80i. Authorization of appropriations; limitations.
80j. Audit of accounts.
- SUBCHAPTER XII—MUSEUM OF AFRICAN ART
- 80k. Donation and transfer of lands and improvements, works of art, and other assets and property of Museum of African Art to Smithsonian Institution.
80l. Establishment of Museum of African Art; functions.
80m. Powers of Board.
80n. Commission for the Museum of African Art.
80o. Director, officers, and employees; appointment, compensation, and duties.
80p. Funding.
- SUBCHAPTER XIII—NATIONAL MUSEUM OF THE
AMERICAN INDIAN
- 80q. Findings.
80q-1. National Museum of the American Indian.
80q-2. Authority of Board of Regents to enter into agreement providing for transfer of Heye Foundation assets to Smithsonian Institution.
80q-3. Board of Trustees of National Museum of the American Indian.
80q-4. Director and staff of National Museum.
80q-5. Museum facilities.
80q-6. Custom House office space and auditorium.
80q-7. Audubon Terrace.
80q-8. Board of Regents functions with respect to certain agreements and programs.
80q-9. Inventory, identification, and return of Indian human remains and Indian funerary objects in possession of Smithsonian Institution.
80q-9a. Summary and repatriation of unassociated funerary objects, sacred objects, and cultural patrimony.
80q-10. Special committee to review inventory, identification, and return of Indian human remains and Indian funerary objects.
80q-11. Inventory, identification, and return of Native Hawaiian human remains and Native Hawaiian funerary objects in possession of Smithsonian Institution.
80q-12. Grants by Secretary of the Interior to assist Indian tribes with respect to agreements for return of Indian human remains and Indian funerary objects.
80q-13. Grants by Secretary of the Interior to assist Indian organizations with respect to renovation and repair of museum facilities and exhibit facilities.
80q-14. Definitions.
80q-15. Authorization of appropriations.
- SUBCHAPTER XIV—NATIONAL MUSEUM OF
AFRICAN AMERICAN HISTORY AND CULTURE
- 80r. Findings.
80r-1. Definitions.
80r-2. Establishment of Museum.
80r-3. Council.
80r-4. Director and staff of the Museum.
80r-5. Educational and liaison programs.
80r-6. Building for the National Museum of African American History and Culture.
80r-7. Congressional Budget Act compliance.

- Sec.
80r-8. Consideration of recommendations of Presidential Commission.
80r-9. Authorization of appropriations.
- SUBCHAPTER XV—CIVIL RIGHTS HISTORY
PROJECT
- 80s. Findings; purpose.
80s-1. Establishment of joint project at Library of Congress and National Museum of African American History and Culture to collect video and audio recordings of histories of participants in American Civil Rights movement.
80s-2. Private support for civil rights history project.
80s-3. Authorization of appropriations.

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".

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-72, § 1, Aug. 15, 2003, 117 Stat. 888, provided that: "This Act [enacting section 2531-8 of Title 41, Public Contracts, enacting provisions set out as notes