

**(4) Vacancies**

Any vacancy shall be filled only for the remainder of the term involved. Any vacancy appointment under paragraph (1)(D) shall not be subject to the source and recommendation requirements of that paragraph, but shall be subject to paragraph (2).

**(f) Subsequent appointments to Board of Trustees****(1) Membership**

Upon the expiration of the terms under subsection (e), the Board of Trustees shall consist of—

(A) the Secretary of the Smithsonian Institution;

(B) a senior official of the Smithsonian Institution appointed by the Board of Regents; and

(C) 23 individuals appointed by the Board of Regents from a list of nominees recommended by the Board of Trustees.

**(2) Special rule**

A<sup>2</sup> least 12 of the 23 members appointed under paragraph (1)(C) shall be Indians.

**(3) Terms**

The trustee appointed under paragraph (1)(B) shall serve at the pleasure of the Board of Regents. Except as otherwise provided in the next sentence, the terms of members appointed under paragraph (1)(C) shall be 3 years. Of the members first appointed under paragraph (1)(C)—

(A) 7 members, 4 of whom shall be Indians, shall be appointed for a term of one year, as designated at the time of appointment; and

(B) 8 members, 4 of whom shall be Indians, shall be appointed for a term of 2 years, as designated at the time of appointment.

**(4) Vacancies**

Any vacancy shall be filled only for the remainder of the term involved.

**(g) Quorum**

A majority of the members of the Board of Trustees then in office shall constitute a quorum.

**(h) Expenses**

Members of the Board shall be entitled (to the same extent as provided in section 5703 of title 5 with respect to employees serving intermittently in the Government service) to per diem, travel, and transportation expenses for each day (including travel time) during which they are engaged in the performance of their duties.

(Pub. L. 101-185, § 5, Nov. 28, 1989, 103 Stat. 1337; Pub. L. 104-278, § 2, Oct. 9, 1996, 110 Stat. 3355.)

**Editorial Notes**

## AMENDMENTS

1996—Subsec. (f)(1)(B). Pub. L. 104-278 substituted “a senior official” for “an Assistant Secretary”.

**§ 80q-4. Director and staff of National Museum****(a) In general**

The Secretary of the Smithsonian Institution shall appoint—

(1) a Director who, subject to the policies of the Board of Trustees, shall manage the National Museum; and

(2) other employees of the National Museum, to serve under the Director.

**(b) Offer of employment to Heye Foundation employees**

Each employee of the Heye Museum on the day before the date of the transfer of the Heye Foundation assets to the Smithsonian Institution shall be offered employment with the Smithsonian Institution—

(1) under the usual terms of such employment; and

(2) at a rate of pay not less than the rate applicable to the employee on the day before the date of the transfer.

**(c) Applicability of certain civil service laws**

The Secretary may—

(1) appoint the Director, 2 employees under subsection (a)(2), and the employees under subsection (b) without regard to the provisions of title 5, governing appointments in the competitive service;

(2) fix the pay of the Director and such 2 employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates; and

(3) fix the pay of the employees under subsection (b) in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, subject to subsection (b)(2).

(Pub. L. 101-185, § 6, Nov. 28, 1989, 103 Stat. 1339.)

**§ 80q-5. Museum facilities****(a) National Museum mall facility**

The Board of Regents shall plan, design, and construct a facility on the area bounded by Third Street, Maryland Avenue, Independence Avenue, Fourth Street, and Jefferson Drive, Southwest, in the District of Columbia to house the portion of the National Museum to be located in the District of Columbia. The Board of Regents shall pay not more than ⅓ of the total cost of planning, designing, and constructing the facility from funds appropriated to the Board of Regents. The remainder of the costs shall be paid from non-Federal sources.

**(b) National Museum Heye Center facility****(1) Lease of space from GSA****(A) Terms**

Notwithstanding section 586(a) and (b) of title 40, the Administrator of General Services may lease, at a nominal charge, to the Smithsonian Institution space in the Old United States Custom House at One Bowling Green, New York, New York, to house the portion of the National Museum to be located in the city of New York. The lease shall be subject to such terms as may be mutually agreed upon by the Administrator and the Secretary of the Smithsonian Institution. The term of the lease shall not be less than 99 years.

<sup>2</sup>So in original. Probably should be “At”.