

117TH CONGRESS  
2D SESSION

# H. R. 9363

To revise the composition of the Board of Regents of the Smithsonian Institution so that all members are individuals appointed by the President from a list of nominees submitted by the leadership of the Congress, to amend the Freedom of Information Act and the Privacy Act to apply the requirements of such Acts to the Smithsonian Institution, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2022

Mr. SEMPOLINSKI introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To revise the composition of the Board of Regents of the Smithsonian Institution so that all members are individuals appointed by the President from a list of nominees submitted by the leadership of the Congress, to amend the Freedom of Information Act and the Privacy Act to apply the requirements of such Acts to the Smithsonian Institution, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Smithsonian Mod-  
3 ernization Act of 2022”.

4 **SEC. 2. APPOINTMENT OF MEMBERS OF SMITHSONIAN**  
5 **BOARD OF REGENTS.**

6 (a) NUMBER OF MEMBERS; APPOINTMENT OF ALL  
7 MEMBERS FROM LIST OF NOMINEES.—

8 (1) IN GENERAL.—Section 5580(a) of the Re-  
9 vised Statutes of the United States (20 U.S.C.  
10 42(a)) is amended by striking “to be composed of”  
11 and all that follows and inserting the following: “to  
12 be composed of 21 members appointed by the Presi-  
13 dent from among the list of nominees submitted  
14 under subsection (b), of whom 2 shall be residents  
15 of the District of Columbia.”.

16 (2) LIST OF NOMINEES.—Section 5580 of the  
17 Revised Statutes of the United States (20 U.S.C.  
18 42(a)) is amended—

19 (A) by redesignating subsection (b) as sub-  
20 section (c); and

21 (B) by inserting after subsection (a) the  
22 following new subsection:

23 “(b) The Speaker of the House of Representatives  
24 and the Majority Leader of the Senate shall each submit  
25 to the President a list of 12 nominees for appointment  
26 as members of the Board of Regents.”.

1           (3) REVISION OF QUORUM.—Section 5582 of  
2           the Revised Statutes of the United States (20  
3           U.S.C. 44) is amended by striking “eight shall con-  
4           stitute a quorum” and inserting “17 shall constitute  
5           a quorum”.

6           (4) NO EFFECT ON CURRENT CITIZEN RE-  
7           GENTS.—Nothing in the amendments made by this  
8           subsection may be construed to affect the authority  
9           of any individual who serves as a Regent of the  
10          Smithsonian Institution as of the date of the enact-  
11          ment of this Act pursuant to a joint resolution of  
12          the Congress to continue to serve as a Regent after  
13          that date.

14          (b) UNIFORM TERM OF SERVICE.—Section 5581 of  
15          the Revised Statutes of the United States (20 U.S.C. 43)  
16          is amended to read as follows:

17                 “SEC. 5581. (a) Except as provided in subsections  
18          (b) and (c), each Regent of the Smithsonian Institution  
19          shall be appointed for a term of 6 years, and may be re-  
20          appointed for additional terms.

21                 “(b) Of the Regents who are appointed after the date  
22          of the enactment of the Smithsonian Modernization Act  
23          of 2022 who were not serving as Regents prior to that  
24          date—

1           “(1) 4 shall be appointed for a term of 2 years  
2           (as designated in the joint resolution under which  
3           they are appointed) and may be reappointed for ad-  
4           ditional terms of 6 years; and

5           “(2) 4 shall be appointed for a term of 4 years  
6           (as designated in the joint resolution under which  
7           they are appointed) and may be reappointed for ad-  
8           ditional terms of 6 years.

9           “(c) Any Regent appointed to fill a vacancy occurring  
10          before the expiration of the term for which the Regent’s  
11          predecessor was appointed shall be appointed only for the  
12          remainder of that term. A Regent may serve after the ex-  
13          piration of that Regent’s term until a successor has taken  
14          office.”.

15       **SEC. 3. APPLICATION OF OPEN GOVERNMENT LAWS TO**  
16                               **SMITHSONIAN INSTITUTION.**

17          (a) FREEDOM OF INFORMATION ACT.—Section 552  
18          of title 5, United States Code (commonly referred to as  
19          the Freedom of Information Act) is amended by adding  
20          at the end the following new subsection:

21          “(n) For purposes of this section, the Smithsonian  
22          Institution shall be considered an agency, and the Sec-  
23          retary of the Smithsonian Institution shall be considered  
24          the head of the agency.”.

1 (b) PRIVACY ACT.—Section 552a(a)(1) of title 5,  
2 United States Code (commonly referred to as the Privacy  
3 Act), is amended by striking the semicolon at the end and  
4 inserting “, except that such term also includes the Smith-  
5 sonian Institution;”.

6 (c) REQUIRING OPEN MEETINGS.—Section  
7 552b(a)(1) of title 5, United States Code (relating to open  
8 meetings) is amended by striking the semicolon at the end  
9 and inserting “, except that such term also includes the  
10 Smithsonian Institution;”.

11 (d) EFFECTIVE DATE AND APPLICATION.—

12 (1) EFFECTIVE DATE.—This section and the  
13 amendments made by this section shall take effect  
14 on the date of enactment of this Act.

15 (2) APPLICATION.—

16 (A) FREEDOM OF INFORMATION ACT; PRI-  
17 VACY ACT.—Subsections (a) and (b) and the  
18 amendments made by such subsections shall  
19 apply to any record created before, on, or after  
20 the date of the enactment of this Act.

21 (B) OPEN MEETINGS.—Subsection (c) and  
22 the amendments made by such subsection shall  
23 apply to any meeting held on or after the date  
24 of the enactment of this Act.

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