

Secretary of the Smithsonian Institution, who shall serve as ex officio members, and eight general members to be appointed as follows: Four of the general members first taking office shall be appointed by the President of the United States from among nominations submitted by Joseph H. Hirshhorn and four shall be appointed by the President from among nominations submitted by the Board of Regents of the Smithsonian Institution. The general members so appointed by the President shall have terms expiring one each on July 1, 1968, 1969, 1970, 1971, 1972, 1973, 1974, and 1975, as designated by the President. Successor general members (who may be elected from among members whose terms have expired) shall serve for a term of six years, except that a successor chosen to fill a vacancy occurring prior to the expiration of the term of office of his predecessor shall be chosen only for the remainder of such term. Vacancies occurring among general members of the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be filled by a vote of not less than four-fifths of the then acting members of the Board of Trustees.

(Pub. L. 89-788, § 3, Nov. 7, 1966, 80 Stat. 1404.)

**§ 76dd. Director, administrator, curators, and other personnel; appointment, compensation, and duties**

The Board of Regents of the Smithsonian Institution may appoint and fix the compensation and duties of a director and, subject to his supervision, an administrator and two curators of the Joseph H. Hirshhorn Museum and Sculpture Garden, none of whose appointment, compensation, or duties shall be subject to the civil service laws or chapter 51 and subchapter III of chapter 53 of title 5. The Board of Regents may employ such other officers and employees as may be necessary for the efficient administration, operation, and maintenance of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(Pub. L. 89-788, § 4, Nov. 7, 1966, 80 Stat. 1404.)

CODIFICATION

“Chapter 51 and subchapter III of chapter 53 of title 5” substituted in text for “the Classification Act of 1949, as amended” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

**§ 76ee. Authorization of appropriations**

There is authorized to be appropriated not to exceed \$15,000,000 for the planning and construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, and such additional sums as may be necessary for the maintenance and operation of such museum and sculpture garden.

(Pub. L. 89-788, § 5, Nov. 7, 1966, 80 Stat. 1404.)

SUBCHAPTER VII—NATIONAL AIR AND SPACE MUSEUM

**§ 77. National Air and Space Museum**

**(a) Establishment; board; administration; reimbursement of expenses**

There is hereby established under the Smithsonian Institution a bureau to be known as a

National Air and Space Museum, which shall be administered by the Smithsonian Institution with the advice of a board to be composed of the Chief of Staff of the Air Force, or his designee, the Chief of Naval Operations, or his designee, the Chief of Staff of the Army, or his designee, the Commandant of the Marine Corps, or his designee, the Commandant of the Coast Guard, or his designee, the Administrator of the National Aeronautics and Space Administration, or his designee, the Administrator of the Federal Aviation Administration, or his designee, the Secretary of the Smithsonian Institution, and three citizens of the United States appointed by the President from civilian life who shall serve at the pleasure of the President. The members of the board shall serve as such members without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the board.

**(b) Appointment and compensation of head of museum**

The Secretary of the Smithsonian Institution, with the advice of the board, may appoint and fix the compensation and duties of the head of a national air and space museum whose appointment shall not be subject to the civil service laws.

(Aug. 12, 1946, ch. 955, § 1, 60 Stat. 997; July 26, 1947, ch. 343, title II, § 208(b), 61 Stat. 503; Pub. L. 89-509, pt. I, §§ 2, 3, July 19, 1966, 80 Stat. 310; Pub. L. 89-670, §§ 3(e), 6(c)(1), Oct. 15, 1966, 80 Stat. 932, 938.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-509, § 2, changed the name of the museum from the National Air Museum to the National Air and Space Museum, expanded the advisory board to include additional members including the Chief of Staff of the Army, the Commandant of the Marine Corps, the Commandant of the Coast Guard, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Federal Aviation Agency, and an additional member appointed from civilian life to serve at the pleasure of the President, and provided for reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Board.

Subsec. (b). Pub. L. 89-509, § 3, substituted “national air and space museum” for “national air museum” and struck out provision that the salary of the head of the museum shall not be subject to the Classification Act of 1923, as amended.

SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89-509, § 1, July 19, 1966, 80 Stat. 310, provided: “That this Act [amending this section, sections 77a, 77c, and 77d of this title, and provisions set out as notes under this section and sections 77b and 77d of this title, and repealing section 77b of this title] may be cited as ‘the National Air Museum Amendments Act of 1966.’”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

“Chief of Staff of the Air Force” substituted in subsec. (a) for “Commanding General of the Army Air Forces” pursuant to act July 26, 1947, ch. 343, title II, §208(b), 61 Stat. 503, which transferred functions of Commanding General of the Army Air Forces to Chief of Staff, United States Air Force. Section 208(b) of act July 26, 1947 was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. See sections 8031 and 8034 of Title 10, Armed Forces.

“Federal Aviation Administration” substituted in subsec. (a) for “Federal Aviation Agency” pursuant to Pub. L. 89-670, §§3(e), 6(c)(1), Oct. 15, 1966, 80 Stat. 932, 938, which transferred all functions, powers, and duties of Federal Aviation Agency and of Administrator and other offices and officers thereof to Secretary of Transportation and established a Federal Aviation Administration in Department of Transportation. See section 106 of Title 49, Transportation.

#### APPROPRIATIONS

Act Aug. 12, 1946, ch. 955, §6, 60 Stat. 998, as amended by Pub. L. 89-509, pt. I, §10, July 19, 1966, 80 Stat. 311, provided that: “There is hereby authorized to be appropriated the sum of \$50,000 for the purposes of this Act [this subchapter] and there are hereby authorized to be appropriated annually hereafter such sums as may be necessary to maintain and administer said national air and space museum including salaries and all other necessary expenses.”

#### CONSTRUCTION OF MUSEUM CENTER

Pub. L. 104-222, Oct. 1, 1996, 110 Stat. 3025, provided that:

##### “SECTION 1. CONSTRUCTION OF MUSEUM CENTER.

“The Board of Regents of the Smithsonian Institution is authorized to construct the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport.

##### “SEC. 2. LIMITATION ON USE OF FUNDS.

“No appropriated funds may be used to pay any expense of the construction authorized by section 1.”

#### EXTENSION AT WASHINGTON DULLES INTERNATIONAL AIRPORT

Pub. L. 103-57, Aug. 2, 1993, 107 Stat. 279, provided that:

##### “SECTION 1. PLAN FOR NATIONAL AIR AND SPACE MUSEUM EXTENSION.

“The Board of Regents of the Smithsonian Institution shall have authority to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

##### “SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated for fiscal years beginning after September 30, 1993, a total of \$8,000,000 to carry out this Act.”

#### RATIFICATION OF COMPENSATION PAID HEAD OF MUSEUM

Pub. L. 89-509, pt. I, §11, July 19, 1966, 80 Stat. 311, provided that: “Payments of compensation heretofore made to the head of the National Air Museum at rates fixed by the Secretary of the Smithsonian Institution without regard to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees] are hereby ratified and affirmed.”

### § 77a. Functions of museum

The national air and space museum shall memorialize the national development of aviation and space flight; collect, preserve, and display aeronautical and space flight equipment of historical interest and significance; serve as a repository for scientific equipment and data per-

taining to the development of aviation and space flight; and provide educational material for the historical study of aviation and space flight.

(Aug. 12, 1946, ch. 955, §2, 60 Stat. 998; Pub. L. 89-509, pt. I, §4, July 19, 1966, 80 Stat. 310.)

#### AMENDMENTS

1966—Pub. L. 89-509 substituted “national air and space museum” for “national air museum”, inserted “and space flight” after “aviation” wherever appearing, and substituted “aeronautical and space flight equipment” for “aeronautical equipment”.

### § 77b. Repealed. Pub. L. 89-509, pt. I, §5, July 19, 1966, 80 Stat. 310

Section, act Aug. 12, 1946, ch. 955, §3, 60 Stat. 998, directed Secretary of Smithsonian Institution to investigate and survey suitable lands and buildings for selection as a site for national air museum and to make recommendations to Congress.

#### CONSTRUCTION PLANS; LOCATION; DESIGN; SUPERVISION OF DRAWINGS AND SPECIFICATIONS; CONSTRUCTION; AUTHORIZATION AND TRANSFER OF APPROPRIATIONS

Pub. L. 85-935, Sept. 6, 1958, 72 Stat. 1794, as amended by Pub. L. 89-509, §§12, 13, July 19, 1966, 80 Stat. 311, 312, authorized and directed Regents of Smithsonian Institution to prepare plans and to construct a building for a National Air and Space Museum at a certain site with exact location to be approved by National Capital Planning Commission and design to be approved by Commission of Fine Arts and with supervision of work to be by Administrator of General Services Administration and also appropriated such sums as were necessary to carry out the work.

### § 77c. Museum board

#### (a) Seal; regulations; vacancies

The board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions. The board may function notwithstanding vacancies and six members of the board shall constitute a quorum for the transaction of business.

#### (b) Annual report

The Smithsonian Institution shall include in its annual report of its operations to Congress a statement of the operations of said national air and space museum, including all public and private moneys received and disbursed.

(Aug. 12, 1946, ch. 955, §4, 60 Stat. 998; Pub. L. 89-509, pt. I, §§6, 7, July 19, 1966, 80 Stat. 310, 311.)

#### AMENDMENTS

1966—Subsec. (a). Pub. L. 89-509, §6, raised from three to six the number of board members required to constitute a quorum.

Subsec. (b). Pub. L. 89-509, §7, substituted “national air and space museum” for “national air museum”.

### § 77d. Transfer or loan of aeronautical or space flight equipment to museum

The heads of executive departments and independent agencies of the Government are authorized to transfer or loan to said national air and space museum without charge therefor, aircraft, spacecraft, aircraft and spacecraft parts, instruments, engines, or other aeronautical and space