

SUBCHAPTER VI—JOSEPH H. HIRSHHORN  
MUSEUM AND SCULPTURE GARDEN

**§ 76aa. Site for museum and sculpture garden**

**(a) Appropriation and availability**

The area bounded by Seventh Street, Independence Avenue, Ninth Street, and Jefferson Drive, in the District of Columbia, is hereby appropriated to the Smithsonian Institution as the permanent site of a museum and the area bounded by Seventh Street, Jefferson Drive, Ninth Street, and Madison Drive, in the District of Columbia is hereby made available to the Smithsonian Institution as the permanent site of a sculpture garden, both areas to be used for the exhibition of works of art.

**(b) Powers and duties of Board of Regents**

The Board of Regents of the Smithsonian Institution is authorized to remove any existing structure, to prepare architectural and engineering designs, plans, and specifications, and to construct a suitable museum within said area lying south of Jefferson Drive and to provide a sculpture garden for the use of the Smithsonian Institution within the areas designated in subsection (a) of this section.

(Pub. L. 89-788, § 1, Nov. 7, 1966, 80 Stat. 1403.)

**§ 76bb. Joseph H. Hirshhorn Museum and Sculpture Garden**

**(a) Designation; administration by Board of Regents; cooperation of Board with Secretary of the Interior**

The museum and sculpture garden provided for by this subchapter shall be designated and known in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden, and shall be a free public museum and sculpture garden under the administration of the Board of Regents of the Smithsonian Institution. In administering the sculpture garden the Board shall cooperate with the Secretary of<sup>1</sup> Interior so that the development and use of the Garden is consistent with the open-space concept of the Mall, for which the Secretary of<sup>1</sup> Interior is responsible, and with related development regarding underground garages and street development.

**(b) Federal funds**

The faith of the United States is pledged that the United States shall provide such funds as may be necessary for the upkeep, operation, and administration of the Joseph H. Hirshhorn Museum and Sculpture Garden.

**(c) Uses**

The Joseph H. Hirshhorn Museum and Sculpture Garden shall be the permanent home of the collections of art of Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation, and shall be used for the storage, exhibition, and study of works of art, and for the administration of the affairs of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(Pub. L. 89-788, § 2, Nov. 7, 1966, 80 Stat. 1403.)

<sup>1</sup> So in original. Probably should be followed by "the".

**§ 76cc. Board of Trustees**

**(a) Establishment; powers and duties**

There is established in the Smithsonian Institution a Board of Trustees to be known as the Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden, which shall provide advice and assistance to the Board of Regents of the Smithsonian Institution on all matters relating to the administration, operation, maintenance, and preservation of the Joseph H. Hirshhorn Museum and Sculpture Garden; and which shall have the sole authority (i) to purchase or otherwise acquire (whether by gift, exchange, or other means) works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden, (ii) to loan, exchange, sell, or otherwise dispose of said works of art, and (iii) to determine policy as to the method of display of the works of art contained in said museum and sculpture garden.

**(b) Membership; appointment; terms of office; vacancies**

The Board of Trustees shall be composed of the Chief Justice of the United States and the 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 Avia-

tion 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 1965.’”

## 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 exten-