Subsec. (g). Pub. L. 108–410, § 3(c), added subsec. (g).

§ 76r. Authorization of appropriations

(a) Maintenance, repair, and security

There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title—

(1) $20,200,000 for fiscal year 2008;
(2) $21,800,000 for fiscal year 2009;
(3) $22,500,000 for fiscal year 2010;
(4) $23,500,000 for fiscal year 2011; and
(5) $24,500,000 for fiscal year 2012.

(b) Capital projects

There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title—

(1) $23,150,000 for fiscal year 2008;
(2) $16,000,000 for fiscal year 2009;
(3) $17,000,000 for fiscal year 2010;
(4) $17,000,000 for fiscal year 2011; and
(5) $18,500,000 for fiscal year 2012.

(c) John F. Kennedy Center Plaza

There is authorized to be appropriated to the Secretary of Transportation for capital costs incurred in the planning, design, engineering, and construction of the project authorized by section 76q–1 of this title (including roadway improvements related to the North and South Interchanges and construction of the John F. Kennedy Center Plaza, but not including construction of any buildings on the plaza) a total of $400,000,000 for fiscal years 2003 through 2010. Such sums shall remain available until expended.

(d) Photovoltaic system

There are authorized to be appropriated to the Board such sums as are necessary to carry out section 76m of this title, to remain available until expended.

(e) Limitation on use of funds

No funds appropriated pursuant to this section may be used for any direct expense incurred in the production of a performing arts attraction, for personnel who are involved in performing arts administration (including any supply or equipment used by the personnel), or for production, staging, public relations, marketing, fundraising, ticket sales, or education. Funds appropriated directly to the Board shall not affect nor diminish other Federal funds sought for any performing arts function and may be used to reimburse the Board for that portion of costs that are Federal costs reasonably allocated to building services and theater maintenance and repair.

(Pub. L. 85–874, § 13, formerly § 12, as added Pub. L. 103–279, § 7, July 21, 1994, 108 Stat. 1415; amended Pub. L. 105–226, § 5, Aug. 12, 1998, 112 Stat. 1513; renumbered § 13 and amended Pub. L. 107–224, §§ 2(1), 3, Sept. 18, 2002, 116 Stat. 1340, 1342; Pub. L. 108–410, § 2, Oct. 30, 2004, 118 Stat. 2303; Pub. L. 109–306, § 1, Oct. 6, 2006, 120 Stat. 1720; Pub. L. 110–338, § 4, Oct. 3, 2008, 122 Stat. 3731.)

PRIOR PROVISIONS

A prior section 13 of Pub. L. 85–874 was renumbered section 14 and is classified to section 76s of this title.

AMENDMENTS

2008—Subsecs. (a), (b). Pub. L. 110–338, § 4(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

''(a) Maintenance, repair, and security.—There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title—

''(1) $17,000,000 for fiscal year 2004;
''(2) $18,000,000 for each of fiscal years 2005 and 2006; and
''(3) $19,100,000 for fiscal year 2007.

''(b) Capital projects.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title—

''(1) $16,000,000 for fiscal year 2004;
''(2) $18,000,000 for each of fiscal years 2005 and 2006; and
''(3) $20,000,000 for fiscal year 2007.''

Subsecs. (d), (e). Pub. L. 110–338, § 4(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e).

2006—Subsec. (a). Pub. L. 109–306, § 1(a), struck out ''and'' at end of par. (1), substituted ''and 2006; and'' for '', 2006, and 2007.'' in par. (2), and added par. (3).

Subsec. (b). Pub. L. 109–306, § 1(b), struck out ''and'' at end of par. (1), substituted ''and 2006; and'' for '', 2006, and 2007.'' in par. (2), and added par. (3).

2004—Subsecs. (a), (b). Pub. L. 108–410 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

''(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title—

''(1) $13,000,000 for fiscal year 1999;
''(2) $14,000,000 for each of fiscal years 2000 and 2001; and
''(3) $15,000,000 for each of fiscal years 2002 and 2003.

''(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title—

''(1) $20,000,000 for each of fiscal years 1999, 2000, and 2001;
''(2) $19,000,000 for fiscal year 2002; and
''(3) $17,000,000 for fiscal year 2003.''

2002—Subsecs. (c), (d). Pub. L. 107–224, § 3, added subsec. (c) and redesignated former subsec. (c) as (d).

1998—Subsecs. (a), (b). Pub. L. 105–226 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

''(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title $12,000,000 for each of fiscal years 1995 through 1999.

''(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title $9,000,000 for each of fiscal years 1995 through 1999.''

§ 76s. Definitions

As used in this subchapter, the terms ''building and site of the John F. Kennedy Center for the Performing Arts'' and ''grounds of the John F. Kennedy Center for the Performing Arts'' refer to the site in the District of Columbia on which the John F. Kennedy Center building is constructed and that extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled ''Transfer of John F. Kennedy Center for the Performing Arts'', numbered 844/82563, and dated April 20, 1994 (as

amended by the map entitled ''Transfer of John F. Kennedy Center for the Performing Arts'', numbered 844/82563A and dated May 22, 1997), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior. Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 76q–1 of this title, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.

(Pub. L. 85–874, § 14, formerly § 13, as added Pub. L. 103–279, § 8, July 21, 1994, 108 Stat. 1416; amended Pub. L. 105–95, § 4, Nov. 19, 1997, 111 Stat. 2149; renumbered § 14 and amended Pub. L. 107–224, §§ 2(1), 4(b), Sept. 18, 2002, 116 Stat. 1340, 1343.)

AMENDMENTS

2002—Pub. L. 107–224, § 4(b), inserted at end: ''Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 76q–1 of this title, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.''

1997—Pub. L. 105–95 inserted ''(as amended by the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563A and dated May 22, 1997)'' after ''April 20, 1994''.

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[1] 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[1] 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.)

§ 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 suc-

[1] So in original. Probably should be followed by ''the''.