

or under the provisions of the Act of June 30, 1941 (55 Stat. 394; 10 U. S. C. 982a), who performs or has performed active military service subsequent to retirement shall, upon relief from such active duty, receive retired pay in the amount received by him prior to his recall to active duty, or on the basis of his grade and length of service at the time of relief from active duty, whichever is the greater: *Provided*, That the amount of his retired pay shall not in any event exceed 75 per centum of the enlisted base and longevity pay of the highest enlisted grade held by him.

SEC. 9. No back pay for any period prior to the date of enactment of this Act shall accrue to any person by reason of the enactment of this Act except as otherwise provided in section 3. No person, active or retired, of any of the armed forces, shall suffer, by reason of this Act, any reduction in any pay, allowances, or compensation to which he was entitled upon the effective date of this Act. Retired enlisted personnel of the Navy and Marine Corps, personnel of the Navy and Marine Corps who are members of the Fleet Reserve or Fleet Marine Corps Reserve, and personnel of the Navy and Marine Corps who become eligible and who apply for transfer to the Fleet Reserve or Fleet Marine Corps Reserve shall receive an opportunity to elect to receive retainer and retired pay under the provisions of this Act or to receive such pay under the provisions of law in effect immediately prior to the date of the enactment of this Act, and these persons shall be entitled to receive the pay elected.

Approved August 10, 1946.

## [CHAPTER 954]

## AN ACT

To establish the Castle Clinton National Monument, in the city of New York, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is authorized to accept, on behalf of the United States, title to the site, comprising approximately one acre and situated in Battery Park, New York City, of the historic structure known as Castle Clinton, together with such structure and any other improvement on or appurtenant to such site. When title to such property is vested in the United States, it shall constitute the Castle Clinton National Monument.

SEC. 2. The administration, protection, and development of the Castle Clinton National Monument shall be under the supervision of the Secretary of the Interior, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended.

Approved August 12, 1946.

## [CHAPTER 955]

## AN ACT

To establish a national air museum, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) there is hereby established under the Smithsonian Institution a bureau to be known as a national air museum, which shall be administered by the Smithsonian Institution with the advice of a board to be composed of the Commanding General of the Army Air Forces, or his successor, the Chief of Naval Operations, or his successor, the Secretary of the Smithsonian Institution, and two citizens of the United

10 U. S. C. § 980; Supp. V, §§ 947 note, 980 note, 982a.

Back pay, etc.

*Ante*, p. 994.

August 12, 1946  
[H. R. 5125]  
[Public Law 721]

39 Stat. 535.  
5 U. S. C. § 485; 16  
U. S. C. §§ 1, 2-4, 22,  
43.

August 12, 1946  
[H. R. 5144]  
[Public Law 722]

Smithsonian Institution.  
National air museum.

Board.

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.

Pay and duties of head of museum.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, § 661 et seq.  
*Ante*, pp. 216, 219.

Functions of museum.

(b) 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 museum whose appointment and salary shall not be subject to the civil-service laws or the Classification Act of 1923, as amended. The Smithsonian Institution may employ such other officers and employees as may be necessary for the efficient operation and administration of the museum.

SEC. 2. Said national air museum shall memorialize the national development of aviation; collect, preserve, and display aeronautical equipment of historical interest and significance; serve as a repository for scientific equipment and data pertaining to the development of aviation; and provide educational material for the historical study of aviation.

Site.

SEC. 3. The Secretary of the Smithsonian Institution with the advice of the advisory board is hereby directed to investigate and survey suitable lands and buildings for selection as a site for said national air museum and to make recommendations to Congress for the acquisition of suitable lands and buildings for said national air museum.

Seal, etc.

SEC. 4. (a) 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 three members of the board shall constitute a quorum for transaction of business.

Quorum.

Report to Congress.

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

Transfer of equipment, etc., from Government departments.

SEC. 5. (a) The heads of executive departments of the Government are authorized to transfer or loan to said national air museum without charge therefor aircraft, aircraft parts, instruments, engines, or other aeronautical equipment or records for exhibition, historical, or educational purposes.

Statue of Brig. Gen. William L. Mitchell.

(b) The Secretary of the Smithsonian Institution, with the advice of the Commission of Fine Arts, is authorized (1) to accept as a gift to the Smithsonian Institution from George H. Stephenson, of Philadelphia, Pennsylvania, a statue of Brigadier General William L. Mitchell of such character as may be deemed appropriate, and (2) without expense to the United States, to cause such statue to be erected at a suitable location on the grounds of the national air museum.

Appropriations authorized.

SEC. 6. There is hereby authorized to be appropriated the sum of \$50,000 for the purposes of this Act and there are hereby authorized to be appropriated annually hereafter such sums as may be necessary to maintain and administer said national air museum including salaries and all other necessary expenses.

Approved August 12, 1946.

[CHAPTER 956]

AN ACT

Providing for the conveyance to the city of Canton, South Dakota, of the Canton Insane Asylum, located in Lincoln County, South Dakota.

August 12, 1946  
[S. 2426]  
[Public Law 723]

Canton, S. Dak.  
Conveyance.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioner of Public Buildings is authorized and directed to convey by