

"SEC. 3. Funeral expenses shall be allowed for (1) all persons in the Regular Army as composed under section 2, Act of June 3, 1916, as amended (39 Stat. 166; U. S. C., title 10, sec. 4), who die while in the active military service; (2) accepted applicants for enlistment; (3) enlisted men who are discharged in hospitals and continue as inmates of said hospitals to the date of their death; (4) civilian employees of the Army or of the War Department who have been ordered by competent authority away from their homes in the United States to foreign countries, Hawaii, the Philippine Islands, Alaska, Puerto Rico, or the Canal Zone, and who die while on duty in such places or while performing authorized travel thereto or therefrom; (5) civilian employees of the Army or of the War Department who die on Army transports or while accompanying troops in the field, or who, while on Army transports or while accompanying troops in the field, incur injury or contract disease resulting directly in death away from their homes: *Provided*, That the benefits of this Act will be denied in no case on the ground that the deceased was temporarily absent with or without leave when death occurred.

"SEC. 4. There is further authorized to be appropriated from time to time such sums as may be necessary for the expenses of preparation for burial and interment of military prisoners who die at military posts, of prisoners of war, and of interned alien enemies who die in prison camps in the United States; for the expenses of the removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields, abandoned graves, or abandoned private or city cemeteries; and for the expenses of segregation of bodies in permanent American cemeteries in Great Britain and France.

"SEC. 5. In any case where funeral expenses authorized in section 3 hereof are borne by individuals, reimbursement to such individuals may be made of the amount allowed by the Government for such services, but no reimbursement shall be made of any expenses incurred prior to the enactment of this Act which would not have been a proper charge against the Government prior to the date of approval thereof.

"SEC. 6. The Act entitled 'An Act to authorize an appropriation for the recovery of the bodies of officers, soldiers, and civilian employees', approved March 8, 1928, is hereby repealed."

Approved, May 17, 1938.

[CHAPTER 238]

JOINT RESOLUTION

To set apart public ground for the Smithsonian Gallery of Art, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing a site for a suitable building for properly housing and displaying the national collections of fine arts, comprising paintings, sculptures, bronzes, glass, porcelain, tapestry, furniture, jewelry, and other types of art; to display portraits of eminent American men and women; and to exhibit the works of artists deserving of recognition, the National Capital Park and Planning Commission shall designate and the President shall assign a suitable tract of public land in the District of Columbia between Fourth and Fourteenth Streets and Constitution and Independence Avenues.

SEC. 2. (a) A Commission, to be called the Smithsonian Gallery of Art Commission (hereinafter referred to as the "Commission"), comprising a member to be designated by the Regents of the Smithsonian Institution; the Secretary of the Smithsonian Institution; a

Persons entitled to benefits.
39 Stat. 166.
10 U. S. C. § 4.

Proviso.
Temporary absence when death occurred.

Military prisoners, etc.

Interned alien enemies.
Removal of remains from abandoned posts.

Cemeteries in Great Britain and France.

Reimbursement to individuals for funeral expenses.

Limitation.

Act repealed.
45 Stat. 248.
10 U. S. C. § 917.

May 17, 1938
[H. J. Res. 599]
[Pub. Res., No. 95]

Smithsonian Gallery of Art, D. C.
Site for, to be assigned.

Location.

Smithsonian Gallery of Art Commission created; membership, etc.

member to be designated by the Secretary of the Treasury; the Chairman of the National Capital Park and Planning Commission; the Chairman of the Commission of Fine Arts; the Chairman of the Joint Committee on the Library; the Chairman of the Committee on the Library of the House; and the Chairman of the Art Commission of the Smithsonian Institution, is hereby created and authorized to make all preliminary investigations and to secure appropriate designs, by competition or otherwise, preferably by competition, for a building to be constructed on the site above described, said building to be so designed as to permit of future expansion, parking arrangements, and for landscaping its surroundings. The Commission shall choose a Chairman from its own membership.

(b) The members of the Commission shall serve as such members without compensation and the Commission shall terminate upon the submission to and approval by the Regents of the Smithsonian Institution (hereinafter referred to as the "Regents") of the said design for the building and grounds.

(c) The Commission may employ such technical, clerical, and other assistants and make such expenditures (including expenditures for personal services at the seat of government and elsewhere) as may be necessary for the performance of the duties vested in the Commission: *Provided*, That architectural, engineering, and other necessary consultants may be employed without regard to the civil-service laws and the Classification Act of 1923, as amended. All expenditures of the Commission, including the cost of any design which may be accepted, and the compensation of a jury of award in the event a competition is held, shall be allowed and paid upon presentation of itemized vouchers therefor approved by its Chairman. To carry out the provisions of this section, there is hereby authorized to be appropriated the sum of \$40,000.

SEC. 3. (a) The Regents are hereby authorized to solicit and receive subscriptions of funds from private sources for the purposes specified in this subsection. Funds so received shall be placed in a special deposit account with the Treasurer of the United States, and may be expended by the Regents to meet the cost of the construction of the building, including furnishings and equipment thereof, to obtain necessary drawings and specifications, make necessary surveys and estimates of cost, defray necessary administrative expenses, and secure other needful services.

(b) The Regents may, subject to the approval of the President, authorize the preparation of the site and the construction of the building, including approaches and landscaping of the grounds: *Provided*, That the Director of Procurement, Treasury Department, shall supervise the preparation of the plans and specifications, make all necessary contracts, and supervise construction.

(c) The name of the building shall be the Smithsonian Gallery of Art (hereinafter referred to as the "Gallery"), and it shall be under the supervision and control of the Regents and the Secretary of the Smithsonian Institution.

SEC. 4. (a) It shall be the policy of the Regents to maintain a worthy standard for the acceptance of art objects for exhibition in the Gallery, and to foster by public exhibitions from time to time in Washington, and other parts of the United States a growing appreciation of art, both of past and contemporary time; and the Regents are hereby authorized to solicit and receive private donations of works of art and contributions of funds from private sources for the purchase of works of art. Funds so received shall be placed in a special deposit account with the Treasurer of the United States and may be expended by the Regents for the purchase of works of art.

Authority to make investigations, secure designs, etc.

Chairman.

Service without compensation; termination of Commission.

Technical, etc., assistants.

Proviso.
Employment of consultants.
5 U. S. C. §§ 661-674; Supp. III, §§ 673, 673c.
Allowance for expenses.

Appropriation authorized.
Post, p. 1118.
Funds from private sources.

Deposit and expenditure.

Preparation of site, landscaping, etc.

Proviso.
Plans, contracts, etc.

Name designated; supervision.

Maintenance of worthy standard for acceptance of art objects.
Public exhibitions.

Acceptance of donations of works of art and funds.

(b) In order to encourage the development of contemporary art and to effect the widest distribution and cultivation in matters of such art, the Regents are hereby authorized to solicit and receive funds from private sources, to acquire (by purchase or otherwise) and sell contemporary works of art or copies thereof, to employ artists and other personnel, award scholarships, conduct exhibitions, and generally to do such things and have such other powers as will effectuate the purposes of this subsection. Funds received by the Regents under this subsection shall be placed in a special deposit account with the Treasurer of the United States and may be expended by the Regents for the purposes enumerated in this subsection and for no other purposes: *Provided*, That the Regents shall not incur any obligations under this subsection in excess of the funds available therefor.

Powers of Regents.

Deposit and expenditure of funds.

Proviso.
Limitation on obligations.

SEC. 5. The Director of Procurement, the Administrator of the Public Works Administration, and other agencies of the Government are authorized to donate to the Gallery any works of art now or hereafter under their control.

Donation of works of art by Government agencies.

SEC. 6. Such objects of art as the Government or the Smithsonian Institution now possess, or such as may hereafter be acquired, may be housed or exhibited in the Gallery, with the approval of and under such regulations as the Regents and Secretary of the Smithsonian Institution may prescribe.

Exhibition of objects of art.

SEC. 7. The Regents may appoint and fix the compensation and duties of a Director of the Gallery and may employ such other officers and employees as may be necessary for the efficient operation and administration of the Gallery.

Director; officers and other employees.

SEC. 8. There are hereby authorized to be appropriated annually such sums as may be necessary to maintain and administer the Gallery, including the salaries of the Director and of other necessary officers and employees, and for special public exhibitions at Washington and elsewhere.

Annual appropriation authorized.

Approved, May 17, 1938.

[CHAPTER 243]

AN ACT

To establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

May 17, 1938
[H. R. 9218]

[Public, No. 528]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the tonnages of the United States Navy as agreed upon and established by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, and as authorized by the Act of March 27, 1934 (48 Stat. 503), as amended by the Act of June 25, 1936 (49 Stat. 1926), the authorized composition of the United States Navy in underage vessels is hereby increased by the following tonnages:

Navy.
Increase in authorized composition in underage vessels.

43 Stat. 1655; 46 Stat. 2858.

48 Stat. 503; 49 Stat. 1926.

34 U. S. C. § 494; Supp. III, § 496.

Capital ships.

(a) Capital ships, one hundred and five thousand tons, making a total authorized underage tonnage of six hundred and thirty thousand tons: *Provided*, That vessels of tonnages in excess of thirty-five thousand tons each may be laid down if the President determines with respect to the tonnage of capital ships being built by other nations that the interests of national defense so require, in which event the authorized composition of the United States Navy of capital ships is hereby increased by one hundred and thirty-five thousand tons, making a total authorized underage tonnage of six hundred and sixty thousand tons;

Proviso.
Vessels of tonnages in excess of thirty-five thousand tons.

(b) Aircraft carriers, forty thousand tons, making a total authorized underage tonnage of one hundred and seventy-five thousand tons;

Aircraft carriers.
Post, p. 1143.