

Average salaries in
 designated offices not
 to be exceeded.
 5 U. S. O. §§ 661-674;
 Supp. III, §§ 673, 673c.

Proviso.
 Not applicable to
 clerical-mechanical
 service.
 42 Stat. 1490.
 5 U. S. O. § 666.
 Transfer without re-
 duction.

Higher salary rates
 permitted.

If only one position
 in a grade.

Legislative Pay Act
 of 1929.
 46 Stat. 32.
 2 U. S. O. § 60a.
 Determination of
 pay rate and designa-
 tion of office.

Short title.

SEC. 3. In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in the Botanic Garden, the Library of Congress, or the Government Printing Office, shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

SEC. 4. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is specifically appropriated for herein or whenever the rate of compensation or designation of any position specifically appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, specifically appropriated for herein, shall be the permanent law with respect thereto; and the authority for any position specifically established by such Act which is not specifically appropriated for herein shall cease to exist.

SEC. 5. This Act may be cited as the "Legislative Branch Appropriation Act, 1939".

Approved, May 17, 1938.

[CHAPTER 237]

AN ACT

May 17, 1938
 [H. R. 9226]
 [Public, No. 627]

To amend the Act of March 9, 1928, authorizing appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army, and for other purposes.

Army.
 Disposition of re-
 mains of military per-
 sonnel and civilian
 employees.
 45 Stat. 251.
 10 U. S. O. § 916.
 Funeral expenses;
 sums authorized.

Items included.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army", approved March 9, 1928, is hereby amended to read as follows: "That there is hereby authorized to be appropriated from time to time such sums as may be necessary for funeral expenses of the persons hereinafter designated, to be expended under such regulations as the Secretary of War may prescribe.

"SEC. 2. Authorized funeral expenses shall include the expenses of, and incident to, the recovery of bodies, cremation (only upon the request of relatives of the deceased), preparation for burial, transportation to the home of the deceased or to a national or other cemetery designated by proper authority, and interment.

"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.

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.

[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

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.