

## [CHAPTER 402]

## AN ACT

June 15, 1938  
[H. R. 10462]  
[Public, No. 629]

To amend the Act entitled "An Act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers", approved February 25, 1929, as amended.

Mount Rushmore  
Memorial Act of 1938.

Mount Rushmore  
National Memorial  
Commission.  
45 Stat. 1300.

Quorum.

Restriction on com-  
pensation; payment  
of expenses.

*Proviso.*  
Secretary or treas-  
urer, compensation.

Organization, etc.

Treasurer may be a  
bank; bond required.

Executive commit-  
tee.

Completion of Me-  
morial.

No admission  
charge.

Authority of Com-  
mission.  
Designation of area  
within Harney Na-  
tional Forest, S. Dak.

Reservation as part  
of Memorial.

*Proviso.*  
Vested rights under  
mining, etc., laws not  
affected.

Receipt of property  
heretofore possessed  
by Mount Harney  
Memorial Associa-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mount Rushmore Memorial Act of 1938".*

SEC. 2. The Act entitled "An Act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers", approved February 25, 1929 (45 Stat. 1300), as amended, is amended as follows: Strike out all of such Act, after the first paragraph of section 1, and insert the following: "Any six members of the Commission shall constitute a quorum. No member of the Commission shall receive compensation for his services, but the actual expenses of any member in connection with the work of the Commission may be paid from any appropriations available for the purpose of carrying out the provisions of this Act: *Provided*, That nothing in this section shall be deemed to prohibit the payment to any member of the Commission who may be elected secretary or treasurer of the Commission of such compensation for the performance of his duties as secretary or treasurer, as may be determined by the Commission.

"SEC. 2. The Commission shall elect its chairman, vice chairman, secretary, and treasurer. The chairman and the vice chairman shall, and the secretary and the treasurer may but need not, be elected from among the members of the Commission. The treasurer may be a bank or trust company. The treasurer shall execute a bond so conditioned and in such amount as shall insure the protection of funds coming into his possession. The Commission may create from its own membership an executive committee of five, which shall exercise such powers and functions within the purview of this Act as may be authorized by the Commission.

"SEC. 3. The Commission shall, in accordance with designs and models prepared by the designer-sculptor, complete the Mount Rushmore National Memorial, including an entablature upon which shall be cut a suitable inscription, construction of a museum and a stairway to the museum hall, reconstruction of the studio for preservation of the models, landscaping of contiguous grounds, and construction of the entrance to the memorial. No charge shall ever be made for admission to the memorial grounds or for viewing the memorial.

"SEC. 4. The Commission is authorized—

"(a) To designate and describe by metes and bounds an area of not more than fifteen hundred acres of the public lands of the United States within the Harney National Forest, State of South Dakota, immediately surrounding the Mount Rushmore National Memorial. Upon such designation such area is hereby reserved for and declared to be a part of the Mount Rushmore National Memorial, and withdrawn from location or entry under the mining or other laws of the United States. The Commission shall prepare a survey of such area and shall furnish a plat thereof to the Secretary of Agriculture, the Secretary of the Interior, and the United States land office at Pierre, South Dakota: *Provided*, That this Act shall not defeat or affect any vested right under the mining or other laws of the United States and which is hereafter maintained in accordance therewith.

"(b) To receive and take over all property, contracts, rights, and moneys heretofore possessed by the Mount Harney Memorial Association, including memoranda, records, sketches, models, and the incompleting figures on Mount Rushmore.

“(c) To administer funds appropriated, or obtained by gifts, the acceptance of which is hereby authorized, for the purpose of completing, developing, and maintaining the memorial, and to pay out the same upon properly receipted vouchers to persons entitled thereto.

“(d) To employ, without regard to the civil-service laws and the Classification Act of 1923, as amended, such artists, sculptors, landscape architects, and other employees as it shall determine to be necessary to carry out the purposes of this Act.

“(e) To administer, protect, and develop the memorial.

“(f) To exercise such other powers and functions, including the promulgation of such rules and regulations, as may be necessary and proper to carry out the purposes of this Act.

“SEC. 5. For the purpose of carrying out the provisions of this Act, there is hereby authorized to be appropriated, in addition to any sums authorized to be appropriated prior to the date of approval of this Act, the sum of \$300,000, or so much thereof as may be necessary. Upon requisition of the Commission, the Secretary of the Treasury shall advance to the treasurer of the Commission out of any amounts appropriated for such purpose, such sums as may be needed by the Commission to exercise its functions.

“SEC. 6. The Commission shall, on or before the first day of each regular session of Congress, transmit to Congress a report of its activities and proceedings for the preceding fiscal year, including a full and complete statement of its receipts and expenditures.”

Approved, June 15, 1938.

[CHAPTER 403]

AN ACT

To authorize the attendance of the Marine Band at the National Encampment of the Grand Army of the Republic to be held at Des Moines, Iowa, September 4 to 8, inclusive, 1938.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the National Encampment of the Grand Army of the Republic to be held at Des Moines, Iowa, from September 4 to 8, inclusive, 1938.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such encampment, there is authorized to be appropriated the sum of \$8,500, or so much thereof as may be necessary to carry out the provisions of this Act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for additional living expenses while on the duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

Approved, June 15, 1938.

[CHAPTER 404]

JOINT RESOLUTION

To provide for the transfer of the Cape Henry Memorial site in Fort Story, Virginia, to the Department of the Interior.

Whereas the Colonial National Historical Park (formerly the Colonial National Monument) established under the Act of Congress approved July 3, 1930, includes Jamestown, Yorktown, and Williamsburg; and

Administration of funds.

Employment of artists, sculptors, etc.

Administration, etc., of memorial.  
Other powers.

Additional sum authorized.  
*Post*, p. 1128.

Advance to treasurer from funds appropriated.

Report to Congress.

June 15, 1938  
[H. R. 10722]  
[Public, No. 630]

National Encampment of the Grand Army of the Republic, 1938.  
Attendance of Marine Band authorized.

Appropriation authorized.  
*Post*, p. 1142.

*Proviso.*  
Allowance for additional living expenses.

June 15, 1938  
[S. J. Res. 243]  
[Pub. Res., No. 110]

Cape Henry Memorial, Fort Story, Va.  
Preamble.  
46 Stat. 855.  
16 U. S. C. § 443;  
Supp. III, § 443.