

[CHAPTER 288]

AN ACT

July 11, 1941
[H. R. 3857]
[Public Law 164]

Authorizing the construction of a crypt for the remains of Gutzon and Mary Borglum.

Gutzon and Mary
Borglum.
Construction of
crypt for remains of.
52 Stat. 694.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mount Rushmore National Memorial Commission, organized under the authority of Public, Numbered 629, Seventy-fifth Congress, is hereby authorized to construct a crypt which shall serve as the permanent resting place for the remains of Gutzon and Mary Borglum, of such a design and at such place in Mount Rushmore National Memorial as the Commission deems appropriate after consultation with the Secretary of the Interior: *Provided*, That such crypt shall not be located in the immediate vicinity of the central figures of such Memorial.

SEC. 2. The cost of the tomb authorized by this Act shall be borne entirely from funds privately subscribed.

Approved, July 11, 1941.

[CHAPTER 289]

AN ACT

July 11, 1941
[H. R. 4258]
[Public Law 165]

To supplement the navigation laws and facilitate the maintenance of discipline on board vessels of the United States.

Narcotic drugs.
Possession of, on
board U. S. vessels.

Penalty.

"Narcotic drug" de-
fined.
35 Stat. 614.
21 U. S. C. §§ 171-
185.
53 Stat. 269.
26 U. S. C. ch. 23.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whoever brings on board, or has in his possession or control on board, any vessel of the United States, while engaged on a foreign voyage, any narcotic drug not constituting a part of the cargo entered in the manifest or part of the ship stores, shall be fined not more than \$5,000 or be imprisoned for not more than five years, or both.

(b) As used in subsection (a) "narcotic drug" means any narcotic drug as now or hereafter defined by the Narcotic Drugs Import and Export Act, or any substance in respect of which a tax is imposed pursuant to chapter 23 of the Internal Revenue Code, as amended, or pursuant to any regulations thereunder.

SEC. 2. This Act shall take effect thirty days after the date of its enactment.

Approved, July 11, 1941.

[CHAPTER 290]

AN ACT

July 11, 1941
[H. R. 4658]
[Public Law 166]

To amend and clarify certain Acts pertaining to the Coast Guard, and for other purposes.

Coast Guard.

Exchange of rights-
of-way.

Payment of expen-
ses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 28, 1916 (39 Stat. 538; U. S. C., title 33, sec. 732), is hereby amended to read as follows:

"The Secretary of the Treasury is authorized, whenever he shall deem it advisable, to exchange any right-of-way of the United States in connection with lands pertaining to the United States Coast Guard for such other right-of-way as may be advantageous to the Service, under such terms and conditions as he may deem to be for the best interests of the Government; and in case any expenses, not exceeding the sum of \$500, are incurred by the United States in making such exchange, the same shall be payable from the appropriation 'Coast Guard, General Expenses' for the fiscal year during which such exchange shall be effected."

SEC. 2. Section 2 of the Act of August 16, 1937 (50 Stat. 667; U. S. C., Supp. V, title 33, sec. 721a), is hereby amended by striking out the words "Lighthouse Service" wherever they appear and substituting therefor the words "Coast Guard", and by adding a new sentence at the end thereof as follows: "In the event such payment is deposited subsequent to payment by the Coast Guard from appropriated funds to the person or persons repairing or replacing the damaged property, such payment shall be deposited to the credit of the appropriation current at the time the collection is made."

SEC. 3. (a) The Secretary of the Treasury is hereby authorized, during the national emergency declared by the President on September 8, 1939, to exist, to negotiate contracts on behalf of the Coast Guard for the acquisition, construction, repair, or alteration of complete Coast Guard vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment on the same basis and subject to the same limitations, and with the same privilege of priority in deliveries as is provided for similar contracts authorized to be negotiated by the Secretary of the Navy by section 2 (a) of the Act of June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress, third session).

(b) The Act of August 24, 1935 (49 Stat. 793; U. S. C., Supp. V, title 40, secs. 270a-270d), may, in the discretion of the Secretary of the Treasury, be waived with respect to contracts for the purposes enumerated in paragraph (a) of this section.

SEC. 4. The joint resolution of May 5, 1894 (28 Stat. 582; U. S. C., title 31, sec. 542), is hereby repealed.

SEC. 5. Section 1 of the Act of January 28, 1915 (38 Stat. 800; U. S. C., title 14, sec. 1), is hereby amended by striking out the words "which shall constitute a part of the military forces of the United States" appearing immediately after the words "Coast Guard" in the first sentence thereof and substituting therefor the following: "which shall be a military service and constitute a branch of the land and naval forces of the United States at all times".

SEC. 6. (a) Section 1 of the Act of January 28, 1915, is hereby further amended by striking out so much of the second sentence thereof as precedes the proviso and substituting therefor the following: "Whenever the Coast Guard or any units thereof are transferred to the Navy Department, applicable appropriations of the Navy Department shall be available for the expenses thereof: *Provided*, That the applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department for such expenses in such amount or amounts as the Director of the Bureau of the Budget shall determine:"; and by adding the word "*further*" after the word "*Provided*" where it last appears in said section.

(b) The paragraph of the Act of August 29, 1916 (39 Stat. 600; U. S. C., title 14, sec. 4), relating to reimbursement of naval appropriations for expenses of the Coast Guard, is hereby repealed.

SEC. 7. Section 1 of the Act of June 22, 1936 (49 Stat. 1820; U. S. C., Supp. V, title 14, sec. 45), is hereby amended by striking out the proviso at the end of the first sentence thereof and substituting a period for the colon immediately preceding such proviso; and section 4 of said Act (U. S. C., Supp. V, title 14, sec. 48), is hereby amended to read as follows:

"SEC. 4. Any officer of the Coast Guard enumerated in section 1 of this Act may be designated by the Commandant of the Coast Guard as captain of the port for such port or ports or adjacent navigable waters of the United States as he deems necessary to facilitate execution of the duties prescribed by this Act."

Deposit of damage payments.
33 U. S. C. § 721a.

Contracts for vessels, aircraft, etc.
54 Stat. 2643.
50 U. S. C., app., prec. § 1 note.

Machine tools, etc.

54 Stat. 676.
41 U. S. C., prec. § 1 note.

Waiver of certain requirements.
40 U. S. C. §§ 270a-270d.

Repeal.

Status as a military service, etc.

Transfer of Coast Guard units to Navy Department.

Funds available for expenses.
38 Stat. 800.
14 U. S. C. § 1.

Repeal.

Inland waters, jurisdiction.
14 U. S. C. § 45.

14 U. S. C. § 48.

Captain of the port, designation.

Enlistments.
14 U. S. C. § 35.
Post, p. 629.

Detention beyond
term of enlistment.

SEC. 8. Section 1 of the Act of May 26, 1906 (34 Stat. 200), as amended (U. S. C., Supp. V, title 14, sec. 35), is hereby further amended by substituting the word "four" for "three" in subparagraph (a); by changing the phrase "one, two, or three full years" in subparagraph (b) to "one, two, three, or four full years"; by deleting subparagraph (c); and by adding two new subparagraphs, (c) and (d), reading as follows:

"(c) Under such regulations as the Secretary of the Treasury shall prescribe, an enlisted man may be detained in the Coast Guard beyond the term of his enlistment—

"1. until the first arrival of the vessel on which he is serving at its permanent station, or at a port in a State of the United States or in the District of Columbia;

"2. until the first arrival of an enlisted man attached to a shore station beyond the continental limits of the United States or in Alaska at a port in any State of the United States or in the District of Columbia where his reenlistment or discharge may be effected, or until he can be discharged or reenlisted at his station beyond the continental limits of the United States or in Alaska, whichever is earlier, but in no event to exceed three months;

"3. with his consent, while undergoing medical or hospital treatment for injury, sickness, or disease incurred incident to service, until a final determination is made with reference to his eligibility for reenlistment, retirement, or discharge, but in no event to exceed six months;

"4. while awaiting disciplinary action or trial and disposition of his case;

"5. for a period of not exceeding thirty days in other cases not specifically covered by this section, when essential to the public interests: *Provided*, That the determination that such detention is essential to the public interests, made in accordance with regulations prescribed by the Secretary of the Treasury, shall be final and conclusive.

Proviso.

Pay and allowances.

"(d) Any person detained in the Coast Guard, as provided in subparagraph (c) of this section, shall be entitled to receive pay and allowances and benefits under the same conditions as though his enlistment period had not expired, and shall be subject in all respects to the laws and regulations for the government of the Coast Guard until his discharge therefrom: *Provided*, That enlisted men detained under the provisions of subparagraph (c) 1 of this section shall be entitled to the pay and allowances provided for enlisted personnel of the Navy detained under similar circumstances: *Provided further*, That pay or allowances shall not accrue for any period beyond the term of enlistment in the case of an enlisted person detained in accordance with subparagraph (c) 4 of this section if the trial results in conviction."

Provisos.

SEC. 9. (a) The Act of May 27, 1908 (35 Stat. 417), as amended (U. S. C., title 39, sec. 134), is hereby further amended to read as follows:

Mail clerks.

"Enlisted men of the United States Navy, Marine Corps, or Coast Guard may, upon selection by the Secretary of the Navy in the case of the Navy or Marine Corps, and by the Secretary of the Treasury in the case of the Coast Guard, be designated by the Post Office Department as 'Navy mail clerks' and 'assistant Navy mail clerks' and as 'Coast Guard mail clerks' and 'assistant Coast Guard mail clerks', who shall be authorized to receive and open all pouches and sacks of mail addressed to naval and Coast Guard vessels, as the case may be, to make proper delivery of such mail, to receive matter for trans-

mission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster General, all in accordance with such rules and regulations as may be prescribed by the commanding officer of the vessel or of the squadron to which the vessel is attached. Such enlisted men may also be designated as Navy mail clerks and assistant Navy mail clerks and as Coast Guard mail clerks and assistant Coast Guard mail clerks with expeditionary forces on shore or for duty at stations and shore establishments under the Navy Department and the Treasury Department, respectively, where the services of such mail clerks and assistant mail clerks are necessary. Each mail clerk and assistant mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall be amenable in all respects to naval and Coast Guard discipline, as the case may be, except that, as to their duties as such clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the postal laws and regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by the commanding officer of the vessel upon which he is stationed or of the squadron to which said vessel is attached to perform the duties of mail clerk. They shall receive as compensation for such services from the Navy Department or from the Treasury Department, as the case may be, in addition to that paid them of the grade to which they are assigned, such sum in the case of mail clerks not to exceed \$500 per annum, and in that of assistant mail clerks not to exceed \$300 per annum, as may be determined and allowed by the Navy Department and by the Treasury Department, respectively."

(b) Section 3 of the Act of August 24, 1912 (37 Stat. 554; U. S. C., title 39, sec. 135), is hereby amended to read as follows:

"Every Navy mail clerk and assistant Navy mail clerk and every Coast Guard mail clerk and assistant Coast Guard mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such clerk."

SEC. 10. The Coast Guard Auxiliary and Reserve Act of 1941 (Public, Numbered 8, Seventy-seventh Congress), is hereby amended as follows:

(1) Section 9. Delete the last sentence and substitute therefor: "Any member performing such service shall, upon authorization by the Commandant, be entitled to actual necessary traveling expense, including subsistence or a per diem in lieu thereof, as prescribed for civilian employees of the Government."

(2) Section 202. Insert a comma after the word "Reserve" in the first line and add the phrase "which shall be a component part of the Coast Guard".

(3) Section 205. Add the following language at the end of said section:

"In time of peace members of the Coast Guard Reserve may, with their consent, be given additional training or other duty either with or without pay, as may be authorized by the Secretary of the Treasury. When authorized training or other duty without pay is performed by members of the Reserve they may, in the discretion of the Secretary of the Treasury, be furnished with transportation to and from such duty, with subsistence and transfers en route and, during the performance of such duty, be furnished subsistence in kind or commutation thereof at a rate to be fixed from time to time by the Secretary of the Treasury."

Services with expeditionary forces, etc.

Oath of office.

Compensation.

Bonds.

Coast Guard Auxiliary and Reserve Act of 1941, amendments.

Ante, p. 10.
Service in advisory capacity; expenses.

Ante, p. 11.
Reserve, status.

Ante, p. 11.

Additional training, etc.

Ante, p. 11.

Pay and allowances.

Ante, p. 12.

Uniform allowance.

Proviso.
Condition.

Emergency provi-
sion.

Allowances to tem-
porary members.

Limitation.

Outfits in time of
war.

(4) Section 206. Delete the first sentence and substitute therefor the following:

"Commissioned officers, chief warrant officers, warrant officers, and enlisted men of the Reserve when engaged on active duty, on active duty while undergoing training, on training duty with pay, or when engaged in authorized travel to or from such duty, shall receive the same pay and allowances as are received by commissioned officers, chief warrant officers, warrant officers, and enlisted men of the Naval Reserve of the same rank, grade, rating, and length of service."

(5) Section 210. Delete the entire section and substitute therefor the following:

"Upon first reporting for active or training duty with pay at a location where uniforms are required to be worn, a commissioned or warrant officer of the Reserve shall be paid a sum not to exceed \$100 as reimbursement for the purchase of the required uniforms, and thereafter he shall be paid an additional sum of \$50 for the same purpose upon completion of each period of not less than four years in the Reserve: *Provided*, That this latter amount of \$50 shall not become due any officer until called to active or training duty after the expiration of the previous four-year period: *Provided further*, That in time of war or national emergency a further sum of \$150 for the purchase of required uniforms shall be paid to officers of the Reserve when they first report for active duty: *Provided further*, That the Secretary of the Treasury shall prescribe regulations governing the conditions and requirements under which this allowance shall be payable to temporary members of the Reserve. Enlisted men of the Reserve may be allowed the cost of, or issued such items of uniforms, bedding, and equipment as may be prescribed by the Commandant: *Provided further*, That the value of such allowances or of items so issued to any person during any three-year period shall not exceed \$100: *And provided further*, That notwithstanding the foregoing limitation upon first reporting for active duty, in time of war or national emergency, enlisted men of the Reserve may be issued such additional articles as are required to give them the same outfit as is authorized for enlisted personnel of the regular Coast Guard upon first enlistment."

Approved, July 11, 1941.

[CHAPTER 291]

AN ACT

July 14, 1941

[S. 198]

[Public Law 167]

Missoula Chamber
of Commerce, Mis-
soula, Mont.
Exchange of land.

Description.

To authorize the Secretary of War to exchange certain land located within the Fort Missoula Military Reservation, Montana, for certain land owned by the Missoula Chamber of Commerce, of Missoula, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized to transfer, subject to such conditions, covenants, reservations, and exceptions as he shall prescribe, to the Missoula Chamber of Commerce, of Missoula, Montana, all right, title, and interest of the United States in and to a parcel of land, described in subsection (a) of this Act, located within the boundaries of the Fort Missoula Military Reservation, Montana, in exchange for title to certain land, described in subsection (b) of this Act, from the Missoula Chamber of Commerce, of Missoula, Montana.

(a) The following-described land, located in section 31, township 13 north, range 19 west, Montana principal meridian, containing ninety-one and fifty-two one hundredths acres, more or less: Beginning at a point on the south section line of section 31, township 13