

## [CHAPTER 325]

## AN ACT

July 29, 1941  
[S. 1110]  
[Public Law 189]

To amend section 1118 of the Revised Statutes, as amended, to eliminate the prohibition against enlistment in the military service of the United States of any person convicted of a felony.

Enlistments, Army.  
10 U. S. C. § 622.

Deserters and persons convicted of felonies.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1118, Revised Statutes, be, and the same is hereby, amended by omitting the period at the end thereof, by substituting therefor a colon, and by adding after the colon the following: "*Provided, however,* That with relation to deserters and persons convicted of felonies the Secretary of War may, by regulations or otherwise, authorize exceptions in special meritorious cases."

Approved, July 29, 1941.

## [CHAPTER 326]

## JOINT RESOLUTION

July 29, 1941  
[S. J. Res. 88]  
[Public Law 190]

To strengthen the common defense by suspending section 24b of the National Defense Act and authorizing a more expeditious procedure to vitalize the active list of the Army.

Act to strengthen national defense.  
6 F. R. 2617.  
41 Stat. 773.  
10 U. S. C. § 571.

Removal of certain Army officers.  
6 F. R. 2617.

*Provisos.*  
Officers affected.

Action upon board's recommendation.

Hearing allowed.

Honorable discharge.

Retirement.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That during the national emergency announced by the President on May 27, 1941, section 24b of the National Defense Act, as amended, is hereby suspended.

SEC. 2. That during the time of the national emergency announced by the President on May 27, 1941, the Secretary of War, for such causes and under such regulations as he may prescribe, may remove any officer from the active list of the Regular Army: *Provided,* That such removal be made from among officers whose performance of duty, or general efficiency, compared with other officers of the same grade and length of service, is such as to warrant such action, or whose retention on the active list is not justified for other good and sufficient reasons appearing to the satisfaction of the Secretary of War: *Provided further,* That each officer so removed from the active list shall have been recommended for removal by a board of not less than five general officers convened for this purpose by the Secretary of War: *Provided further,* That such officer is allowed a hearing before said board. The action of the Secretary of War in removing an officer from the active list shall be final and conclusive. Officers removed from the active list who have less than seven completed years of commissioned service at the time of removal shall be honorably discharged. Officers removed from the active list who have seven or more completed years of commissioned service at the time of removal shall be retired with retirement pay computed as follows: Any officer so retired who has over thirty years' service or any officer so retired who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, shall be retired with annual pay equal to 75 per centum of his active duty annual pay at the time of his retirement; any other officer so retired shall be retired with annual pay equal to 2½ per centum of his active duty annual pay at the time of his retirement, multiplied by a number equal to the number of complete years of his service counted for pay purposes under existing laws not in excess of thirty years. All officers retired under the provisions of this section shall be placed on the unlimited retired list.

Approved, July 29, 1941.

[CHAPTER 327]

## JOINT RESOLUTION

To provide suitable vessels for the use of certain State nautical schools, and for other purposes.

July 29, 1941  
[H. J. Res. 139]  
[Public Law 191]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the Act entitled "An Act for the establishment of marine schools, and for other purposes", approved March 4, 1911, as amended (U. S. C., 1934 edition, title 34, secs. 1121 to 1123), the United States Maritime Commission may repair or recondition, equip, and furnish to any State maintaining a marine school or a nautical branch under such Act, a suitable vessel owned or acquired by the Commission or otherwise available for disposition hereunder. Any department or agency of the United States is hereby authorized, notwithstanding any other provision of law, to supply to the Commission for disposition hereunder any suitable vessel which can be spared without detriment to the service to which such vessel has been assigned. All vessels furnished to States for the use of such schools shall be and remain the property of the United States, and shall be maintained in good repair by the Commission.

State nautical schools.  
U. S. Maritime Commission to furnish vessels to.  
36 Stat. 1353.  
34 U. S. C. §§ 1121-1123.

Assistance of other agencies.

To remain U. S. property.

SEC. 2. The Maritime Commission is authorized, from any moneys hereafter appropriated or made available to the Commission, to provide for the construction, by contract or otherwise, in accordance with plans and specifications prepared by the Commission and approved by the Secretary of the Navy, of suitable vessels with modern equipment and instruments to replace vessels otherwise furnished to States which are maintaining schools under such Act.

Replacements.

SEC. 3. The maximum amount authorized to be appropriated for any one marine school or nautical branch by section 2 of such Act of March 4, 1911, as amended, is hereby increased from \$25,000 to \$50,000. Each marine school or nautical branch thereof, as a condition to receiving any portion of the monetary aid authorized by said section 2, or the use of any vessel authorized by this joint resolution, shall under appropriate authority agree to conform to such minimum standards in regard to students' entrance requirements, the staff of instructors, and courses of and facilities for training, as the Maritime Commission shall approve. Each marine school or nautical branch thereof, as a condition to receiving any portion of such monetary aid in excess of \$25,000, shall under appropriate authority agree to admit to such school students resident in other States upon such terms and in such numbers as the Commission shall prescribe: *Provided*, That the per capita cost of students designated by the Maritime Commission for admission to such school shall be paid from the Federal funds authorized in said section 2 and that the total number of such students shall not exceed one-third of the student capacity of such school.

Maximum appropriation for any school.  
36 Stat. 1353.  
34 U. S. C. § 1122.  
Condition to receiving monetary aid.

Out-of-State students.

*Proviso.*  
Payment of per capita cost.

Limitation on number.

SEC. 4. The Maritime Commission is authorized to prescribe such rules and regulations as may be necessary or appropriate in the administration of this joint resolution and such Act of March 4, 1911, as amended.

Rules and regulations.

SEC. 5. The Maritime Commission is authorized to extend the benefits of this joint resolution to a State nautical school, established and maintained by any State in accordance with the applicable provisions of the Act entitled "An Act for the establishment of marine schools, and for other purposes", approved March 4, 1911, as amended, at such port as may be designated by the State.

Extension of benefits.

36 Stat. 1353.  
34 U. S. C. §§ 1121-1123.

Approved, July 29, 1941.