

may be discharged and commissioned as a second lieutenant in the Officers' Reserve Corps: *Provided*, That the Secretary of War is authorized to discharge at any time any flying cadet whose discharge shall have been recommended by a board of not less than three officers. (July 11, 1919, c. 8, 41 Stat. 109.)

300. Additional pay for flying duty.—Officers and enlisted men of the Army shall receive an increase of 50 per centum of their pay while on duty requiring them to participate regularly and frequently in aerial flights; and no person shall receive additional pay for aviation duty except as prescribed in this section, and except flying cadets as prescribed in section 303 of this title. (June 4, 1920, c. 227, subchapter I, § 13, 41 Stat. 768.)

301. Additional pay for military aviators and junior military aviators.—In lieu of the 50 per centum increase of pay provided for in section 300 of this title any officer or enlisted man upon whom the rating of junior military aviator, or military aviator, was conferred for having specially distinguished himself in time of war in active operations against the enemy, shall, while on duty which requires him to participate regularly and frequently in aerial flights, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and in addition an increase of 50 per centum of the pay of his grade and length of service under his commission in case of a junior military aviator, and 75 per centum of the pay of his grade and length of service under his commission in case of a military aviator. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

302. Officers entitled to additional pay for aviation duty.—The authorization for increase of flying pay contained in section 300 of this title, shall be construed to include any officer of any branch of the service who may be ordered by proper authority to perform duty requiring him to participate regularly and frequently in aerial flights. (June 30, 1922, c. 253, Title I, 42 Stat. 724.)

303. Base pay of flying cadets.—The base pay of a flying cadet shall be \$75 per month, including extra pay for flying risk as provided by law. (July 11, 1919, c. 8, 41 Stat. 100.)

304. Allowances of flying cadets.—The ration allowance of a flying cadet shall not exceed \$1 per day, and his other allowances shall be those of a private, first class, Air Service. (July 11, 1919, c. 8, 41 Stat. 100.)

305. Mileage of officers traveling on aviation duty.—Mileage to officers of the Army traveling on duty in connection with aviation shall be paid from the appropriation for the work in connection with which the travel is performed. (July 9, 1918, c. 143, 40 Stat. 849.)

306. Per diem allowance for additional expenses of fliers making aerial surveys of rivers, harbors, etc.—To cover actual additional expenses to which fliers are subjected when making aerial surveys, hereafter a per diem of \$7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, for the actual time consumed while traveling by air, under competent orders, in connection with aerial surveys of rivers and harbors, or other governmental projects, and a per diem of \$6 for the actual time consumed in making such aerial surveys, to be paid from appropriations available for the particular improvement or project for which the survey is being made: *Provided*, That not more than one of the per diem allowances authorized in this section shall be paid for any one day. (Mar. 3, 1925, c. 467, § 5, 43 Stat. 1100.)

307. Bond for indemnity against injuries caused by exhibition flights.—None of the funds appropriated for the Air Service shall be used for the purpose of giving exhibition flights to the public other than those under the control and direction of the War Department and if such flights are given by Army per-

sonnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition. (Mar. 2, 1923, c. 178, Title I, 42 Stat. 1398; June 7, 1924, c. 201, Title I, 43 Stat. 492; Feb. 12, 1925, c. 225, Title I, 43 Stat. 908.)

308. Compensation for death by aviation accident.—There shall be paid to the widow of any officer or enlisted man who shall die as the result of an aviation accident, not the result of his own misconduct, or to any other person designated by him in writing, an amount equal to one year's pay at the rate to which such officer or enlisted man was entitled at the time of the accident resulting in his death, but any payment made in accordance with the terms of this section on account of the death of any officer or enlisted man shall be in lieu of and a bar to any payment under section 903 of this title. (July 18, 1914, c. 186, § 3, 38 Stat. 515.)

309. Employment of draftsmen and engineers in Air Service.—The services of aeronautical engineers, skilled draftsmen, and such technical and other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Air Service to carry into effect the various appropriations for aeronautical purposes, to be paid from such appropriations: *Provided*, That the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each. (Feb. 12, 1925, c. 225, 43 Stat. 908.)

Chapter 19.—PHILIPPINE SCOUTS.

Sec.

- 321. Organization.
- 322. Eligibility as officers of militia.
- 323. Appointment of officers.
- 324. Officers commissioned prior to July 1, 1920, and not recommissioned in Regular Army continued in service.
- 325. Computation of period of service of officers.
- 326. Promotions; classification and elimination of officers.
- 327. Retired pay of officers.
- 328. Attendance on course of preparatory instruction pursuant to detail under section 880 or 1180 as active duty.
- 329. Ratification of administrative action as to pay of retired officers on duty mentioned in next preceding section.
- 330. Duty mentioned in section 328 performed prior to March 3, 1925.
- 331. Detail of retired officers to educational institutions.
- 332. Promotion on retired list.
- 333. Number of enlisted men.
- 334. Pay and allowances of enlisted men.
- 335. Philippine Scouts cooperating with Philippine Constabulary.

Section 321. Organization.—The President is authorized to form the Philippine Scouts into such branches and tactical units as he may deem expedient, within the limit of strength prescribed by law, organized similarly to those of the Regular Army, the officers to be detailed from those authorized in section 482 of this title. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

322. Eligibility as officers of militia.—Officers of the Philippine Scouts shall be eligible to appointment as officers in the militia or other locally created armed forces in the Philippine Islands which may be drafted into the service of the United States; and any such officer of the Philippine Scouts so appointed as an officer in said drafted forces shall not thereby vacate his commission in the Philippine Scouts, and in case his commission in said Philippine Scouts shall terminate while holding a commission in said drafted forces as aforesaid, he shall thereupon be eligible to reappointment as an officer of said Philippine Scouts notwithstanding his retention of a commission in said drafted forces. (Mar. 30, 1918, c. 30, § 1, 40 Stat. 500.)

323. Appointment of officers.—After July 1, 1920, no appointments as officers of Philippine Scouts shall be made except of citizens of the Philippine Islands, who may be appointed in the

grade of second Lieutenant, under such regulations as the President may prescribe. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

324. Officers commissioned prior to July 1, 1920, and not recommissioned in Regular Army continued in service.—Officers of the Philippine Scouts holding commissions as such on July 1, 1920, who were not then recommissioned in the Regular Army shall continue to serve under their commissions as officers of Philippine Scouts. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

325. Computation of period of service of officers.—In computing period of service for any purpose officers of the Philippine Scouts shall be credited with all time served as commissioned officers in the drafted forces mentioned in section 322 of this title. (Mar. 30, 1918, c. 36, § 2, 40 Stat. 500.)

326. Promotions; classification and elimination of officers.—Officers commissioned in the Philippine Scouts shall be subject to promotion, classification, and elimination, as hereinafter prescribed for officers of the Regular Army. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

327. Retired pay of officers.—Officers of the Philippine Scouts on the retired list on June 4, 1920, shall thereafter receive the same pay as a retired second Lieutenant of equal service, except as otherwise provided in section 332 of this title. After June 4, 1920, officers of the Philippine Scouts shall be retired under the same conditions, and those thereafter placed on the retired list shall receive the same retired pay, as other officers of like grades and length of service, and shall be equally eligible for advancement on account of active duty performed since retirement. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

328. Attendance on course of preparatory instruction pursuant to detail under section 386 or 1181 as active duty.—Duty performed by retired officers of the Philippine Scouts, pursuant to War Department orders issued under section 386 or section 1181 of this title, respectively, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers within the meaning of sections 973 and 974 of this title. (Mar. 3, 1925, c. 411, § 2, 43 Stat. 1099.)

329. Ratification of administrative action as to pay of retired officers on duty mentioned in next preceding section.—Any administrative action taken prior to March 3, 1925, by the War Department dependent for validity upon the construction of sections 973 and 974 of this title mentioned in section 328 of this title, or a like construction of any other statute authorizing the detail of retired officers of the Army to educational institutions, is hereby ratified and confirmed; and any pay otherwise due to any retired officers of the Philippine Scouts but heretofore withheld by reason of a construction of any of the indicated statutes inconsistent with those foregoing shall be considered due and payable. (Mar. 3, 1925, c. 411, § 5, 43 Stat. 1100.)

330. Duty mentioned in section 328 performed prior to March 3, 1925.—Duty performed before March 3, 1925, by retired officers of the Philippine Scouts, pursuant to War Department orders purporting to have been issued under section 386 or section 1181 of this title, respectively, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers, within the meaning of sections 973 and 974 of this title. (Mar. 3, 1925, c. 411, § 3, 43 Stat. 1100.)

331. Detail of retired officer to educational institutions.—The authority for detail of retired officers of the Regular Army contained in sections 386 and 1181 of this title shall, in either case, be construed to include authority to so detail

retired officers of the Philippine Scouts. (Mar. 3, 1925, c. 411, § 1, 43 Stat. 1099.)

332. Promotion on retired list.—Officers and former officers of the Philippine Scouts who were placed on the retired list prior to June 4, 1920, shall be entitled to promotion on the retired list for active duty performed prior to July 1, 1922, subsequent to retirement, in accordance with the provisions of section 1011 of this title, and to the same pay and benefits received by other officers of the Army of like grade and length of service on the retired list. (June 10, 1922, c. 212, § 17, 42 Stat. 632.)

333. Number of enlisted men.—The total number of enlisted men in the Philippine Scouts shall not exceed twelve thousand. (Feb. 2, 1901, c. 102, § 36, 31 Stat. 757.)

334. Pay and allowances of enlisted men.—The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army. (Feb. 2, 1901, c. 102, § 36, 31 Stat. 757.)

335. Philippine Scouts cooperating with Philippine Constabulary.—Any companies of Philippine Scouts ordered to assist the Philippine Constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine Constabulary, as herein provided: *Provided*, That when the Philippine Scouts shall be ordered to assist the Philippine Constabulary said scouts shall not at any time be placed under the command of inspectors or other officers of the constabulary below the grade of assistant chief of constabulary. (Jan. 30, 1903, c. 331, § 2, 32 Stat. 783.)

Chapter 20.—RESERVE FORCES.

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