

**173. Delegation of duties by disbursing officers.—**

As to designation of deputies, see § 103a of Title 31, MONEY AND FINANCE.

**Chapter 9.—CORPS OF ENGINEERS.****Section 181. Composition of Corps of Engineers; organization into tactical units.—**

As to the number of Engineer officers, see § 482a of this title.

**187. Employment of draftsmen, etc., in office of Chief of Engineers.—**

The statutory provision constituting § 187 of this title was repeated in the War Department Appropriation Acts of Apr. 15, 1926, c. 146, Title 1, 44 Stat. 274, and Feb. 23, 1927, c. 167, Title 1, 44 Stat. 1124.

The provision was again repeated in Act Mar. 23, 1928, c. 232, § 1, 45 Stat. 326, the words "that the expenditures on this account for the fiscal year 1929 shall not exceed \$150,000" being interpolated after the word "Provided."

**Chapter 10.—ORDNANCE DEPARTMENT.****Section 191. Composition of Ordnance Department.—**

As to the number of Ordnance officers, see § 482a of this title.

**197. Employment of draftsmen, etc., in office of Chief of Ordnance.—**

The statutory provision constituting § 197 of this title was repeated in the War Department Appropriation Acts of Apr. 15, 1926, c. 146, Title 1, 44 Stat. 277, and Feb. 23, 1927, c. 167, Title 1, 44 Stat. 1127.

**Chapter 11.—SIGNAL CORPS.****Section 211. Composition of Signal Corps.—**

As to the number of officers of the Signal Corps, see § 482a of this title.

**213. Employment of draftsmen, etc., in Signal Office.—**

The statutory provision constituting § 213 of this title was repeated in the War Department Appropriation Acts of Apr. 15, 1926, c. 146, Title 1, 44 Stat. 268, and Feb. 23, 1927, c. 167, Title 1, 44 Stat. 1128.

**Chapter 12.—CHEMICAL WARFARE SERVICE.****Section 221. Creation and organization of Chemical Warfare Service.—**

As to the number of officers of the Chemical Warfare Service, see § 482a of this title.

**223. Employment of chemists, etc., in office of chief.—**

The statutory provision constituting § 223 of this title, was repeated in the War Department Appropriation Acts of Apr. 15, 1926, c. 146, Title 1, 44 Stat. 278, and Feb. 23, 1927, c. 167, Title 1, 44 Stat. 1128.

**Chapter 14.—CAVALRY.****Section 251. Composition of Cavalry.—**

As to the number of Cavalry officers, see § 482a of this title.

**Chapter 15.—FIELD ARTILLERY.****Section 262. Composition of Field Artillery.—**

As to the number of Field Artillery officers, see § 482a of this title.

**Chapter 16.—COAST ARTILLERY CORPS.****Section 272. Composition of Coast Artillery Corps.—**

As to the number of Coast Artillery officers, see § 482a of this title.

**Chapter 17.—INFANTRY.****Section 281. Composition of Infantry.—**

As to the number of Infantry officers, see § 482a of this title.

**Chapter 18.—AIR [CORPS].**

**Section 291. Establishment and composition of Air [Corps].—**There is hereby created an Air Corps. The Air Corps shall consist of one Chief of the Air Corps, with the rank of major general; three assistants, with the rank of brigadier

general; one thousand five hundred and fourteen officers in grades from colonel to second lieutenant, inclusive; and sixteen thousand enlisted men, including not to exceed two thousand five hundred flying cadets, such part of whom as the President may direct being formed into tactical units or bands, organized as he may prescribe.

The statutory provision constituting §§ 291, 291a, and 300 of this title was amended by § 2 of Act July 2, 1926, c. 721, 44 Stat. 780, entitled "An Act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes."

The amendment struck out the provision constituting these sections and substituted a new provision in lieu thereof. The substituted provision constitutes §§ 291, 291a to 291g, 294 and 300 of this title.

The amendment made numerous changes in § 291 set out in the text.

Section 1 of said Act provides as follows:

"That the Act entitled 'An Act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, as amended, be, and the same is hereby, amended so that the Air Service referred to in that Act and in all subsequent Acts of Congress shall be known as the Air Corps."

Section 14 of said Act provides as follows:

"That if any section or provision of this Act shall be held to be invalid, it is hereby provided that all other sections and provisions of this Act not expressly held to be invalid shall continue in full force and effect. No provision of this Act shall be retroactive and the provisions hereof shall take effect upon date of approval thereof, except as otherwise provided for herein, and all Acts or parts of Acts contrary to the provisions of this Act or inconsistent therewith be, and the same are hereby, repealed."

As to the number of Air Corps officers, see § 482a of this title.

**291a. Flying and nonflying officers.—**The Chief of the Air Corps, at least two brigadier generals, and at least 90 per centum of the officers in each grade below that of brigadier general shall be flying officers: *Provided*, That in time of war 10 per centum of the total number of officers that may be authorized for the Air Corps for such war may be immediately commissioned as nonflying officers: *Provided further*, That as soon as a sufficient number can be trained, at least 90 per centum of the total number of officers authorized for the Air Corps for such war shall be flying officers.

New. This section constitutes a part of § 2 of Act July 2, 1926, c. 721, 44 Stat. 780. See note to § 291.

**291b. Detail of officers to Air Corps.—**In time of peace in order to insure that the commissioned officers of the Air Corps shall be properly qualified flying officers and, for the purpose of giving officers of the Army an opportunity to so qualify, the Secretary of War is hereby authorized to detail to the Air Corps officers of all grades and such officers shall start flying training immediately upon being so detailed, but hereafter such officers shall not remain detailed to the Air Corps for a period in excess of one year or be permanently commissioned therein unless they qualify as flying officers: *Provided*, That any officer who is specifically recommended by the Secretary of War because of special qualifications other than as a flyer may be detailed to the Air Corps for a period longer than one year, or may be permanently commissioned in the Air Corps, but such officers, together with those flying officers who shall have become disqualified for flying, shall not be included among the 90 per centum of flying officers: *And provided further*, That nothing in sections 291, 291a to 291g, 294 and 300 of this title shall be construed to limit the number of officers in each grade that may be detailed to the Air Corps for training as flying officers except that the total number of officers allotted to the Air Corps shall not be exceeded.

New. This section constitutes a part of § 2 of Act July 2, 1926, c. 721, 44 Stat. 780. See note to § 291.

**291c. Flying officer in time of peace; qualifications.—**Wherever used in sections 291, 291a to 291g, 294 and 300 of this title a flying officer in time of peace is defined as one who has

received an aeronautical rating as a pilot of service types of aircraft: *Provided*, That all officers of the Air Corps now holding any rating as a pilot shall be considered as flying officers within the meaning of said sections.

New. This section constitutes a part of § 2 of Act July 2, 1926, c. 721, 44 Stat. 780. See note to § 291.

**291d. Rating as pilot in time of peace; qualifications.—**

In order to receive a rating as a pilot in time of peace an officer or an enlisted man must fly in heavier-than-air craft at least two hundred hours while acting as a pilot, seventy-five of which must be alone, and must successfully complete the course prescribed by competent authority.

New. This section constitutes a part of § 2 of Act July 2, 1926, c. 721, 44 Stat. 780. See note to § 291.

**291e. Flying officer in time of war; qualifications.—**In time of war a flying officer may include any officer who has received an aeronautical rating as a pilot of service types of air craft and also in time of war may include any officer who has received an aeronautical rating as observer.

New. This section constitutes a part of § 2 of Act July 2, 1926, c. 721, 44 Stat. 780. See note to § 291.

**291f. Enlisted men rated as pilots; number.—**On and after July 1, 1929, and in time of peace, not less than 20 per centum of the total number of pilots employed in tactical units of the Air Corps shall be enlisted men, except when the Secretary of War shall determine that it is impractical to secure that number of enlisted pilots.

New. This section constitutes a part of § 2 of Act July 2, 1926, c. 721, 44 Stat. 780. See note to § 291.

**291g. Enlisted men rated as air mechanics; number and pay.—**Enlisted men of the fourth, fifth, sixth, and seventh grades in the Air Corps who have demonstrated their fitness and shown that they possess the necessary technical qualifications therefor and are engaged upon the duties pertaining thereto may be rated as air mechanics, first class, or air mechanics, second class, under such regulations as the Secretary of War may prescribe. Each enlisted man while holding the rating of air mechanic, first class, and performing the duties as such shall receive the pay of the second grade, and each enlisted man while holding the rating of air mechanic, second class, and performing the duties as such shall receive the pay of the third grade: *Provided*, That such number as the Secretary of War may determine as necessary, not to exceed 14 per centum of the total authorized enlisted strength of the Air Corps, shall be rated as air mechanics, first class, or air mechanics, second class.

New. This section constitutes a part of § 2 of Act July 2, 1926, c. 721, 44 Stat. 780. See note to § 291.

**292. Number of officers detailed to duty involving flying.—**Exclusive of the Army Air Corps, the number of officers who may be required by competent authority to participate regularly and frequently in aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President shall not at any one time exceed 1 per centum of the total authorized commissioned strength of such service.

The statutory provision constituting § 292 of this title was amended to read as above by § 6 of Act July 2, 1926, c. 721, 44 Stat. 782. See note to § 291.

**292a. Temporary rank for Air Corps officers.—**The Secretary of War is hereby authorized to assign, under such regulations as he may prescribe, officers of the Air Corps to flying commands, including wings, groups, squadrons, flights, schools, important air stations, and to the staffs of commanders of troops, which assignment shall carry with it temporary rank, including pay and allowances appropriate to such rank, as determined by the Secretary of War, for the period of such assignment: *Provided*, That such temporary rank is limited to two grades above

the permanent rank of the officer appointed: *Provided further*, That no officers shall be temporarily advanced in rank as contemplated in this section unless the Chief of the Air Corps certifies that no officers of suitable permanent rank are available for the duty requiring the increased rank: *And provided further*, That no officer holding temporary rank under the provisions of this section shall be eligible to command outside of his own corps except by seniority under his permanent commission.

New. This section constitutes § 3 of Act July 2, 1926, c. 721, 44 Stat. 782. See note to § 291.

**292b. Five-year Air Corps program.—**For the purpose of increasing the efficiency of the Air Corps of the Army and for its further development the following five-year program is authorized:

**Personnel.—**The number of promotion-list officers now authorized by law in the grade of second lieutenant of the Regular Army is hereby increased by four hundred and three, and the number of enlisted men now authorized by law for the Regular Army is hereby authorized to be increased by six thousand two hundred and forty: *Provided*, That the increase in the number of officers and enlisted men herein authorized shall be allotted as hereinafter provided. The present allotment of officers to the Air Corps is hereby authorized to be increased by four hundred and three officers distributed in grades from colonel to second lieutenant, inclusive, and the present allotment of enlisted men to the Air Corps is hereby authorized to be increased by six thousand two hundred and forty enlisted men. The President is authorized to call to active service, with their consent, such number of Air Corps Reserve officers as he may deem necessary, not to exceed five hundred and fifty, 90 per centum of whom shall serve for periods of not more than one year, and 10 per centum for periods of not more than two years: *Provided*, That nothing contained in this section shall affect the number of reserve officers that may be called to active duty for periods of less than six months under existing law.

**Equipment.—**The Secretary of War is hereby authorized to equip and maintain the Air Corps with not to exceed one thousand eight hundred serviceable airplanes, and such number of airships and free and captive balloons as he may determine to be necessary for training purposes, together with spare parts, equipment, supplies, hangars, and installations necessary for the operation and maintenance thereof. In order to maintain the number specified above, the Secretary of War is hereby authorized to replace obsolete or unserviceable aircraft from time to time: *Provided*, That the necessary replacement of airplanes shall not exceed approximately four hundred annually: *Provided*, That the total number of airplanes and airships herein authorized shall be exclusive of those waiting salvage or undergoing experiment or service tests, those authorized by the Secretary of War to be placed in museums and those classified by the Secretary of War as obsolete: *And provided further*, That the total number of planes authorized in this section shall include the number necessary for the training and equipment of the National Guard and the training of the Organized Reserves as may be determined by the Secretary of War.

**Method of increase.—**The total increase in personnel and equipment authorized herein shall be distributed over a five-year period beginning July 1, 1926. Not to exceed one-fifth of the total increase shall be made during the first year, and the remainder in four approximately equal increments. The President is hereby authorized to submit to Congress annually estimates of the cost of carrying out the five-year program authorized herein: *Provided*, That a supplemental estimate for the fiscal year ending June 30, 1927, may be submitted to cover the cost of the first annual increment.

New. This section constitutes § 8 of Act July 2, 1926, c. 721, 44 Stat. 783. See note to § 291.

**292c. Detail in aid of civil aviation.**—The President of the United States be, and he is hereby, authorized in his discretion to detail officers of the Air Corps of the Army of the United States to duty under the Secretary of Commerce in connection with the work of promoting civil aviation as provided for in chapter 6 of Title 49: *Provided*, That such detail shall not be for a period of more than one year.

New. This section constitutes Res. July 3, 1926, c. 807, 44 Stat. 915, entitled "Joint Resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation."

**293. Educational qualifications for Air [Corps].—**

"Air Service" appearing in the heading of this section should now read "Air Corps" by virtue of § 1 of Act July 2, 1926, c. 721, 44 Stat. 780, which provides that "the Air Service \* \* \* shall be known as the Air Corps." See note to § 291.

**294. Command of flying units.—**

The statutory provision constituting § 294 of this title was reenacted without change by § 2 of Act July 2, 1926, c. 721, 44 Stat. 780. See note to § 291.

**295. Aerial operations controlled by Army Air [Corps].—**

"Air Service" appearing in this section should now read "Air Corps" by virtue of § 1 of Act July 2, 1926, c. 721, 44 Stat. 780, which provides that "the Air Service \* \* \* shall be known as the Air Corps." See note to § 291.

**297. Aviation students enlisted or appointed as flying cadets; number.—**

"Air Service" appearing in this section should now read "Air Corps" by virtue of § 1 of Act July 2, 1926, c. 721, 44 Stat. 780, which provides that "the Air Service \* \* \* shall be known as the Air Corps."

See § 291 of this title which provides for "sixteen thousand enlisted men, including not to exceed two thousand five hundred flying cadets."

**298. Detail of officers for instruction in aeronautic engineering.—**

"Air Service" appearing in this section should now read "Air Corps" by virtue of § 1 of Act July 2, 1926, c. 721, 44 Stat. 780, which provides that "the Air Service \* \* \* shall be known as the Air Corps." See note to § 291.

**300. Additional pay for flying duty.**—Officers and enlisted men of the Army shall receive an increase of 50 per centum of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President: *Provided*, That nothing in sections 291, 291a to 291g, 294 and 300 of this title shall be construed as amending existing provisions of law relating to flying cadets.

The statutory provision constituting § 300 of this title was amended to read as above by § 2 of Act July 2, 1926, c. 721, 44 Stat. 780. Numerous changes. See note to § 291.

The War Department Appropriation Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 257, in appropriating money for the additional pay allowed by this section added a proviso that "this appropriation shall not be available for increased pay on flying status to more than seven hundred enlisted men."

**★ 301. Additional pay for military aviators and junior military aviators.—**

"prior to June 4, 1920," should be read into line 5 of this section after "was."

**301. Allowances of flying cadets.—**

"Air Service" appearing in this section should now read "Air Corps" by virtue of § 1 of Act July 2, 1926, c. 721, 44 Stat. 780, which provides that "the Air Service \* \* \* shall be known as the Air Corps." See note to § 291.

**307. Bond for indemnity against injuries caused by exhibition flights.—**

The statutory provision constituting § 307 of this title was repeated in the War Department Appropriation Acts of Apr. 15, 1926, c. 146, Title I, 44 Stat. 269, and Feb. 23, 1927, c. 107, Title I, 44 Stat. 1120.

"Air Service" appearing in this section should now read "Air Corps" by virtue of § 1 of Act July 2, 1926, c. 721, 44 Stat. 780, which provides that "the Air Service \* \* \* shall be known as the Air Corps." See note to § 291.

**★ 308. Compensation for death by aviation accident.—**

This section is no longer in force by authority of Act Oct. 6, 1917, c. 105, § 312, 40 Stat. 408. See also 31 Op. Atty. Gen. 205.

**309. Employment of draftsmen and engineers in Air [Corps].—**

The statutory provision constituting § 309 of this title was repeated in the War Department Appropriation Acts of Apr. 15, 1926, c. 146, Title I, 44 Stat. 270, and Feb. 23, 1927, c. 107, Title I, 44 Stat. 1120.

"Air Service" appearing in this section and in the section heading should now read "Air Corps" by virtue of § 1 of Act July 2, 1926, c. 721, 44 Stat. 780, which provides that "the Air Service \* \* \* shall be known as the Air Corps." See note to § 291.

**310. Encouragement of aviation.—**

(a) **Submission in competition of designs of aircraft, parts and accessories to be invited; advertisement.**—In order to encourage the development of aviation and improve the efficiency of the Army and Navy aeronautical matériel the Secretary of War or the Secretary of the Navy prior to the procurement of new designs of aircraft or aircraft parts or aeronautical accessories, shall, by advertisement for a period of thirty days in at least three of the leading aeronautical journals and in such other manner as he may deem advisable, invite the submission in competition, by sealed communications, of such designs of aircraft, aircraft parts, and aeronautical accessories, together with a statement of the price for which such designs in whole or in part will be sold to the Government.

(b) **Advertisement; specifications; information of competition for applicants; reference of designs to board; appraisal; report; announcement of results.**—The aforesaid advertisement shall specify a sufficient time, not less than sixty days from the expiration of the advertising period, within which all such communications containing designs and prices therefor must be submitted, and all such communications received shall be carefully kept sealed in the War Department or the Navy Department, as the case may be, until the expiration of said specified time, and no designs mailed after that time shall be received or considered. Said advertisement shall state in general terms the kind of aircraft, parts, or accessories to be developed and the approximate number or quantity required, and the department concerned shall furnish to each applicant identical specific detailed information as to the conditions and requirements of the competition and as to the various features and characteristics to be developed, listing specifically the respective measures of merit, expressed in rates per centum, that shall be applied in determining the merits of the designs, and said measures of merit shall be adhered to throughout such competition. All designs received up to the time specified for submitting them shall then be referred to a board appointed for that purpose by the Secretary of the department concerned and shall be appraised by it as soon as practicable and report made to the Secretary as to the winner or winners of such competition. When said Secretary shall have approved the report of said board, he shall then fix a time and place for a public announcement of the results and notify each competitor thereof; but if said report shall be disapproved by said Secretary, the papers shall be returned to the board for revision or the competition be decided by the Secretary, in his discretion, and in any case the decision of the Secretary shall be final and conclusive. Such announcement shall include the percentages awarded to each of the several features or characteristics of the designs submitted by each competitor and the prices named by the competitors for their designs and the several features thereof if separable.

(c) **Contract with winner for furnishing items authorized; purchase of winning designs.**—Thereupon the said Secretary is authorized to contract with the winner or winners in such competition on such terms and conditions as he may deem most advantageous to the Government for furnishing or constructing all of each of the items, or all of any one or more of the several items of the aircraft, or parts, or accessories indicated in the advertisement, as the said Secretary shall find that in his judgment a winner is, or can within a reasonable time become, able and equipped to furnish or construct satisfactorily all or part, provided said Secretary and the winner shall be able to agree on a reasonable price. If the Secretary shall decide that a winner can not reasonably carry out and perform a contract for all or part of such aircraft, parts, or accessories, as above provided, then he is authorized to purchase the winning designs or any separable parts thereof if a fair and reasonable price can be agreed on with the winner, but not in excess of the price submitted with the designs.

(d) **Rights of Government under contract or purchase of designs; right of designer to patent.**—After contract is made, as authorized by any provision of this section, with a winner in such design competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories in accordance with his designs and payment is completed under said contract, and after the purchase of and payment for the designs or separable parts thereof of a winner, as authorized herein, with whom a contract shall not have been made for furnishing or constructing aircraft, aircraft parts or aeronautical accessories in accordance with his designs, then in either case any department of the Government shall have the right without further compensation to the winner to construct or have constructed according to said designs and use any number of aircraft or parts or accessories, and sell said aircraft or parts or accessories according to law as condemned material: *Provided*, That such winner shall, nevertheless, be at liberty to apply for a patent on any features originated by him, and shall be entitled to enjoy the exclusive rights under such patent as he may obtain as against all other persons except the United States Government or its assignee as aforesaid.

(e) **Submission of graduated scale of prices; effect on contract.**—The competitors in design competition mentioned in this section shall submit with their designs a graduated scale of prices for which they are willing to construct any or all or each of the aircraft, aircraft parts, and aeronautical accessories for which designs are submitted and such stated prices shall not be exceeded in the awarding of contracts contemplated by this section.

(f) **Rejection of all designs; division of contracts.**—If the Secretary of War or the Secretary of the Navy shall find that in his judgment none of the designs submitted in said competition is of sufficient merit to justify the procurement of aircraft, aircraft parts, or aeronautical accessories in accordance therewith, then he shall not be obligated to accept any of such designs or to make any payment on account of any of them. If the Secretary of the department concerned shall decide that the designs submitted by two or more competitors possess equal merit, or that certain features embodied in the designs of any competitor are superior to corresponding features embodied in the designs of any other competitor and such features of one design may be substituted in another design, the said Secretary shall in his discretion divide the contracts for furnishing and manufacturing the aircraft, parts, or accessories required, equitably among those competitors that have submitted designs of equal merit, or he may select and combine features of superior excellence in different designs in such manner as may in his judgment best serve the Government's interests and make payment accordingly to the several competitors concerned at fair and reasonable prices, awarding the contract for furnishing

or constructing the aircraft, parts, or accessories to the competitor or competitors concerned that have the highest figures of merit in said competition.

(g) **Inability to contract with or purchase from winner of competition; advertisement for bids; contract; rejection of bids.**—In case the Secretary of War or the Secretary of the Navy shall be unable to make contract as above authorized with a winner in said competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories covered by the whole or part of the designs of such winner, or shall be unable to agree with a winner in the competition on a reasonable purchase price for the design of such winner with whom a contract may not be made, as aforesaid, he may retain such designs and shall advertise according to law for proposals for furnishing or constructing aircraft, or parts or accessories, in accordance with such designs or combinations thereof as aforesaid and, after all proposals are submitted, make contract on such terms and conditions as he may consider the best in the Government's interests, with the bidder that he shall find to be the lowest responsible bidder for furnishing or constructing the aircraft, parts, or accessories required, but the said Secretary shall have the right to reject all bids and to advertise for other bids with such other and different specifications as he may deem proper.

(h) **Showing of error in award; reference to board of arbitration; composition of board.**—If, within ten days after the announcement of the results of said competition, any participant in the competition shall make to the Secretary of War or the Secretary of the Navy a reasonable showing in writing that error was made in determining the merits of designs submitted whereby such claimant was unjustly deprived of an award, the matter shall at once be referred by the Secretary of the department concerned to a board of arbitration for determination and the finding of such board shall, with the approval of the said Secretary, be conclusive on both parties. Such board of arbitration shall be composed of three skilled aeronautical engineers, one selected by the said Secretary, one by the claimant, and the third by those two, no one of whom shall have been a member of the board of appraisal in that competition.

(i) **Use of designs without just compensation; right to sue Government; limitation.**—Any person, firm, or corporation that shall complain that his, their, or its designs hereafter developed relating to aircraft or any components thereof are used or manufactured by or for any department of the Government without just compensation from either the Government or any other source, may within four years from the date of such use file suit in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture after July 2, 1926.

(j) **Eligibility for award of contract restricted to citizens; employment of aliens.**—Only citizens of the United States, and corporations of which not less than three-fourths of the capital stock is owned by citizens of the United States, and of which the members of the boards of directors are citizens of the United States, and having manufacturing plants located within the continental limits of the United States shall be eligible to be awarded any contract under this section to furnish or construct aircraft, aircraft parts or aeronautical accessories for the United States Government, except that a domestic corporation whose stock shall be listed on a stock exchange shall not be barred by the provisions of this section unless and until foreign ownership or control of a majority of its stock shall be known to the Secretary of War or the Secretary of the Navy, as the case may be, and no aliens employed by a contractor for furnishing or constructing aircraft, or aircraft parts, or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract

trials without the written consent beforehand of the Secretary of the department concerned.

(k) **Purchase abroad of designs, aircraft, etc., for experimental purposes; procurement in quantity.**—The Secretary of War or the Secretary of the Navy may at his discretion purchase abroad or in the United States with or without competition, by contract, or otherwise, such designs, aircraft, aircraft parts, or aeronautical accessories as may be necessary in his judgment for experimental purposes in the development of aircraft or aircraft parts or aeronautical accessories of the best kind for the Army or the Navy, as the case may be, and if as a result of such procurement, new and suitable designs considered to be the best kind for the Army or the Navy are developed, he may enter into contract, subject to the requirements of paragraph (j) of this section, for the procurement in quantity of such aircraft, aircraft parts, or aeronautical accessories without regard to the provisions of paragraphs (u) to (e), inclusive, hereof.

(l) **Plant and books of contractor furnishing aircraft or parts; right of Government to inspect and audit.**—The manufacturing plant, and books, of any contractor for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department, or such part of any manufacturing plant as may be so engaged, shall at all times be subject to inspection and audit by any person designated by the head of any executive department of the Government.

(m) **Preservation of audits and reports of inspection; report to Congress of operations.**—All audits and reports of inspection, made under the provisions of this section, shall be preserved by the Secretary of War or the Secretary of the Navy, as the case may be, for a period of ten years, and shall be subject to inspection by any committee of Congress, and the said Secretaries shall annually make a detailed and itemized report to Congress of all the departments' operations under this section, the names and addresses of all competitors, and of all persons having been awarded contracts and the prices paid for aircraft purchased and the grounds and reasons for having awarded such contracts to the particular persons, firms, or corporations, and all such reports shall be printed and held subject to public distribution.

(n) **Release of claims; delivery to Secretary of War or Secretary of Navy by vendor or contractor.**—Every vendor of designs to the War Department or the Navy Department under the provisions of this section, and every contractor for furnishing or constructing for the War Department or the Navy Department, or both, aircraft or aircraft parts or aeronautical accessories, shall deliver to the Secretary of War or Secretary of the Navy, or both, when required by either or both, a release in such form and containing such terms and conditions as may be prescribed by the Secretary of War, the Secretary of the Navy, or both, of claims on the part of such vendor or contractor against the United States arising out of such sale or contract, or both.

(o) **Appropriations; availability.**—All or any appropriations available for the procurement of aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department shall also be available for payment of the purchase price of designs and the costs of arbitration as authorized by this section.

(p) **Collusion, etc., affecting competition or audit declared unlawful; penalty.**—Any collusion, understanding, or arrangement to deprive the United States Government of the benefit of full and free competition in any competition authorized by this section, or to deprive the United States Government of the benefit of a full and free audit of the books of any person, firm, or corporation engaged in carrying out any contract authorized

by this section, so far as may be necessary to disclose the exact cost of executing such contract, shall be unlawful, and any person, firm, or corporation that shall, upon indictment and trial, be found guilty of violating any of the provisions of this section shall be sentenced to pay a fine of not exceeding \$20,000, or to be imprisoned not exceeding five years, or both, at the discretion of the court.

(q) **Contract for procurement of aircraft, etc., of earlier design.**—In the procurement of aircraft constructed according to designs presented by any individual, firm, or corporation prior to July 2, 1926, which designs have been reduced to practice and found to be suitable for the purpose intended, or according to such designs with minor modifications thereof, the Secretary of War or the Secretary of the Navy, when in his opinion the interests of the United States will be best served thereby, may contract with said individual, firm, or corporation, at reasonable prices for such quantities of said aircraft, aircraft parts, or aeronautical accessories as he may deem necessary: *Provided*, That the action of the Secretary of War or the Secretary of the Navy, in each such case shall be final and conclusive.

(r) **Patents and design board created; submission to board of designs for aircraft, etc.; evaluation; purchase of ownership or right to use.**—A board to be known as the patents and design board is hereby created, the three members of which shall be an Assistant Secretary of War, an Assistant Secretary of the Navy, and an Assistant Secretary of Commerce. Any individual, firm, or corporation may submit to the board for its action any design, whether patented or unpatented, for aircraft, aircraft parts, or aeronautical accessories. The board shall refer any design so submitted to the National Advisory Committee for Aeronautics for its recommendation. If and when the committee makes a favorable recommendation to the board in respect of the design, the board shall then proceed to determine whether the use of the design by the Government is desirable or necessary and evaluate the design and fix its worth to the United States in an amount not to exceed \$75,000. The said designer, individual, firm, or corporation, may then be offered the sum fixed by the board for the ownership or a non-exclusive right of the United States to the use of the design in aircraft, aircraft parts, or aeronautical accessories and upon the acceptance thereof shall execute complete assignment or non-exclusive license to the United States: *Provided*, That no sum in excess of \$75,000 shall be paid for any one design.

Subd. (r) was amended to read as above by Act Mar. 3, 1927, c. 345, 44 Stat. 1380, entitled "An Act to amend the Act entitled 'An Act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes,' approved July 2, 1926." Numerous changes.

(s) **"Winner" or "winners" construed.**—The terms "winner" or "winners" as used in this section shall be construed to include not more than three competitors having the highest figures of merit in any one competition.

(t) **Contract for aircraft, etc.; award to lowest responsible bidder; review of decision of Secretary of War or Secretary of Navy.**—Whenever the Secretary of War, or the Secretary of the Navy, shall enter into a contract for or on behalf of the United States, for aircraft, aircraft parts, or aeronautical accessories, said Secretary is hereby authorized to award such contract to the bidder that said Secretary shall find to be the lowest responsible bidder that can satisfactorily perform the work or the service required to the best advantage of the Government; and the decision of the Secretary of the department concerned as to the award of such contract, the interpretation of the provisions of the contract, and the application and administration of the contract shall not be reviewable, otherwise than as may

be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts.

New. This section constitutes § 10 of Act July 2, 1926, c. 721, 44 Stat. 781, as amended by Act Mar. 3, 1927, c. 345, 44 Stat. 1380. See note to § 291. The amendment affected only subdivision (c).

#### Chapter 19.—PHILIPPINE SCOUTS.

**Section 334. Pay and allowances of enlisted men.**—The pay and allowances of whatever nature and kind to be authorized for the enlisted men of the Philippine Scouts shall be fixed by the Secretary of War and shall not exceed or be of other classes than those now or which may hereafter be authorized by law for enlisted men of the Regular Army: *Provided*, That payments of travel pay and of commutation of quarters, heat, and light heretofore made to enlisted men of the Philippine Scouts, if not in excess of those authorized at the time for enlisted men of the Regular Army, be, and the same are hereby, validated: *And provided further*, That any such payments of travel pay and commutation of quarters, heat, and light which have been collected back from enlisted men of the Philippine Scouts to whom originally paid shall be refunded to them.

The statutory provision constituting § 334 of this title was amended to read as above by Act May 10, 1926, c. 279, 44 Stat. 496, entitled "An Act to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts; to validate certain payments for travel pay, commutation of quarters, heat, light, and so forth, and for other purposes."

The amendment made numerous changes and added the two provisos at the end of the section.

#### ★ 335. Philippine Scouts cooperating with Philippine Constabulary.—

"herein provided" in line 6 of this section should read "provided in section 537 of this title."

#### Chapter 20.—RESERVE FORCES.

##### OFFICERS' RESERVE CORPS

###### CROSS REFERENCE

Payment of arrears to members of Officers' Reserve Corps and Enlisted Reserve Corps who have become entitled for a continuous period of less than one month to Federal pay at rates fixed for Regular Army, see § 159 of Title 32.

#### Section 367. Mileage allowance limited.—

The statutory provision constituting § 367 of this title was repeated in the War Department Appropriation Acts of Apr. 15, 1926, c. 146, Title I, 44 Stat. 282, and Feb. 23, 1927, c. 167, Title I, 44 Stat. 1133.

**367a. Travel on Government-owned vessel.**—Officers performing travel on Government-owned vessels for which no transportation fare is charged shall be entitled only to reimbursement of actual and necessary expenses incurred.

New. This section constitutes a part of the War Department Appropriation Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 283, and was part of a provision applicable solely to the Officers' Reserve Corps.

#### ★ 368. Mileage exempt from land-grant deductions.—

"prior to March 2, 1923" should be read into this section at end thereof.

##### RESERVE OFFICERS' TRAINING CORPS

**386a. Advanced training not required to follow without interruption on completion of two years' course, or to proceed without interruption when commenced.**—Nothing in this chapter shall be construed to require that the advanced training provided for herein shall follow without interruption upon the completion of the two years' elective or compulsory course of military training prescribed in section 381 of this title or to require that such advanced training be pursued without interruption after it has been commenced in those cases where the person selected for advanced training at any institution will,

under the rules and regulations thereof, normally require, in order to be graduated therefrom, a period of sufficient duration after any interruption, to complete the advanced course without curtailment.

New. This section constitutes § 47c of the National Defense Act of June 3, 1916, c. 134, as added by Act May 12, 1928, c. 530, 45 Stat. 501, entitled "An Act to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the Act of June 1, 1920, to resume such training and amending accordingly section 47c of that Act."

#### 389. Equipment and supplies.—

The War Department Appropriation Acts of Apr. 15, 1926, c. 146, Title I, 44 Stat. 281, and Feb. 23, 1927, c. 167, Title I, 44 Stat. 1135, contain the following provision:

"Uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made."

##### ENLISTED RESERVE CORPS

###### CROSS REFERENCE

Payment of arrears to members of Officers' Reserve Corps and Enlisted Reserve Corps who have become entitled for a continuous period of less than one month to Federal pay at rates fixed for Regular Army, see § 159 of Title 32.

#### 421. Composition of Enlisted Reserve Corps.—

The statutory provision constituting § 421 of this title was reenacted without change by Act June 8, 1926, c. 491, 44 Stat. 701. For title of Act see note to § 423.

**423. Persons eligible for enlistment.**—Enlistment shall be limited to persons eligible for enlistment in the Regular Army who have had such military or technical training as may be prescribed by regulations of the Secretary of War, *except that for original enlistments in railway operating units the maximum age limit shall be forty-five years.*

The statutory provision constituting § 423 of this title, was amended to read as above by Act June 8, 1926, c. 491, 44 Stat. 701, entitled "An Act to amend section 55 of the National Defense Act, June 3, 1916, as amended, relating to the Enlisted Reserve Corps."

The amendment added the words in italics.

#### 424. Period of enlistment.—

The statutory provision constituting § 424 of this title was reenacted without change by Act June 8, 1926, c. 491, 44 Stat. 701. For title of Act see note to § 423.

#### 425. War as extending enlistment period.—

The statutory provision constituting § 425 of this title was reenacted without change by Act June 8, 1926, c. 491, 44 Stat. 701. For title of Act see note to § 423.

##### MILITARY TRAINING CAMPS

**442. Civilian military training camps.**—\* \* \* at the rate of 5 cents per mile, or, at the option of the Secretary of War, transportation in kind may be furnished, and in addition thereto candidates may be paid a subsistence allowance at the rate of 1 cent a mile within such limits as to territory as the Secretary of War may prescribe for the distance by the shortest \* \* \*

The statutory provision constituting § 442 of this title was amended by Act Mar. 9, 1928, c. 161, 45 Stat. 251, entitled "An Act to amend section 47d of the National Defense Act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp."

Matter in italics new.

##### INJURIES IN LINE OF DUTY

**451. Pay and allowances continued during hospital treatment; transportation on discharge.**—Members of the Officers' Reserve Corps and of the enlisted reserve corps of the Army