

subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War. (Aug. 20, 1916, c. 418, 39 Stat. 920.)

This section, omitted from the Code, is not in the opinion of the War Department clearly superseded by § 22 of Title 37, or § 104 of this title, or any other Act.

Chapter 8.—FINANCE DEPARTMENT.

★ **Section 171. Composition of Finance Department.**—The Finance Department shall consist of one Chief of Finance with the rank, pay, and allowances of a Major General, ninety-eight officers in grades from colonel to second lieutenant, inclusive, and nine hundred enlisted men. (June 3, 1916, c. 134, § 9a, as added June 4, 1920, c. 227, subchapter I, § 9, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 723; Feb. 24, 1925, c. 307, 43 Stat. 970.)

This section is restated to read as above with the approval of the War Department.

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

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.**—The Corps of Engineers shall consist of one Chief of Engineers with the rank of major general, one assistant with the rank of brigadier general, four hundred and twenty officers in grades from colonel to second lieutenant, inclusive, and twelve thousand enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe. (June 3, 1916, c. 134, § 11, 39 Stat. 173; June 4, 1920, c. 227, subchapter I, § 11, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 723.)

This section is restated to read as above to correct the number of enlisted men included in the Corps of Engineers.

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

★182. Officers to command tactical units of Engineer Corps.—

This section is practically meaningless at present in view of § 181 of this title. Its express repeal is recommended. See J. A. G. 610, June 22, 1928, par. 9.

★183. Assignment of officers to other than engineer duty.—

In the opinion of the War Department this section is clearly repealed and should be omitted. As authority the Department cites Act June 4, 1920, c. 227, § 4, 41 Stat. 762, which repealed existing laws restricting the detail or assignment of officers.

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

This section should in the opinion of the War Department be omitted from the Code as temporary legislation.

★ **188. Detail of assistant engineers for river and harbor improvements.**—Whenever it shall be necessary, in order to properly prosecute works of river and harbor improvement, the Chief of Engineers is authorized to detail for duty in charge of river and harbor districts or as members of boards of engineers any assistant engineers in the employ of the Engineer Bureau of the War Department. (Feb. 27, 1911, c. 166, § 5, 36 Stat. 957.)

This section, omitted from the Code, contains in the opinion of the War Department legislation still in force and permanent in nature.

Chapter 10.—ORDNANCE DEPARTMENT.

★ **Section 191. Composition of Ordnance Department.**—The Ordnance Department shall consist of one Chief of Ordnance with the rank of major general, two assistants with the rank of brigadier general, two hundred and forty-five officers in grades from colonel to second lieutenant, inclusive, and four

thousand five hundred enlisted men. (June 3, 1916, c. 134, § 12, 39 Stat. 174; June 4, 1920, c. 227, subchapter I, § 12, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 723.)

This section is restated to correct the provision relating to enlisted men. The number should be "four thousand five hundred." This restatement has the approval of the War Department.

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

★196. Returns by ordnance officers, storekeepers, etc., to Chief of Ordnance.—

The War Department recommends that this section be omitted from the Code as being impliedly repealed by section 1301 of this title.

The word "half-yearly" in line 7 of this section should be "semiannually."

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

This section, in the opinion of the War Department, should be omitted from the Code as containing temporary legislation.

Chapter 11.—SIGNAL CORPS.

★ **Section 211. Composition of Signal Corps.**—The Signal Corps shall consist of one Chief Signal Officer with the rank of major general, two hundred and ten officers in grades from colonel to second lieutenant, inclusive, and five thousand enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe. (June 3, 1916, c. 134, § 13, 39 Stat. 174; June 4, 1920, c. 227, subchapter I, § 13, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 723.)

This section is restated to correct the provision relating to enlisted men. The number should be "five thousand." This restatement has the approval of the War Department.

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

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

This section in the opinion of the War Department should be omitted from the Code as containing temporary legislation.

Chapter 12.—CHEMICAL WARFARE SERVICE.

★ **Section 221. Creation and organization of Chemical Warfare Service.**—The Chemical Warfare Service shall consist of one Chief of the Chemical Warfare Service with the rank, pay and allowances of a major general, seventy officers in grades from colonel to second lieutenant, inclusive, and one thousand two hundred enlisted men. (June 3, 1916, c. 134, § 12a, as added June 4, 1920, c. 227, subchapter I, § 12, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 723; Feb. 24, 1925, c. 307, 43 Stat. 970.)

This section is restated to read as above with the approval of the War Department. As so restated it correctly sets forth existing law.

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.—

This section in the opinion of the War Department should be omitted from the Code as containing temporary legislation.

Chapter 13.—CHAPLAINS.

★ **Section 240. Assignment to stations.**—Chaplains may be assigned to such stations as the Secretary of War may direct. (Feb. 2, 1901, c. 192, § 12, 31 Stat. 750.)

This section omitted from the Code is still the law but in the opinion of the War Department it should be repealed as there is no necessity for it. By § 4 of this title chaplains are now members of a separate branch of the service, and they are no longer regimental officers.

Chapter 14.—CAVALRY.

★ **Section 251. Composition of Cavalry.**—The Cavalry shall consist of one Chief of Cavalry with the rank of major general, six hundred and sixty-five officers in grades from colonel

to second Lieutenant, inclusive, and twenty thousand enlisted men, organized into Cavalry units as the President may direct. (June 3, 1910, c. 134, § 18, 39 Stat. 178; June 4, 1920, c. 227, subchapter I, § 18, 41 Stat. 770; June 30, 1922, c. 253, 42 Stat. 723.)

This section is restated to correct the provision relating to enlisted men. The number should be "twenty thousand." The restatement has the approval of the War Department.

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

Chapter 15.—FIELD ARTILLERY.

★ 262. **Composition of Field Artillery.**—The Field Artillery shall consist of one Chief of Field Artillery with the rank of major general, one thousand three hundred and thirty officers in grades from colonel to second Lieutenant, inclusive, and thirty-seven thousand enlisted men, organized into Field Artillery units as the President may direct. (June 3, 1910, c. 134, § 10, 39 Stat. 179; June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 770; June 30, 1922, c. 253, 42 Stat. 723.)

This section is restated to correct the provision relating to enlisted men. The number should be "thirty-seven thousand." This restatement has the approval of the War Department.

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.**—The Coast Artillery Corps shall consist of one Chief of Coast Artillery with the rank of major general, eight hundred and forty officers in grades from colonel to second Lieutenant, inclusive, the warrant officers of the Army Mine Planter Service as authorized by law, and thirty thousand enlisted men, organized into such Coast Artillery units as the President may direct. (June 3, 1910, c. 134, § 20, 39 Stat. 180; June 4, 1920, c. 227, subchapter I, § 20, 41 Stat. 770; June 30, 1922, c. 253, 42 Stat. 723.)

This section is restated to correct the provision relating to enlisted men. The number should be "thirty thousand." This restatement has the approval of the War Department.

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

★ 276. **Army Mine Planter Service; allowances and retirement of warrant officers.**—Except as otherwise provided in Title 37, warrant officers of the Army Mine Planter Service shall have such allowances as the Secretary of War may prescribe, and shall be retired as was, on July 9, 1918, provided by law for officers of the Army. In computing length of service for retirement, and in computing longevity pay, for warrant officers of the Army Mine Planter Service, service on boats in the service of the Quartermaster's Department or of the Quartermaster Corps prior to July 9, 1918, shall be counted. (July 9, 1918, c. 143, subchapter IX, 40 Stat. 882.)

This section, omitted from the Code, has been inserted here on recommendation of the War Department as still in force.

Chapter 17.—INFANTRY.

★ Section 281. **Composition of Infantry.**—The Infantry shall consist of one Chief of Infantry with the rank of major general; two thousand nine hundred and forty officers in grades from colonel to second Lieutenant, inclusive, and one hundred and ten thousand enlisted men, organized into such Infantry units as the President may direct. All tank units shall form a part of the Infantry. (June 3, 1910, c. 134, § 17, 39 Stat. 177; June 4, 1920, c. 227, subchapter I, § 17, 41 Stat. 769; June 30, 1922, c. 253, 42 Stat. 723.)

This section is restated to correct the provision relating to enlisted men. The number should be "one hundred and ten thousand." This restatement has the approval of the War Department.

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

★ 283. Porto Rico regiment made part of Regular Army.—

The War Department recommends that this section be omitted from the Code because fully executed on July 1, 1920, if not on June 4, 1920.

This section should have added thereto the citation "June 3, 1910, c. 134, § 21, 39 Stat. 180."

Chapter 18.—AIR CORPS.

★ Section 291. **Establishment and composition of 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 six hundred and fifty officers, in grades from colonel to second Lieutenant, inclusive; and fifteen 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: *Provided*, That the number of officers and enlisted men above provided for shall not be attained except as prescribed in section 292b of this title. (June 3, 1910, c. 134, § 13a, as added June 4, 1920, c. 227, subchapter I, § 13, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 724; July 2, 1926, c. 721, §§ 2, 8, 44 Stat. 780, 783.)

This section is restated with the approval of the War Department. Act July 2, 1926, c. 721, cited to the text, was 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 of July 2, 1926, struck out the provision constituting sections 291, 294, and 300 of this title 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, 1910, 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. (July 2, 1926, c. 721, § 2, 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