

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."

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

★ 196. Returns by ordnance officers, storckeeper, 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The War Department recommends that this section be omitted from the Code as being impliedly repealed by section 1301 of this title.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."

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. 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. 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 237. Service credits for purposes of promotion.—For purposes of promotion after July 1, 1920, persons appointed to fill vacancies existing on July 1, 1920, shall be considered as having had, on the date of appointment, sufficient prior service to bring them to their respective grades under the rules of promotion established in section 236 of this title. (June 3, 1916, c. 134, § 15, 39 Stat. 176; June 4, 1920, c. 227, subchapter I, § 15, 41 Stat. 769.)

This section has been restated to read as above for the purpose of making clear that it relates to promotion from and after July 1, 1920.

★ 240. Assignment to stations.—Chaplains may be assigned to such stations as the Secretary of War may direct. (Feb. 2, 1901, c. 102, § 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, 1916, 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."

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

Chapter 15.—FIELD ARTILLERY.

★ Section 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, 1916, c. 134, § 19, 39 Stat. 179; June 4, 1920, c. 227, subchapter I, § 19, 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."

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, 1916, 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."

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, appears to be 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, 1916, 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."

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. 154, § 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. 131, § 13a, as added June 4, 1920, c. 227, subchapter I, § 13, 41 Stat. 708; June 30, 1922, c. 253, 42 Stat. 724; July 2, 1920, c. 721, §§ 2, 8, 44 Stat. 780, 783.)

This section has been restated to express existing law.

Act July 2, 1920, c. 721, added 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, 1920, 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, 1920, 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 Air Corps for a period longer than one year, or may be perma-

nently 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. (July 2, 1920, c. 721, § 2, 44 Stat. 781.)

See note to § 291.

**291c. Flying officer in time of peace; qualifications.**—Wherever used in 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. (July 2, 1920, c. 721, § 2, 44 Stat. 781.)

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, except a flying cadet, 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. (July 2, 1920, c. 721, § 2, 44 Stat. 781.)

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. (July 2, 1920, c. 721, § 2, 44 Stat. 781.)

See note to § 291.

**291f. Enlisted men rated as pilots; number.**—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. (July 2, 1920, c. 721, § 2, 44 Stat. 781.)

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. (July 2, 1920, c. 721, § 2, 44 Stat. 781.)

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. (As amended July 2, 1920, c. 721, § 6, 44 Stat. 782.)

See note to § 291.