

ment 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.

(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. (July 2,

1920, c. 721, § 10, 44 Stat. 784, as amended Mar. 3, 1927, c. 345, 44 Stat. 1380.)

See note to § 291. The amendment affected subdivision (r) which now reads as set out in the text.

#### Chapter 19.—PHILIPPINE SCOUTS.

**Section 321a. Disbandment or reduction of personnel.**—The President is authorized at any time to disband the Philippine Scouts or to reduce the personnel thereof. (June 30, 1932, c. 314, § 301, 47 Stat. 407.)

#### ★ 323. Appointment of officers.—

The words “after July 1, 1920” in line 1 of this section should be omitted as no longer necessary.

#### ★ 324. Officers commissioned prior to July 1, 1920, and not recommissioned in Regular Army continued in service.—

The War Department recommends the omission of this section from the Code as superfluous “in view of § 482 of this title which includes officers of Philippine Scouts among the officers who, by § 321 of Title 10, may be detailed to tactical units of Philippine Scouts.” If retained the Department is of opinion that to express existing law it should read: “Officers of the Philippine Scouts commissioned therein shall continue to serve under their commissions as such.”

#### ★ 325. Computation of period of service of officers.—

The page of the citation to this section should read “501” and not “500.”

#### ★ 329. Ratification of administrative action as to pay of retired officers on duty mentioned in next preceding section.—

This section should in the opinion of the War Department be omitted from the Code as being of a special and temporary nature.

**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. (As amended May 10, 1926, c. 279, 44 Stat. 406.)

The Act cited to the text was 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.—

The War Department recommends that instead of the words “as herein provided” in line 6 of this section, there be substituted the words “as provided in section 537 of this title.” Such a change would make the section express existing law.

#### 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 351. Organization of Officers' Reserve Corps.—

Additional citations to this section are “June 3, 1910, c. 134, § 37, 30 Stat. 180; June 4, 1920, c. 227, subchapter I, § 82, 41 Stat. 775.”