

§ 1199a. **Secrecy as to purchase of chemical warfare and signal property.** Whenever proposals are invited for the furnishing of articles of Chemical Warfare or Signal property of the War Department, the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the chief of the supply service concerned is authorized to purchase such articles in such manner as he may deem most economical and efficient. (May 15, 1936, c. 400, 49 Stat. 1277.)

§ 1210a. **Transfer of deteriorated explosives for distribution and sale for agricultural purposes.** [Repealed.]

This section (Act June 1, 1920, c. 435, § 3, as added by Act Mar. 3, 1933, c. 208, 47 Stat. 1487) was repealed by Act April 20, 1937, c. 130, 50 Stat. 91.

#### CONTRACTS REQUIRED TO BE IN WRITING

§ 1225. **Contracts of Air Corps.**

"July 2, 1920, c. 271" in citation should be "July 2, 1920, c. 721."

#### SALES, TRANSFERS, AND LOANS TO OTHER DEPARTMENTS, BUREAUS, OR ORGANIZATIONS

§ 1258. **Disposal of obsolete machinery, mechanical equipment and tools to schools.** The Secretary of War is authorized in his discretion to dispose of, without charge, except for costs of transportation handling and packing, to such schools as he may select, for use in courses of vocational training and instruction, such machinery, mechanical equipment, and tools as may be obsolete or no longer needed by the Army. (Feb. 28, 1936, c. 93, 49 Stat. 1147.)

§ 1259. **Sale of unneeded material to Boy Scouts.** The Secretary of War is hereby authorized, in his discretion and under such regulations as he may promulgate, to sell to the National Council of the Boy Scouts of America such obsolete material as may not be needed by the War Department, and such other material as may be spared, at prices representing a fair value to the War Department, including the cost of packing, handling, and transportation. (May 15, 1937, c. 193, 50 Stat. 107.)

#### REPORTS, RETURNS, AND ACCOUNTING

§ 1302. **Affidavit of company commander in examination of liability.**

"Mar. 3, 1865, c. 78" in note to this section should be "Mar. 3, 1865, c. 79."

#### Chapter 30.—MILITARY POSTS AND CAMPS; QUARTERS AND BARRACKS; TRAINING STATIONS

§ 1343a. **Selection, construction and alteration of stations and depots for Army Air Corps; number.** The Secretary of War is authorized and directed to determine in all strategic areas of the United States, including those of Alaska and our overseas possessions and holdings, the location of such additional permanent Air Corps stations and depots as he deems essential, in connection with the existing Air Corps stations and depots and the enlargement of the same when necessary, for the effective peace-time training of the General Headquarters Air Force and the Air Corps components of our overseas garrisons. In determining the locations of new stations and depots, consideration shall be given to the following regions for the respective purposes indicated: (1) The Atlantic Northeast—to provide for training in cold weather and in fog; (2) the Atlantic Southeast and Caribbean areas—to permit training in long-range operations, especially those incident to reinforcing the Panama Canal; (3) the Southeastern States—to provide a depot essential to the maintenance of the General Headquarters Air Force; (4) the Pacific Northwest—to establish and maintain air communi-

cation with Alaska; (5) Alaska—for training under conditions of extreme cold; (6) the Rocky Mountain area—to provide a depot essential to the maintenance of the General Headquarters Air Force, and to afford, in addition, opportunity for training in operations from fields in high altitudes; and (7) such intermediate stations as will provide for transcontinental movements incident to the concentration of the General Headquarters Air Force for maneuvers.

In the selection of sites for new permanent Air Corps stations and depots and in the determination of the existing stations and depots to be enlarged and/or altered, the Secretary of War shall give consideration to the following requirements:

First. The stations shall be suitably located to form the nucleus of the set-up for concentrations of General Headquarters Air Force units in war and to permit, in peace, training and effective planning, by responsible personnel in each strategic area, for the utilization and expansion, in war, of commercial, municipal, and private flying installations.

Second. In each strategic area deemed necessary, there shall be provided adequate storage facilities for munitions and other essentials to facilitate effective movements, concentrations, maintenance, and operations of the General Headquarters Air Force in peace and in war.

Third. The stations and depots shall be located with a view to affording the maximum warning against surprise attack by enemy aircraft upon our own aviation and its essential installations, consistent with maintaining, in connection with existing or contemplated additional [sic] landing fields, the full power of the General Headquarters Air Force for such close and distant operations over land and sea as may be required in the defense of the continental United States and in the defense and the reinforcement of our overseas possessions and holdings.

Fourth. The number of stations and depots shall be limited to those essential to the foregoing purposes. (Aug. 12, 1935, c. 511, § 1, 49 Stat. 610.)

§ 1343b. **Acquisition of land by gift, purchase or condemnation.** To accomplish the purposes of section 1343a of this title, the Secretary of War is authorized to accept, on behalf of the United States, free of encumbrances and without cost to the United States, the title in fee simple to such lands as he may deem necessary or desirable for new permanent Air Corps stations and depots and/or the extension of or addition to existing Air Corps stations or depots; or, with the written approval of the President, to exchange for such lands existing military reservations or portions thereof; or, if it be found impracticable to secure the necessary lands by either of these methods, to purchase the same by agreement or through condemnation proceedings. (Aug. 12, 1935, c. 511, § 2, 49 Stat. 611.)

§ 1343c. **Buildings, utilities and other equipment; acquisition of bombing and machine-gun ranges.** The Secretary of War is further authorized and directed to construct, install, and equip, or complete the construction, installation, and equipment, inclusive of bomb-proof protection as required, at each of said stations and depots, such buildings and utilities, technical buildings and utilities, landing fields and mats, and all utilities and appurtenances thereto, ammunition storage, fuel and oil storage and distribution systems therefor, roads, walks, aprons, docks, runways, sewer, water, power, station and aerodrome lighting, telephone and signal communications, and other essentials, including the necessary grading and removal or remodeling of existing structures and installations. He is authorized, also, to direct the necessary transportation of personnel, and purchase, renovation, and transportation of materials, as in his judgment may be required to carry out the purposes of this section and section 1343a. The Secretary of War is further authorized to acquire by gift, purchase, lease, or otherwise, at such locations as may be desirable, such bombing and machine gun ranges as may be required

for the proper practice and training of tactical units. (Aug. 12, 1935, c. 511, § 3, 49 Stat. 611.)

§ 1343d. **Appropriation.** There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums of money as may be necessary, to be expended under the direction of the Secretary of War for the purposes of sections 1343a to 1343c of this title, including the expenses incident to the necessary surveys, which appropriation shall continue available until expended: *Provided*, That the provisions of section 1339 of this title shall not apply to the construction of the aforesaid stations and depots. (Aug. 12, 1935, c. 511, § 4, 49 Stat. 611.)

§ 1353. **Alcoholic liquors; regulation by President.** [Repealed.]

This section (Act May 18, 1917, c. 15, § 12, 40 Stat. 82) was repealed by Act Aug. 27, 1935, c. 740, § 203, 49 Stat. 878.

§ 1429. **Distinguished flying cross authorized.** Under such rules and regulations as he may prescribe, the President is hereby authorized to present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Air Corps of the Army of the United States, including the National Guard and the Organized Reserves, or with the United States Navy, or with the United States Coast Guard, since the 6th day of April, 1917, has distinguished, or who, after July 2, 1920, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight: *Provided*, That no person shall be eligible for the award of the distinguished flying cross for any act performed prior to November 11, 1918, except officers or enlisted men who have prior to July 2, 1920, been recommended for but have not received the congressional medal of honor, the distinguished service cross, or the distinguished service medal and except those officers or enlisted men who displayed heroism while serving as instructors or students at flying schools. No more than one distinguished flying cross shall be issued to any one person, but for each succeeding act or achievement sufficient to justify the award of a distinguished flying cross the President may award a suitable bar or other suitable device to be worn as he shall direct. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross or the bar or other device presented to such representative of the deceased as the President may designate, but no cross, bar, or other device heretofore authorized shall be awarded or presented to any individual whose entire service subsequent to the time he distinguishes himself has not been honorable. (As amended July 30, 1937, c. 545, § 4, 50 Stat. 540.)

**Chapter 34.—DESERTION**

§ 1431. **Compensation for arresting deserters.**

Repealed, Act Apr. 9, 1935, c. 54, Title I, 49 Stat. 127; Act May 15, 1936, c. 404, § 1, 49 Stat. 1284; July 1, 1937, c. 423, § 1, 50 Stat. 448.

**Chapter 36.—ARTICLES OF WAR**

§ 1522. **Review; hearing (article 50½).**

Except as herein provided, no authority shall order the execution of any other sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence; except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it is

based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty. When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence. When in a case in which the order of execution has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or that errors of law have been committed injuriously affecting the substantial rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated in whole or in part in accord with such holding and the recommendations of the Judge Advocate General thereon, and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper. In the event that the Judge Advocate General shall not concur in the holding of the board of review, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own dissent therefrom, directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part: *Provided*, That the functions prescribed in this paragraph to be performed by the President may be performed by the Secretary of War or Acting Secretary of War. (As amended Aug. 20, 1937, c. 716, § 1, 50 Stat. 724.)

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Every record of trial by general court-martial, examination of which by the board of review is not heretofore in this article provided for, shall nevertheless be examined in the Judge Advocate General's Office; and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove or vacate, in whole or in part any findings of guilty, or confirm, mitigate, commute, remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid; and the President's necessary orders to this end shall be binding upon all departments and officers of the Government: *Provided*, That the functions prescribed in this paragraph to be performed by the President may be performed by the Secretary of War or Acting Secretary of War. (As amended Aug. 20, 1937, c. 716, § 1, 50 Stat. 724.)

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§ 1542. **Charges; action upon (article 70).**

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No charge will be referred to a general court-martial for trial until after a thorough and impartial investigation thereof shall have been made. This investigation will include inquiries as to the truth of the matter set forth in said charges, form of charges, and what disposition of the case should be made in the interest of justice and discipline. At such investigation full opportunity shall be given to the accused