

States during the calendar year 1939", approved June 25, 1938, is hereby amended by inserting after the word "Microbiologists" the following section:

"SEC. 2. That the sum of \$10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of organizing and holding the Third International Congress for Microbiology, including personal services in the District of Columbia and elsewhere, without regard to the Classification Act of 1923, as amended; communication services; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); travel expenses; local transportation; hire of motor-propelled passenger-carrying vehicles; transportation of things; rent in the District of Columbia and elsewhere; printing and binding; entertainment; official cards; purchase of newspapers, periodicals, books, and documents; stationery, membership badges, and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of observance of appropriate courtesies in connection therewith, and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified."

Approved, March 29, 1939.

52 Stat. 1207.

Appropriation authorized for expenses. *Post*, p. 988.

Personal services. 5 U. S. C. §§ 661-674; Supp. IV, §§ 673, 673c. Contract services.

R. S. § 3709. 41 U. S. C. § 5.

Reimbursement of other appropriations.

[CHAPTER 34]

JOINT RESOLUTION

Making an additional appropriation for the fiscal year 1939 for expenditure by the United States Employees' Compensation Commission in accordance with section 16 of the Emergency Relief Appropriation Act of 1938.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$2,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for expenditure during the fiscal year ending June 30, 1939, by the United States Employees' Compensation Commission in accordance with the provisions of section 16 of the Emergency Relief Appropriation Act of 1938.

Approved, April 1, 1939.

April 1, 1939
[H. J. Res. 250]
[Pub. Res., No. 7]

U. S. Employees' Compensation Commission. Additional appropriation for designated expenses.

52 Stat. 814.

[CHAPTER 35]

AN ACT

To provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved June 24, 1936 (49 Stat. 1907), is hereby repealed. Section 8 of the Act of July 2, 1926 (44 Stat. 780), is hereby stricken out and the following is substituted in lieu thereof:

"SEC. 8. The Secretary of War is hereby authorized to equip and maintain the Air Corps with not to exceed six thousand 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 installation necessary for the operation and maintenance thereof; and there is hereby authorized to be appropriated for such purposes an amount not

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[Public, No. 18]

National defense, Army. Legislation repealed. 49 Stat. 1907; 44 Stat. 783. 10 U. S. C., Supp. IV, 292b-1; 10 U. S. C. § 292b. Army Air Corps. Equipment and maintenance of designated aircraft.

Appropriations authorized. *Post*, pp. 994, 996, 1327.

Replacement of obsolete, etc., aircraft.

Provisos.
Total to be exclusive of those awaiting salvage, etc.

Number necessary for National Guard, etc., included.

Technical instruction of Army personnel at civilian institutions.
Post, p. 995.

44 Stat. 705.
10 U. S. C. § 535.

Provisos.
Limitation on expenses.

Payment of tuition.

Air Corps Training Center, enrollments from accredited civilian flying schools.

Provisos.
Federal cost restriction.

Hospital or medical treatment.

Gratuity due to death, etc., of student.

Loan of aircraft, etc., to accredited civilian aviation schools.
Post, p. 995.
Training of Negro air pilots.

exceeding \$300,000,000, together with such annual appropriations as may be necessary to maintain such air force. 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 total number of airplanes and airships herein authorized shall be exclusive of those awaiting 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 airplanes 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."

SEC. 2. When the facilities of the Army for instruction and training in aviation are deemed by the Secretary of War to be insufficient he may, under such regulations as he may prescribe, and without reference to any limitation contained in section 127a of the National Defense Act, as amended (10 U. S. C. 535), detail personnel of the Regular Army as students at any technical, professional, or other educational institution, or as students, observers, or investigators at such industrial plants or other places as shall be best suited to enable such personnel to acquire a knowledge of or experience in the specialties incident to aviation in which the training of such personnel is essential: *Provided*, That no expense shall be incurred by the United States in addition to the authorized emoluments of the personnel so detailed except for the cost of tuition at such educational institutions, and the cost of maintenance of necessary personnel who may be detailed as supervisors or inspectors and of the equipment assigned to them for their official use: *Provided further*, That the tuition for the personnel during the period of their detail may be paid from any funds which may hereafter be made available for the procurement branches.

SEC. 3. The Secretary of War, in his discretion and under such rules and regulations as he may prescribe, is authorized to enroll as students at the Air Corps Training Center, for the pursuit of such courses of instruction as may be prescribed therefor, such civilians, upon their own applications, as may be selected from the instructional staffs of those civilian flying schools which have been accredited by the War Department for the education, experience, and training of personnel of the Military Establishment: *Provided*, That except for the furnishing of such supplies, matériel, or equipment as may be necessary for training purposes, the training of such students shall be without cost to the United States: *Provided further*, That in case of injury to or sickness of such students, hospital or medical treatment may be given in Government hospitals, but shall be without expense to the United States other than for services of Medical Department personnel and the use of hospital equipment, not including medicines or supplies: *And provided further*, That the United States shall be under no obligation in respect to payment of a pension, compensation, or other gratuity to the dependents of any such student who dies of disease or injury while undergoing such training, nor to any such student in the event of personal injury sustained by him.

SEC. 4. The Secretary of War is hereby authorized, in his discretion and under rules, regulations, and limitations to be prescribed by him, to lend to accredited civilian aviation schools, one or more of which shall be designated by the Civil Aeronautics Authority for the training of any Negro air pilot, at which personnel of the Military Establishment are pursuing a course of education and training pursuant to detail thereto under competent orders of the War Department,

out of aircraft, aircraft parts, aeronautical equipment and accessories for the Air Corps, on hand and belonging to the Government, such articles as may appear to be required for instruction, training, and maintenance purposes.

SEC. 5. Section 1 of the Act entitled "An Act to amend the National Defense Act", approved August 30, 1935 (49 Stat. 1028), is hereby amended to read as follows:

"That the President is hereby authorized to order annually, with their consent, upon application to and selection by the War Department, for a period of not more than one year for any one officer, for active duty with the Regular Army, such numbers of Reserve officers, in the grade of second lieutenant, as are necessary to maintain on active duty at all times not more than one thousand Reserve officers of the promotion-list branches other than the Air Corps, not more than three thousand Reserve officers of the Air Corps, and not more than three hundred Reserve officers of the non-promotion-list branches: *Provided*, That in the non-promotion-list branches and the Judge Advocate General's Department, such Reserve officers may be in any grade not above captain: *Provided further*, That until July 1, 1949, the tour of active duty of Air Corps Reserve officers may, in the discretion of the Secretary of War, be extended not to exceed a total of seven years' active service in all, and thereafter not to exceed a total of five years' active service in all: *Provided further*, That in the non-promotion-list branches and the Judge Advocate General's Department, the tour of active duty may, in the discretion of the Secretary of War, be extended not to exceed a total of two years' active service in all: *And provided further*, That nothing herein contained shall require the termination of active duty of any Reserve officer because of promotion to a higher grade after his tour of active duty begins. The tour of any Reserve Corps officer on active duty may be terminated at any time, in the discretion of the Secretary of War": *Provided further*, That all officers, warrant officers, and enlisted men of the Army of the United States, other than the officers and enlisted men of the Regular Army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers and enlisted men of corresponding grades and length of service of the Regular Army.

SEC. 6. Section 2 of the said Act is hereby amended to read as follows:

"That, for the period of ten years beginning July 1, 1939, the Secretary of War is authorized to select annually, to be commissioned in the Regular Army in approximately equal annual increments, in accordance with the provisions of, and from the groups described in, section 24e of the National Defense Act, as amended, such proportion of the total number of officers as, in the judgment of the Secretary of War, will be required to bring the commissioned personnel of the Regular Army to peacetime strength, as hereinafter provided, on June 30, 1949."

SEC. 7. Section 24e of the National Defense Act, as amended (41 Stat. 774), is hereby amended to read as follows:

"Except as otherwise herein provided, all appointments in the Regular Army shall be made in the grade of second lieutenant from the following groups: Group 1, from graduates of the United States

49 Stat. 1028.
10 U. S. C., Supp.
IV, § 369a.

Reserve officers.
Annual call of designated, for active Army duty.
Post, p. 997.
Number, grades, etc.

Profitsos.
Grades in non-promotion-list branches, etc.
Tour of active duty, extension.

Extensions in non-promotion-list branches and Judge Advocate General's Department.
Active duty not terminated by promotion after tour begins.

Discretionary authority to terminate tour.

Disability or death in line of duty, benefits.
Post, pp. 1043, 1079.

49 Stat. 1028.
10 U. S. C., Supp.
IV, § 487a.

Annual selection for Regular Army commissions from designated groups over 10-year period.

41 Stat. 774.

41 Stat. 774.

Groups from which Regular Army appointments to be made.

Military Academy; group 2, from warrant officers and enlisted men of the Regular Army who have had at least two years' service; group 3, from honor graduates of the senior division of the Reserve Officers' Training Corps; group 4, from members of the Officers' Reserve Corps and flying cadets, who have performed active duty under the provisions of this Act, which duty may include service as a flying cadet in the Air Corps Training Center; and group 5, from reserve officers and from officers, warrant officers, and enlisted men of the National Guard, members of the Enlisted Reserve Corps, and graduates of technical institutions approved by the Secretary of War: *Provided*, That, after all qualified members of group 1 have been appointed, appointments from the second, third, fourth, and fifth groups shall be made in accordance with such regulations as the Secretary of War may prescribe, from persons between the ages of twenty-one and thirty years: *Provided further*, That the number to be selected from each of the second, third, fourth, and fifth groups, and the number to be assigned to each branch of the service within the limits prescribed by law from all groups shall be determined by the Secretary of War in his discretion: *Provided further*, That until June 30, 1949, the total number of officers to be appointed annually from group 4, not including flying cadets, in the promotion list branches other than the Air Corps shall be not less than 10 per centum of the total number of Reserve officers of such branches other than the Air Corps authorized to be called annually under appropriation Acts, and in no event less than fifty, and that any officers added to the Army under existing authorizations shall be within the total authorized commissioned strength of sixteen thousand seven hundred and nineteen: *And provided further*, That immediately upon the effective date of this Act, the President is authorized to commission not to exceed three hundred second lieutenants in the Air Corps of the Regular Army, from among Reserve officers and flying cadets who have qualified for such appointment under existing laws. Any vacancy in the grade of captain in the Judge Advocate General's Department, not filled by transfer or detail from another branch, may, in the discretion of the President, be filled by appointment from Reserve judge advocates between the ages of thirty and thirty-six years, and such appointee shall be placed upon the promotion list immediately below the junior captain on said list. Appointments in the Medical, Dental, and Veterinary Corps in the grade of first lieutenant shall be made from Reserve Medical, Dental, and Veterinary officers, respectively, between the ages of twenty-three and thirty-two years. Appointments in the Medical Administrative Corps shall be made in the grade of second lieutenant from pharmacists between the ages of twenty-one and thirty-two years who are graduates of recognized schools or colleges of pharmacy requiring four years of instruction for graduation, under such regulations and after such examination as the Secretary of War shall prescribe. To be eligible for appointment in the Dental Corps, a candidate must be a graduate of a recognized dental college, and have been engaged in the practice of his profession for at least two years subsequent to graduation. Appointments as chaplain shall be made from persons duly accredited by some religious denomination or organization, and of good standing therein, between the ages of twenty-three and forty-five years."

SEC. 8. On and after July 1, 1939, the peacetime commissioned strength of the Regular Army to be attained by approximately equal annual increments, as hereinbefore provided, shall be sixteen thousand seven hundred and nineteen officers, including sixty-seven general officers of the line as now authorized by law. Commissioned officers, other than general officers, shall be assigned to the several

Provisos.
Order of appointments.

Number from designated groups and assignments.

Annual appointments from group 4, excluding flying cadets, until June 30, 1949.

Maximum commissioned strength.

Immediate commission of 300 second lieutenants, Air Corps.

Captains in Judge Advocate General's Department, vacancies.

Appointments in Medical, etc., Corps in grade of first lieutenant.

Medical Administrative Corps.

Dental Corps.

Chaplains.

Peacetime commissioned strength, Regular Army; annual increments.

Assignments.

branches as follows: Infantry, four thousand one hundred and eighty-four; Cavalry, one thousand and thirty-four; Field Artillery, one thousand seven hundred and twenty-six; Coast Artillery Corps, one thousand three hundred and forty-one; Air Corps, three thousand two hundred and three exclusive of officers detailed from other arms and services for training and duty as aircraft observers and other members of combat crews; Corps of Engineers, seven hundred and ninety-five; Signal Corps, three hundred and forty-one; Adjutant General's Department, one hundred and thirty-one; Judge Advocate General's Department, one hundred and twenty-one; Quartermaster Corps, one thousand and sixteen; Finance Department, one hundred and seventy-six; Ordnance Department, four hundred and seventeen; Chemical Warfare Service, one hundred and twenty-four; Medical Corps, one thousand four hundred and twenty-four; Dental Corps, three hundred and sixteen; Veterinary Corps, one hundred and twenty-six; Medical Administrative Corps, sixteen; and Corps of Chaplains, one hundred and fifty-two: *Provided*, That the President may increase or diminish the number of officers assigned to any branch by not more than a total of 30 per centum: *Provided further*, That nothing herein contained shall affect the number of professors, United States Military Academy, as now authorized by law, or require the separation from the service of any officer now commissioned in the Medical Administrative Corps. Subject to the authorized increase or decrease of 30 per centum hereinabove provided, the number of officers detailed in the Inspector General's Department shall be fifty-five.

SEC. 9. The Act approved June 11, 1938 (ch. 337, Seventy-fifth Congress, third session), is hereby amended by striking out the words "twenty-one thousand five hundred" in the last line thereof and inserting in lieu thereof the words "forty-five thousand".

SEC. 10. Nothing contained in this Act shall be construed to affect the operation of the Act of August 30, 1935 (49 Stat. 1028), with respect to the selection and commissioning, in accordance with the provisions of section 2 of that Act, of Reserve officers now on active duty under the provisions of that Act. Upon the effective date of this Act, Air Corps Reserve officers who are then on active duty under the provisions of section 1 of the Act of June 16, 1936 (49 Stat. 1524), shall be deemed to be on active duty under the provisions of this Act: *Provided*, That on and after the effective date of this Act no Air Corps Reserve officers shall be called to active duty under the provision of section 1 of the said Act of June 16, 1936. Except as otherwise herein provided, nothing contained in this Act shall be construed to affect the number of Reserve officers that may be called to active duty under existing laws, nor the conditions and the purposes for which they may be called.

SEC. 11. Section 2 of the Act of June 16, 1936 (49 Stat. 1524), is hereby amended to read as follows:

"Any Air Corps Reserve officer who has not been selected for commission in the Regular Army shall be paid upon release from active duty following the termination of any period of active duty of three years or more in duration a lump sum of \$500 which sum shall be in addition to any pay and allowances which he may otherwise be entitled to receive."

SEC. 12. There is hereby authorized to be appropriated not to exceed \$23,750,000 to be expended for the construction, rehabilitation, and installation in the Panama Canal Department of such buildings, utilities, and appurtenances thereto as may be necessary to house antiaircraft, seacoast defense, and auxiliary units most urgently needed for defense of the Panama Canal.

Provisos.
Modifications permitted.

Military Academy faculty.

Present Medical Administrative Corps officers.

Details in Inspector General's Department.

Army Air Corps, basic allotment of enlisted men.

52 Stat. 641.
10 U. S. C., Supp. IV, § 291.

Reserve officers now on active duty, selection and commissioning.

49 Stat. 1028.
10 U. S. C., Supp. IV, § 487n.

Active duty construed.

49 Stat. 1524.
10 U. S. C., Supp. IV, § 292 b-2.
Post, p. 997.

Provisos.
Restriction on active-duty service.

49 Stat. 1524.
10 U. S. C., Supp. IV, § 300a.

Reserve officer not selected for Regular Army commission, lump sum on termination of active duty.

Panama Canal Department.

Appropriation authorized for construction, etc.

Post, pp. 994, 1327.

52 Stat. 708.
50 U. S. C., Supp.
IV, § 94.
Educational orders
for special war muni-
tions, etc.

Availability of funds
for designated studies,
etc.

Appropriation au-
thorized; availability.
Post, pp. 595, 993.

Contracts for air-
craft for the Army.
48 Stat. 505; 49 Stat.
1926.
34 U. S. C. § 496;
Supp. IV, § 496.

Proviso.
Authority of Secre-
tary of War.

Limitation on prof-
its.

If net loss or insuffi-
cient profit; allowance
as credit during next
succeeding years.

Method of ascertain-
ment.

Purchase of sample
aircraft from competi-
tors to whom award
not made authorized.

SEC. 13. That section 4 of the Act approved June 16, 1938, entitled "An Act to provide for placing educational orders to familiarize private manufacturing establishments with the production of munitions of war of special or technical design, noncommercial in character", be amended to read as follows:

"SEC. 4. That funds appropriated to accomplish the purposes of this Act shall be available for expenditures incidental to the accomplishment of the procurements made thereunder, including production studies, factory plans, and other production data and the storage and maintenance of gages, dies, jigs, tools, fixtures, and other special aids and appliances procured thereunder. To carry out the provisions of this Act there is authorized to be appropriated the sum of \$34,500,000, which amount shall be available during the fiscal years 1939, 1940, and 1941, and there is further authorized to be appropriated the sum of \$2,000,000 during each of the four fiscal years succeeding the fiscal year 1941."

SEC. 14. All the provisions of section 3 of the Act of March 27, 1934, as amended (48 Stat. 505; 49 Stat. 1926), and as amended by this section shall be applicable with respect to contracts for aircraft or any portion thereof for the Army to the same extent and in the same manner that such provisions are applicable with respect to contracts for aircraft, or any portion thereof for the Navy: *Provided*, That the Secretary of War shall exercise all functions under such section with respect to aircraft for the Army which are exercised by the Secretary of the Navy with respect to aircraft for the Navy: *Provided further*, That section 3 b of the Act of March 27, 1934 (48 Stat. 505), as amended (49 Stat. 1926; 34 U. S. C. Supp. IV 496), is hereby further amended by inserting in the first sentence after the words "in excess of 10 per centum of the total contract prices" the words "for the construction and or manufacture of any complete naval vessel or portion thereof, and in excess of 12 per centum of the total contract prices for the construction and or manufacture of any complete aircraft or portion thereof"; by inserting in the first proviso after the words "That if there is a net loss on all such contracts or subcontracts" the words "for the construction and or manufacture of any complete naval vessel or portion thereof"; and by inserting at the end of the first proviso after the words "income taxable year" a comma and the words "and that if there is a net loss, or a net profit less than 12 per centum, as aforesaid on all such contracts or subcontracts for the construction and or manufacture of any complete aircraft or portion thereof completed by the particular contractor or subcontractor within any income taxable year, such net loss or deficiency in profit shall be allowed as a credit in determining the excess profit, if any, during the next succeeding four income taxable years, and that the method of ascertaining the amount of excess profit, initially fixed upon shall be determined on or before June 30, 1939": *Provided further*, That when aircraft are procured by the Secretary of War as a result of competitive bids requiring the submission of sample aircraft with bid, the Secretary is authorized, in his discretion, to purchase sample aircraft of competitors to whom an award is not made, not more than one each from not more than three such competitors, in order of merit, at prices not exceeding 75, 60, and 50 per centum, respectively, of the cost applicable in the opinion of the Secretary to the development and manufacture of such sample aircraft.

Approved, April 3, 1939.