

June 23, 1926.

[S. 1047.]

[Public, No. 419.]

CHAP. 662.—An Act To reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919.

Montana.
Reimbursement to,
for expenses suppress-
ing fires on Govern-
ment lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to ascertain and audit all sums of money expended by the State of Montana in the suppression of forest fires on Government lands during the year 1919 and report same back to the Secretary of the Treasury and that thereafter said Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of Montana, such claims out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$26,517.91.

Approved, June 23, 1926.

June 23, 1926.

[S. 1023.]

[Public, No. 420.]

CHAP. 663.—An Act Authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy.

Cecil Clinton Adell.
Appointment as en-
sign, Navy, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint, by and with the advice and consent of the Senate, Cecil Clinton Adell (who resigned his commission as an ensign in the United States Navy on October 1, 1924), an ensign on the active list of the Navy, and in the lineal position in the line of the Navy which he would have attained had he not resigned: *Provided,* That the said Cecil Clinton Adell shall be an additional number in the grade of ensign, and to any to which he may hereafter be promoted: *Provided further,* That such appointee shall not be entitled to receive pay or allowances for the period during which he was not in the active service of the Navy.

Approved, June 23, 1926.

June 24, 1926.

[S. 4223.]

[Public, No. 421.]

CHAP. 667.—An Act To amend the Act of June 3, 1920 (Forty-first Statutes at Large, page 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims.

Arapahoe and Chey-
enne Indians, Okla.,
etc.
Time extended for
filing separate suits in
Court of Claims.
Vol. 41, p. 738, amend-
ed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which suit or suits may be filed under the terms of the Act of Congress of June 3, 1920 (Forty-first Statutes at Large, page 738), is hereby extended for the term of two years from the date of the approval of this Act for the purpose only of permitting the Arapahoe and Cheyenne Tribes of Indians residing in the States of Wyoming, Montana, and Oklahoma to file a separate petition or suit in the Court of Claims for the determination of any claim or claims of said tribes of Indians to the whole or any part of the subject matter of any pending suit or to file other suits hereafter under the terms of said Act: *Provided,* That unless suit be brought within the time herein stated all such claims shall be forever barred.

Approved, June 24, 1926.

Proviso.
Claims barred if suit
not brought in stated
time.

June 24, 1926.

[H. R. 9690.]

[Public, No. 422.]

CHAP. 668.—An Act To authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith.

Aircraft, Navy.
Construction of, etc.,
authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of further developing and further increasing aeronautics

in the Navy, the President of the United States is hereby authorized to undertake the construction and procurement of aircraft, spare parts, and equipment for the Navy as enumerated below:

PARAGRAPH 1. During the fiscal year ending June 30, 1927, not to exceed two hundred and thirty-five airplanes with spare parts and equipment, to cost not to exceed \$12,285,000: *Provided*, That the number of airplanes and the limit of cost herein specified for the fiscal year ending June 30, 1927, shall be in addition to the seventy-eight airplanes with spare parts and equipment for which the sum of \$3,300,000 is included under the appropriation increase of the Navy in the Navy Department and Naval Establishment Appropriation Act for the fiscal year ending June 30, 1927.

PAR. 2. During the fiscal year ending June 30, 1928, not to exceed three hundred and thirteen airplanes with spare parts and equipment, to cost not to exceed \$16,223,750.

PAR. 3. During the fiscal year ending June 30, 1929, not to exceed three hundred and thirty-five airplanes with spare parts and equipment, to cost not to exceed \$17,582,500.

PAR. 4. During the fiscal year ending June 30, 1930, not to exceed three hundred and fifty-seven airplanes with spare parts and equipment, to cost not to exceed \$18,941,250.

PAR. 5. During the fiscal year ending June 30, 1931, not to exceed three hundred and seventy-four airplanes with spare parts and equipment, to cost not to exceed \$20,046,250; in all, during the five-year period beginning July 1, 1926, and ending June 30, 1931, one thousand six hundred and fourteen airplanes, with spare parts and equipment, to cost not to exceed \$85,078,750.

PAR. 6. During the fiscal year ending June 30, 1932, and during each fiscal year thereafter, not to exceed three hundred and thirty-three airplanes with spare parts and equipment, to cost not to exceed \$17,476,250.

PAR. 7. The number of airplanes, spare parts, and equipment thus authorized to be constructed or procured during the five fiscal years beginning July 1, 1926, and ending June 30, 1931, and the number authorized to be constructed or procured during the fiscal year ending June 30, 1932, and during each fiscal year thereafter is the number which it has been estimated will be required to increase, during a five-year period beginning July 1, 1926, the useful airplanes on hand or otherwise provided for on June 30, 1926, to one thousand and to maintain the number of useful airplanes at not less than this number which is hereby established as the authorized number of useful airplanes to be employed in the Navy: *Provided*, That, in the event satisfactory arrangements for the procurement of the authorized number of airplanes are not made in any fiscal year, such deficiency may be made up in the next ensuing year or years: *Provided further*, That "useful airplanes," as used in this Act, shall be those airplanes on the Navy list which are, or which after reasonable repairs can be made, in all respects safe to fly and fitted to take part in active military operations in time of war, and shall be exclusive of those airplanes classified as experimental or, with the approval of the Secretary of the Navy, declared obsolete: *Provided further*, That nothing herein shall be construed as more than an authorization for the procurement of aircraft within the limits enumerated in this Act, nor in any way to abridge the right of Congress to determine what numbers of aircraft may be appropriated for in any fiscal year within the limits so authorized.

In fiscal year June 30, 1927.

Proviso.
Additional to current authorization.

Ante, p. 613.

In 1928.

In 1929.

In 1930.

In 1931.

Total for five-year period.

Authorization for subsequent years.

Authorization to maintain in service after June 30, 1932, not less than 1,000 airplanes, etc.

Proviso.
Deficiencies to be made up.

Description of "useful airplanes."

Act limited to authorizations for procuring aircraft.

SECTION 2

PARAGRAPH 1. Two rigid airships of a type suitable for use as adjuncts to the fleet and of approximately six million cubic feet

Two rigid airships authorized.
Post, p. 1291.

Provisos.
Construction in United States.
By contract or by Department.

One experimental metalclad airship.

Ante, p. 609.

Provisos.
Contract restriction.

Fund designated to expedite construction.

Ante, p. 609.

Construction at navy yards if bidders combine to restrict competition.

Or if bidders demand excessive price for particular type, etc.

Amount authorized toward construction of enumerated craft for fiscal year 1927.

volume each at a total cost not to exceed \$8,000,000 for both ships, construction of one to be undertaken as soon as practicable and prior to July 1, 1928: *Provided*, That the two airships herein authorized shall be constructed in the United States: *Provided further*, That one or both of said airships shall be constructed either under contract similar to contracts covering the construction of other vessels for the Navy, or by the Navy Department, as the Secretary of the Navy may deem to be in the best interests of the Government.

PAR. 2. One experimental metalclad airship of approximately two hundred thousand cubic feet volume, at a cost not to exceed \$300,000, chargeable to the appropriation provided in the Navy Department and Naval Establishment Appropriation Act for the fiscal year ending June 30, 1927, for continuing experiments and development work on all types of aircraft: *Provided*, That the metalclad airship herein authorized shall be procured under contract, only on such terms and subject to such restrictions as the Secretary of the Navy may deem proper: *Provided further*, That to expedite construction of the experimental metalclad airship, \$300,000 of the sum of \$1,928,000 included in the Navy Department and Naval Establishment Appropriation Act for the fiscal year ending June 30, 1927, for continuing experiments and development work on all types of aircraft may be made immediately available.

PAR. 3. The Secretary of the Navy is authorized to build at any navy yard or naval factory any of the aircraft, spare parts, or equipment herein authorized should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said aircraft, spare parts, or equipment have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said aircraft, spare parts, or equipment, or should it reasonably appear that any persons, firm, or corporation, or the agents thereof, being solely or peculiarly in position to manufacture or furnish the particular type or design of aircraft, spare parts, or equipment required by the Navy, in bidding on such aircraft, spare parts, or equipment, have named a price in excess of cost of production plus a reasonable profit.

To provide for the construction of the heavier-than-air craft and the lighter-than-air craft herein enumerated and described, except the experimental metalclad airship, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, including, for the fiscal year ending June 30, 1927, toward the construction of the heavier-than-air craft program, the sum of not to exceed \$12,285,000, and toward the construction of the two rigid airships, to be available until expended, \$1,100,000, of which sum \$100,000 may be made immediately available.

SECTION 3 (PERSONNEL)

"Naval aviator."
Meaning of term.

PAR. 1. That hereafter when the term "naval aviator" is used in this Act or any other Act it shall mean any commissioned officer or warrant line officer in the Navy or Marine Corps who has successfully completed the course prescribed by competent authority for naval aviators and who has been or may hereafter be designated or appointed a naval aviator by competent authority and who has flown alone in a heavier-than-air craft not less than seventy-five hours and who has flown in heavier-than-air craft a total of not less than two hundred hours or who has been in the air, under training, in rigid airships not less than one hundred and fifty hours and successfully completed the course prescribed by competent authority.

PAR. 2. That hereafter when the term "aviation pilot" is used in this Act or any other Act it shall mean any enlisted man in the Navy or Marine Corps who has successfully completed the course prescribed for aviation pilots and who has been or may hereafter be designated or appointed an aviation pilot by competent authority and who has flown alone in a heavier-than-air craft not less than seventy-five hours and who has flown in heavier-than-air craft a total of not less than two hundred hours.

"Aviation pilot."
Meaning of term.

The term "pilot" shall be construed to mean a naval aviator or an aviation pilot.

"Pilot."
Term construed.

PAR. 3. That hereafter when the term "naval aviation observer" is used in this Act or any other Act it shall mean any commissioned or warrant officer in the Navy or Marine Corps who has successfully completed the course prescribed by competent authority as a naval aviation observer and who has been in the air not less than one hundred hours and who has been or may hereafter be designated or appointed as a naval aviation observer by competent authority in the Navy.

"Naval aviation observer."
Meaning of term.

PAR. 4. That hereafter when a line officer of the Navy is to be detailed to the command of a Navy aviation school or of a Navy air station or of a Navy air unit organized for flight tactical purposes he shall be a naval aviator.

Naval aviator.
Aviation school, etc.,
to be commanded by.

PAR. 5. Line officers detailed to command of aircraft carriers or aircraft tenders shall be naval aviators or naval aviation observers who are otherwise qualified.

Aviator or aviation
observer.
Carrier or tender to
be commanded by.

PAR. 6. That any officer of the Navy, line, or staff of the permanent rank or grade of commander or lieutenant commander, at the time of the passage of this Act who has specialized in aviation for such a period of time as to jeopardize his selection for promotion or advancement to the next higher grade or rank under existing provisions of law and whose service in aviation has been in the public interest shall be so notified by the Secretary of the Navy and at his own request be designated as an officer who will be carried as an additional number in the next higher grade or rank not above the grade of captain if and when promoted or advanced thereto: *Provided*, That selection boards in cases of such officers shall confine their consideration to the fitness alone of such officers for promotion, not to the comparative fitness of such officers.

Advancement of com-
manders or lieutenant-
commanders whose reg-
ular promotion jeopar-
dized by period special-
ized in aviation.

Proviso.
Consideration by se-
lection boards.

PAR. 7. That hereafter when a line officer of the Marine Corps is to be detailed to the command of a Marine Corps aviation school or of a Marine Corps air station or of a Marine Corps air unit organized for flight tactical purposes he shall be a Marine Corps aviator.

Marine Corps avi-
ator.
Detailed to command
schools, etc.

PAR. 8. On and after July 1, 1928, the number of enlisted pilots in the Navy shall not be less than 30 per centum of the total number of pilots employed in the Navy on aviation duty.

Number of enlisted
pilots after July 1, 1928.

SECTION 4

To aid the Secretary of the Navy in fostering naval aeronautics, and to perform such functions as the Secretary may direct, there shall be an additional Assistant Secretary of the Navy, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the Classification Act of 1923. He shall, under the direction of the Secretary of the Navy, be charged with the supervision of naval aeronautics and the coordination of its activities with other governmental agencies and, in addition, such other duties as may be assigned to him by the Secretary of the Navy. There shall be detailed to his office from the Bureau of Aeronautics such number

Assistant Secretary of
the Navy.
Additional, to be ap-
pointed to aid in naval
aeronautics.

Duties.

Personnel for his of-
fice.

of officers and civilian employees as may be authorized by the Secretary of the Navy.

Approved, June 24, 1926.

June 24, 1926.

[S. 4344.]

[Public, No. 423.]

CHAP. 669.—An Act To provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of the Yakima Indians and Confederated Tribes as a burial ground.

Memaloose Island,
Oreg.
Withdrawn for a
burial ground of Yaki-
ma, etc., Indians,
Wash.

Proviso.
Grave, etc., of Victor
Trevitt to be undis-
turbed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Memaloose Island in the Columbia River, described as lot 2 of section 16, township 2 north, range 14 east of the Willamette meridian in Oregon, be, and is hereby, withdrawn from entry, sale, or other disposition and set aside for the use of the Yakima Indians and Confederated Tribes as a burial ground: *Provided,* That the grave and monument of Victor Trevitt on said island shall remain undisturbed.

Approved, June 24, 1926.

June 25, 1926.

[S. 1821.]

[Public, No. 424.]

CHAP. 674.—An Act Authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests.

Potash deposits.
Amount authorized
for determining loca-
tion, etc., of.
Post, pp. 1057, 1220.

Cooperation under
formal agreements with
individuals, etc.
Post, p. 1388.

Provisos.
Contracts with own-
ers, etc., of lands before
commencing drilling.

Conditions.

Payment of costs of
exploration.

No restriction on
drilling locations, etc.

Conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$100,000 for the fiscal year ending June 30, 1927, and a similar amount for each succeeding fiscal year for four years, to be expended as may be mutually agreed upon by the Secretary of the Interior and the Secretary of Commerce for the purpose of determining the location, extent, and mode of occurrence of potash deposits in the United States and conducting the necessary laboratory tests incident thereto.

SEC. 2. The Secretary of the Interior and the Secretary of Commerce jointly are hereby authorized, within their discretion, to cooperate under formal agreement with individuals, associations, corporations, States, municipalities, educational institutions, or other bodies, for the purposes of this Act: *Provided,* That before undertaking drilling operations upon any tract or tracts of land the Secretary of the Interior and the Secretary of Commerce jointly, shall enter into a contract or contracts with the owners or lessees, or both, of the mineral rights therein, which contract shall provide, among other things, that not more than the actual cost of the exploration shall constitute a preferred claim in favor of the United States and its cooperators against any minerals developed; and the aforesaid contract or contracts shall provide that the owners or lessees, or both, of said lands and/or mineral rights within the radius hereinafter mentioned, shall pay to the Government and its cooperators an amount equal to the actual costs of said explorations, said payments to be made at such time or times, in such manner, and in such proportions as said Secretaries may, in their discretion, determine to be equitable: *Provided further,* That such contract shall not restrict the Secretary of the Interior and the Secretary of Commerce jointly in the choice of drilling locations within the property or in the conduct of the exploratory operations, so long as such selections or conduct do not interfere unreasonably with the use of the surface of the land or with the improvements thereon, and such contract shall provide that the United States and its cooperators shall not