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Right to sell, etc., conferred.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the Aurora, Elgin, and Fox River Electric Company, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, July 1, 1926.

July 1, 1926.
[H. R. 12642.]
[Public, No. 445.]

CHAP. 718.—An Act Granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio.

Mahoning River. Trumbull County, Ohio, may bridge, at Niles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and it is hereby, granted to the board of county commissioners of Trumbull County, Ohio, and its successors in office, to construct, maintain, and operate a free overhead viaduct, together with the necessary approaches thereto, across the Mahoning River at a point suitable to the interests of navigation at Niles, Trumbull County, Ohio, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, July 1, 1926.

July 2, 1926.
[H. R. 10827.]
[Public, No. 446.]

CHAP. 721.—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.

Air Corps, Army. Air Service to be known as.
Vol. 39, p. 166.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, 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.

Composition.
Vol. 41, p. 768, amended.

SEC. 2. COMPOSITION OF THE AIR CORPS.—That section 13a of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Air Corps. Creation and composition of.

"SEC. 13a. AIR CORPS.—There is hereby created an 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 five hundred and fourteen officers in grades from colonel to second lieutenant, inclusive; and sixteen 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:

Flying cadets.

Provisos.
Percentage of flying officers.

Provided, That 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 further*, That in time of war 10 per centum of the total number of

Nonflying, in time of war.

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: *Provided further*, That hereafter 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 further*, 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 permanently 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 this Act 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. Flying units shall in all cases be commanded by flying officers. Wherever used in this Act 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 this Act: *Provided further*, That hereafter in order to receive a rating as a pilot in time of peace an officer or an enlisted man 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: *And provided further*, That 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. Officers and enlisted men of the Army shall receive an increase of 50 per centum of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President: *Provided*, That nothing in this Act shall be construed as amending existing provisions of law relating to flying cadets. On and after July 1, 1929, and 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.

Training for flying officers, in time of war.

Details for flying instruction in time of peace.

Period limited.

Longer details because of special qualifications.

Not included as flying officers.

Training details not limited.

Command of flying units.

Flying officer defined.

Pilots considered flying officers.

Pilot rating qualifications in time of peace.

In time of war.

Pay increase for participating in aerial flights.

Flying cadets.
Vol. 42, p. 724.

Percentage of enlisted pilots after July 1, 1929.

"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

Air mechanics rated.

Pay provisions.

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."

Proviso. Percentage of Air Corps enlisted strength.

Temporary rank on assignment to commands, etc.

SEC. 3. TEMPORARY RANK FOR AIR CORPS OFFICERS.—The Secretary of War is hereby authorized to assign, under such regulations as he may prescribe, officers of the Air Corps to flying commands, including wings, groups, squadrons, flights, schools, important air stations, and to the staffs of commanders of troops, which assignment shall carry with it temporary rank, including pay and allowances appropriate to such rank, as determined by the Secretary of War, for the period of such assignment: *Provided*, That such temporary rank is limited to two grades above the permanent rank of the officer appointed: *Provided further*, That no officer shall be temporarily advanced in rank as contemplated in this section unless the Chief of the Air Corps certifies that no officers of suitable permanent rank are available for the duty requiring the increased rank: *And provided further*, That no officer holding temporary rank under the provisions of this section shall be eligible to command outside of his own corps except by seniority under his permanent commission.

Provisos. Limitation.

Restriction.

Not to command outside of his corps, etc.

Promotion list. Investigation, etc., of alleged injustices in.

SEC. 4. CORRECTION OF PROMOTION LIST.—That the Secretary of War be, and he is hereby, directed to investigate and study the alleged injustices which exist in the promotion list of the Army and to submit to Congress on the second Monday in December, 1926, this study, together with his recommendations for changes, if any, in the present promotion list.

General Staff. Vol. 41, p. 764, amended.

SEC. 5. AIR SECTIONS OF THE GENERAL STAFF.—That section 5 of the Act entitled "An Act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended, be, and the same is hereby, amended by adding the following paragraph at the end thereof:

Air sections created in, for three years.

"That for the period of three years immediately following July 1, 1926, there is hereby created in each of the divisions of the War Department General Staff an air section to be headed by an officer of the Air Corps, the duties of which shall be to consider and recommend proper action on such air matters as may be referred to such division."

Flying pay. Vol. 42, p. 632, amended.

SEC. 6. FLYING PAY.—That section 20 of the Act of June 10, 1922 (Forty-second Statutes, page 632), as amended, be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Increased pay, etc., applicable to all branches of service required to participate in aerial flights.

"SEC. 20. That all officers, warrant officers, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard, when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President, shall receive the same increase of their pay and the same allowance for traveling expenses as are authorized for the performance of like duties in the Army. Exclusive of the Army Air Corps, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the services mentioned in the title of this Act 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

Details of officers, other than Air Corps, etc., to aerial flights limited.

centum of the total authorized commissioned strength of such service. Officers, warrant officers, and enlisted men of the National Guard participating in exercises or performing duties provided for by sections 92, 94, 97, and 99 of the National Defense Act, as amended, and of the Reserves of the services mentioned in the title of this Act called to active duty shall receive an increase of 50 per centum of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President and when such flying involves travel they shall also receive the same allowances for traveling expenses as are or hereafter may be authorized for the Regular Army: *Provided*, That when officers, warrant officers, and enlisted men of the National Guard are entitled to armory drill pay, the increase of 50 per centum thereof herein provided shall be based on the entire amount of such armory drill pay to which they shall be entitled for a calendar month or fractional part thereof, and the required aerial flights may be made at ordered drills of an Air Service organization, or at other times when so authorized by the President. Regulations in execution of the provisions of this section shall be made by the President and shall, whenever practicable in his judgment, be uniform for all the services concerned."

Application to National Guard, in training, etc.
Vol. 39, pp. 206, 207, Vol. 42, p. 1035; Vol. 43; p. 363.

Proviso.
Increased pay based on armory drill pay.

Uniformity in regulations.

SEC. 7. APPOINTMENT OF CHIEF OF THE AIR CORPS.—That the third sentence of section 4c of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, be, and the same is hereby, amended by adding thereto the following:

Chief of Air Corps.
Vol. 41, p. 762, amended.

"*And provided further*, That during the period of seven years immediately following July 1, 1926, any appointment as Chief of the Air Corps shall be made from among officers of any grade of not less than fifteen years' commissioned service, and from those who have demonstrated by actual and extended service in such corps that they are qualified for such appointment; and as assistants from among officers of not less than fifteen years' commissioned service of similar qualifications: *Provided*, That the Chief of the Air Corps shall make recommendations to the Secretary of War for the appointment of his assistants."

For period of 7 years, appointment of, from any grade with specified service and qualifications.

Assistants.

Proviso.
Chief to recommend assistants.

SEC. 8. FIVE-YEAR AIR CORPS PROGRAM.—For the purpose of increasing the efficiency of the Air Corps of the Army and for its further development the following five-year program is authorized:

Five-year program for increasing efficiency of Air Corps.

PERSONNEL.—The number of promotion-list officers now authorized by law in the grade of second lieutenant of the Regular Army is hereby increased by four hundred and three, and the number of enlisted men now authorized by law for the Regular Army is hereby authorized to be increased by six thousand two hundred and forty: *Provided*, That the increase in the number of officers and enlisted men herein authorized shall be allotted as hereinafter provided. The present allotment of officers to the Air Corps is hereby authorized to be increased by four hundred and three officers distributed in grades from colonel to second lieutenant, inclusive, and the present allotment of enlisted men to the Air Corps is hereby authorized to be increased by six thousand two hundred and forty enlisted men. The President is authorized to call to active service, with their consent, such number of Air Corps reserve officers as he may deem necessary, not to exceed five hundred and fifty, 90 per centum of whom shall serve for periods of not more than one year, and 10 per centum for periods of not more than two years: *Provided*, That

Personnel.
Increase in number of second lieutenants and enlisted men.

Provisos.
Allotments.

Officers and enlisted men.

Reserve officers called to active service.

Active duty for less than six months.

nothing contained in this section shall affect the number of reserve officers that may be called to active duty for periods of less than six months under existing law.

Equipment.
Number of aircraft to be maintained.

EQUIPMENT.—The Secretary of War is hereby authorized to equip and maintain the Air Corps with not to exceed one thousand eight hundred 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 installations necessary for the operation and maintenance thereof. 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 necessary replacement of airplanes shall not exceed approximately four hundred annually: *Provided*, That the total number of airplanes and airships herein authorized shall be exclusive of those waiting 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 planes 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.

Replacing obsolete, etc., craft.
Provisos.
Annual limitation.

Total, exclusive of those awaiting salvage, etc.

Number for National Guard and Organized Reserves training, etc., included in total.

Distribution of increase of personnel and equipment.

METHOD OF INCREASE.—The total increase in personnel and equipment authorized herein shall be distributed over a five-year period beginning July 1, 1926. Not to exceed one-fifth of the total increase shall be made during the first year, and the remainder in four approximately equal increments. The President is hereby authorized to submit to Congress annually estimates of the cost of carrying out the five-year program authorized herein: *Provided*, That a supplemental estimate for the fiscal year ending June 30, 1927, may be submitted to cover the cost of the first annual increment.

Estimates to be submitted.

Proviso.
Supplemental estimate for 1927.

SEC. 9. That section 5a of the National Defense Act, as amended, be, and the same is hereby, amended by adding at the end of said section 5a the following:

Vol. 41, p. 765, amended.

"To aid the Secretary of War in fostering military aeronautics, and to perform such functions as the Secretary may direct, there shall be an additional Assistant Secretary of War 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."

Additional Assistant Secretary of War.
Appointment of, to aid in aeronautics.

Encouraging Army and Navy aeronautical efficiency.

SEC. 10. (a) That in order to encourage the development of aviation and improve the efficiency of the Army and Navy aeronautical matériel the Secretary of War or the Secretary of the Navy, prior to the procurement of new designs of aircraft or aircraft parts or aeronautical accessories, shall, by advertisement for a period of thirty days in at least three of the leading aeronautical journals and in such other manner as he may deem advisable, invite the submission in competition, by sealed communications, of such designs of aircraft, aircraft parts, and aeronautical accessories, together with a statement of the price for which such designs in whole or in part will be sold to the Government.

Advertising for competitive designs of aircraft, etc.

Time for receiving designs, etc., to be specified.

(b) The aforesaid advertisement shall specify a sufficient time, not less than sixty days from the expiration of the advertising period, within which all such communications containing designs and prices therefor must be submitted, and all such communications received shall be carefully kept sealed in the War Department or the Navy Department, as the case may be, until the expiration of said specified time, and no designs mailed after that time shall be received or considered. Said advertisement shall state in general terms the kind or aircraft, parts, or accessories to be developed and

Detailed information, to each applicant, of requirements of competition.

the approximate number or quantity required, and the department concerned shall furnish to each applicant identical specific detailed information as to the conditions and requirements of the competition and as to the various features and characteristics to be developed, listing specifically the respective measures of merit, expressed in rates per centum, that shall be applied in determining the merits of the designs, and said measures of merit shall be adhered to throughout such competition. All designs received up to the time specified for submitting them shall then be referred to a board appointed for that purpose by the Secretary of the department concerned and shall be appraised by it as soon as practicable and report made to the Secretary as to the winner or winners of such competition. When said Secretary shall have approved the report of said board, he shall then fix a time and place for a public announcement of the results and notify each competitor thereof; but if said report shall be disapproved by said Secretary, the papers shall be returned to the board for revision or the competition be decided by the Secretary, in his discretion, and in any case the decision of the Secretary shall be final and conclusive. Such announcement shall include the percentages awarded to each of the several features or characteristics of the designs submitted by each competitor and the prices named by the competitors for their designs and the several features thereof if separable.

Board to appraise and report winners of designs submitted.

Public announcement, if report approved by Secretary.

If disapproved, return of papers to board, etc.

Details of announcement.

(c) Thereupon the said Secretary is authorized to contract with the winner or winners in such competition on such terms and conditions as he may deem most advantageous to the Government for furnishing or constructing all of each of the items, or all of any one or more of the several items of the aircraft, or parts, or accessories indicated in the advertisement, as the said Secretary shall find that in his judgment a winner is, or can within a reasonable time become, able and equipped to furnish or construct satisfactorily all or part, provided said Secretary and the winner shall be able to agree on a reasonable price. If the Secretary shall decide that a winner can not reasonably carry out and perform a contract for all or part of such aircraft, parts, or accessories, as above provided, then he is authorized to purchase the winning designs or any separable parts thereof if a fair and reasonable price can be agreed on with the winner, but not in excess of the price submitted with the designs.

Contracts with winners authorized.

Purchase of designs, etc., if Secretary decide winner can not perform contract for such aircraft, etc.

(d) After contract is made, as authorized by any provision of this section, with a winner in such design competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories in accordance with his designs and payment is completed under said contract, and after the purchase of and payment for the designs or separable parts thereof of a winner, as authorized herein, with whom a contract shall not have been made for furnishing or constructing aircraft, aircraft parts or aeronautical accessories in accordance with his designs, then in either case any department of the Government shall have the right without further compensation to the winner to construct or have constructed according to said designs and use any number of aircraft or parts or accessories, and sell said aircraft or parts or accessories according to law as condemned material: *Provided*, That such winner shall, nevertheless, be at liberty to apply for a patent on any features originated by him, and shall be entitled to enjoy the exclusive rights under such patent as he may obtain as against all other persons except the United States Government or its assignee as aforesaid.

After contract with, and payment to, winner of design, etc., Government may construct the same without further compensation.

Sale of the aircraft as condemned material.

Proviso.
Winner may have patent for original features, etc.

(e) The competitors in design competition mentioned in this section shall submit with their designs a graduated scale of prices for

Competitors to submit graduated scale of proposed prices.

which they are willing to construct any or all or each of the aircraft, aircraft parts, and aeronautical accessories for which designs are submitted and such stated prices shall not be exceeded in the awarding of contracts contemplated by this section.

No obligation to accept submitted designs not considered of sufficient merit.

(f) If the Secretary of War or the Secretary of the Navy shall find that in his judgment none of the designs submitted in said competition is of sufficient merit to justify the procurement of aircraft, aircraft parts, or aeronautical accessories in accordance therewith, then he shall not be obligated to accept any of such designs or to make any payment on account of any of them. If the Secretary of the department concerned shall decide that the designs submitted by two or more competitors possess equal merit, or that certain features embodied in the designs of any competitor are superior to corresponding features embodied in the designs of any other competitor and such features of one design may be substituted in another design, the said Secretary shall in his discretion divide the contracts for furnishing and manufacturing the aircraft, parts, or accessories required, equitably among those competitors that have submitted designs of equal merit, or he may select and combine features of superior excellence in different designs in such manner as may in his judgment best serve the Government's interests and make payment accordingly to the several competitors concerned at fair and reasonable prices, awarding the contract for furnishing or constructing the aircraft, parts, or accessories to the competitor or competitors concerned that have the highest figures of merit in said competition.

If two or more designs have equal merit, etc., contracts may be divided between competitors for furnishing the aircraft, etc.

Awarding of contract.

If unable to make contract with winner for furnishing aircraft, etc., designs may be retained and proposals for construction be advertised.

(g) In case the Secretary of War or the Secretary of the Navy shall be unable to make contract as above authorized with a winner in said competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories covered by the whole or part of the designs of such winner, or shall be unable to agree with a winner in the competition on a reasonable purchase price for the design of such winner with whom a contract may not be made, as aforesaid, he may retain such designs and shall advertise according to law for proposals for furnishing or constructing aircraft, or parts or accessories, in accordance with such designs or combinations thereof as aforesaid and, after all proposals are submitted, make contract on such terms and conditions as he may consider the best in the Government's interests, with the bidder that he shall find to be the lowest responsible bidder for furnishing or constructing the aircraft, parts, or accessories required, but the said Secretary shall have the right to reject all bids and to advertise for other bids with such other and different specifications as he may deem proper.

Bids may be rejected.

If after result is announced a participant makes reasonable showing of error in determining merits, board of arbitration to determine the matter.

(h) If, within ten days after the announcement of the results of said competition, any participant in the competition shall make to the Secretary of War or the Secretary of the Navy a reasonable showing in writing that error was made in determining the merits of designs submitted whereby such claimant was unjustly deprived of an award, the matter shall at once be referred by the Secretary of the department concerned to a board of arbitration for determination and the finding of such board shall, with the approval of the said Secretary, be conclusive on both parties. Such board of arbitration shall be composed of three skilled aeronautical engineers, one selected by the said Secretary, one by the claimant, and the third by those two, no one of whom shall have been a member of the board of appraisal in that competition.

Composition of board.

Claimant that designs hereafter developed are used without compensation may file suit in Court of Claims for recovery.

(i) Any person, firm, or corporation that shall complain that his, their, or its designs hereafter developed relating to aircraft or any components thereof are used or manufactured by or for any department of the Government without just compensation from either the

Government or any other source, may within four years from the date of such use file suit in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture after the date of this Act.

Citizenship requirements for awarding construction contracts for aircraft.

(j) Only citizens of the United States, and corporations of which not less than three-fourths of the capital stock is owned by citizens of the United States, and of which the members of the boards of directors are citizens of the United States, and having manufacturing plants located within the continental limits of the United States shall be eligible to be awarded any contract under this section to furnish or construct aircraft, aircraft parts or aeronautical accessories for the United States Government, except that a domestic corporation whose stock shall be listed on a stock exchange shall not be barred by the provisions of this section unless and until foreign ownership or control of a majority of its stock shall be known to the Secretary of War or the Secretary of the Navy, as the case may be, and no aliens employed by a contractor for furnishing or constructing aircraft, or aircraft parts, or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the department concerned.

Exceptions.

No aliens to have access to plans, etc., without written consent of the Secretary.

Purchases of designs, etc., for experimental purposes, authorized.

(k) The Secretary of War or the Secretary of the Navy may at his discretion purchase abroad or in the United States with or without competition, by contract, or otherwise, such designs, aircraft, aircraft parts, or aeronautical accessories as may be necessary in his judgment for experimental purposes in the development of aircraft or aircraft parts or aeronautical accessories of the best kind for the Army or the Navy, as the case may be, and if as a result of such procurement, new and suitable designs considered to be the best kind for the Army or the Navy are developed, he may enter into contract, subject to the requirements of paragraph (j) of this section, for the procurement in quantity of such aircraft, aircraft parts, or aeronautical accessories without regard to the provisions of paragraphs (a) to (e), inclusive, hereof.

Contracts for procuring new designs of such aircraft, etc., authorized, without competition, etc.

Plants and books of contractors subject at all times to Government inspection and audit.

(l) The manufacturing plant, and books, of any contractor for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department, or such part of any manufacturing plant as may be so engaged, shall at all times be subject to inspection and audit by any person designated by the head of any executive department of the Government.

Preservation of reports of inspection, etc.

(m) All audits and reports of inspection, made under the provisions of this section, shall be preserved by the Secretary of War or the Secretary of the Navy, as the case may be, for a period of ten years, and shall be subject to inspection by any committee of Congress, and the said Secretaries shall annually make a detailed and itemized report to Congress of all the departments' operations under this section, the names and addresses of all competitors, and of all persons having been awarded contracts and the prices paid for aircraft purchased and the grounds and reasons for having awarded such contracts to the particular persons, firms, or corporations, and all such reports shall be printed and held subject to public distribution.

Detailed and itemized reports to Congress by the Secretaries of all operations of the Departments.

Vendor and contractor to deliver to Department a release of all claims arising out of the sale or contract.

(n) Every vendor of designs to the War Department or the Navy Department under the provisions of this section, and every contractor for furnishing or constructing for the War Department or the Navy Department, or both, aircraft or aircraft parts or aeronautical accessories, shall deliver to the Secretary of War or Secretary of the Navy, or both, when required by either or both, a release in such form and containing such terms and conditions as may be prescribed by the Secretary of War, the Secretary of the Navy, or both, of

claims on the part of such vendor or contractor against the United States arising out of such sale or contract, or both.

War or Navy Department appropriations for aircraft, etc., available for purchase of designs, etc.

(o) All or any appropriations available for the procurement of aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department shall also be available for payment of the purchase price of designs and the costs of arbitration as authorized by this section.

Collusion, etc., to deprive the Government of benefit of free competition, etc., unlawful.

(p) Any collusion, understanding, or arrangement 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.

Punishment for violations.

Contracts authorized for quantities of aircraft, etc., from suitable designs procured hitherto.

(q) In the procurement of aircraft constructed according to designs presented by any individual, firm, or corporation prior to the passage of this Act, 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.

Proviso.
Action of the Secretary final and conclusive.

Patents and design board.
Composition of.

(r) 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. To this board any individual, firm, or corporation may submit a design for aircraft, aircraft parts, or aeronautical accessories, and whether patented or unpatentable, the said board upon the recommendation of the National Advisory Committee for Aeronautics shall determine whether the use of such designs by the Government is desirable or necessary, and evaluate the designs so submitted and fix the worth to the United States of said design, 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 nonexclusive 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 nonexclusive license to the United States: *Provided*, That no sum in excess of $75,000 shall be paid for any one design.

Duties.
Post, p. 1380.

Offer for right to design recommended by.

Proviso.
Maximum sum.

Meaning of "winner" or "winners."

(s) 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.

Awarding of contracts to lowest responsible bidder.

(t) Hereafter 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,

Decision of Secretary reviewable only by the President and Federal courts.

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.

Soldier's medal. Awarded for heroism not in conflict with an enemy.

SEC. 11. Under such rules and regulations as he may prescribe the President is hereby authorized to present, but not in the name of Congress, a medal to be known as the soldier's medal, of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Army of the United States, including the National Guard and the Organized Reserves, shall hereafter distinguish himself, or herself, by heroism not involving actual conflict with an enemy.

Bar for each subsequent act.

No more than one soldier's medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of the soldier's medal the President may award a suitable bar, or other suitable device, to be worn as he shall direct.

Distinguished flying cross. Awarded for extraordinary achievement in an aerial flight since April 6, 1917, or hereafter.

SEC. 12. Under such rules and regulations as he may prescribe, and notwithstanding the provisions of section 14 of this Act, 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, since the 6th day of April, 1917, has distinguished, or who, after the approval of this Act, 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 heretofore 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 hereinbefore authorized shall be awarded or presented to any individual whose entire service subsequent to the time he distinguishes himself has not been honorable.

Proviso. Eligibility for acts prior to November 11, 1918.

Bar, etc., for subsequent act.

To representative in case of death prior to award.

Dishonorable service precludes an award.

Additional pay to enlisted or enrolled man receiving cross or medal.

SEC. 13. Each enlisted or enrolled man to whom there shall be awarded the distinguished flying cross or the soldier's medal shall be entitled to additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement on which the award is based, and each bar, or other suitable device, in lieu of the distinguished flying cross or the soldier's medal, as hereinbefore provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement for which the bar or other device is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous.

Further for each bar, etc., issued.

Invalidity of any section, etc., not to impair other provisions of Act.

SEC. 14. 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

No retroactive effect, etc.

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.

Inconsistent laws repealed.

Approved, July 2, 1926.

July 2, 1926.
[H. R. 10361.]
[Public, No. 447.]

CHAP. 722.—An Act To authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Company.

Veterans' Hospital, Tuskegee, Ala.
Right of way across, granted to Tuskegee Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the United States Veterans' Bureau is authorized to grant on behalf of the United States to the Tuskegee Railroad Company, without compensation, an easement over such strip of land fifty feet in width as the director may designate in the tract now occupied in part by the United States Veterans' Hospital Numbered 91, Tuskegee, Alabama; such easement to be subject to such reasonable requirements as the director may impose for the protection of the hospital and the interests of the United States, and to continue as long as such strip of land is actually occupied and used by the grantee, its successors or assigns, for the construction or operation and maintenance of an extension of its railroad.

Approved, July 2, 1926.

July 2, 1926.
[H. R. 12175.]
[Public, No. 448.]

CHAP. 723.—An Act To amend the World War Veterans' Act, 1924.

World War Veterans' Act, 1924.
Vol. 43, p. 610, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

General powers of Director of Bureau.

"SEC. 10. The director, subject to the general directions of the President, shall be responsible for the proper examination, medical care, treatment, hospitalization, dispensary, and convalescent care necessary and reasonable aftercare, welfare of, nursing, vocational training, and such other services as may be necessary in the carrying out of the provisions of this Act, and for that purpose is hereby authorized, at the direction of the President or with the approval of the head of the department concerned, to utilize the now existing or future facilities of the United States Public Health Service, the War Department, the Navy Department, the Interior Department, the National Home for Disabled Volunteer Soldiers, and such other governmental facilities as may be made available for the purposes set forth in this Act; and such governmental agencies are hereby authorized to furnish such facilities, including personnel, equipment, medical, surgical, and hospital services and supplies as the director may deem necessary and advisable in carrying out the provisions of this Act, in addition to such governmental facilities as are hereby made available.

To utilize existing facilities of all Government agencies.

Additional personnel equipment, etc., to be furnished by.

"When, in the opinion of the director, the facilities and services utilized for the hospitalization, medical care, and treatment for beneficiaries under this Act are unsatisfactory, the director shall make arrangements for the further hospitalization, care, and treatment of such beneficiaries by other means: *Provided*, That the director is hereby authorized to hospitalize women veterans entitled to hospitalization under the provisions of this Act and amendments thereto, in other than Government hospitals.

Further hospitalization, etc., if Government facilities unsatisfactory.

Proviso.
Application to women veterans.

"In the event that there are not sufficient and satisfactory Government hospital and out-patient dispensary facilities for the proper

Improving and extending Government hospital, etc., facilities.