

[CHAPTER 258]

AN ACT

July 1, 1939
[H. R. 6791]
[Public, No. 164]

Supplemental Military Appropriation Act, 1940.

Making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes, namely:

SALARIES, WAR DEPARTMENT

Personal services.

For compensation for temporary personal services in the District of Columbia, fiscal year 1940, as follows:

Office of Secretary of War, \$28,923.
Office of Chief of Staff, \$21,505.
Adjutant General's Office, \$97,942.
Office of the Judge Advocate General, \$9,967.
Office of the Chief of Finance, \$29,095.
Office of the Quartermaster General, \$10,422.
Office of the Chief Signal Officer, \$33,964.
Office of the Chief of Air Corps, \$52,153.
Office of the Surgeon General, \$14,610.
In all, \$298,581.

Restriction on exceeding average salaries.
5 U. S. C. §§ 661-674; Supp. IV, §§ 673, 673c.

Exception.

Proviso.
Restriction not applicable to certain grades of clerical-mechanical service.
No reduction in fixed salaries.
42 Stat. 1490.
5 U. S. C. § 666.
Transfer without reduction.
Higher rates permitted.

If only one position in grade.

In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary of War, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

OFFICE OF THE SECRETARY

CONTINGENT EXPENSES, WAR DEPARTMENT

Department contingent expenses.

Ante, p. 594.

For an additional amount for contingent expenses, War Department, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$110,750.

PRINTING AND BINDING, WAR DEPARTMENT

Printing and binding.

Ante, p. 594.

For an additional amount for printing and binding for the War Department, except such as may be otherwise provided for in accordance with existing law, fiscal year 1940, \$63,645.

MILITARY ACTIVITIES

EDUCATIONAL ORDERS

For placing educational orders to familiarize private manufacturing establishments with the production of munitions of war of special or technical design, noncommercial in character, as authorized by law, fiscal year 1940, \$14,250,000.

Educational orders.

Ante, pp. 595, 560.

GENERAL STAFF CORPS

MILITARY INTELLIGENCE ACTIVITIES

For an additional amount for military intelligence activities, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$5,000.

Military intelligence activities.

Ante, p. 595.

FINANCE DEPARTMENT

PAY OF THE ARMY

For an additional amount for pay of the Army, fiscal year 1940, comprising the same objects but not subject to the limitations as to the numbers of commissioned officers and enlisted men specified under this head in the Military Appropriation Act for said fiscal year, \$10,175,940.

Pay of the Army.

Ante, p. 596.

TRAVEL OF THE ARMY

For an additional amount for travel of the Army, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$1,853,578.

Travel.

Ante, p. 597.

EXPENSES OF COURTS MARTIAL

For an additional amount for expenses of courts martial, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$4,000.

Courts martial expenses.

Ante, p. 598.

FINANCE SERVICE

For an additional amount for compensation of clerks and other employees of the Finance Department, fiscal year 1940, \$155,545.

Personal services.

Ante, p. 599.

QUARTERMASTER CORPS

Subsistence of the Army: For an additional amount for subsistence of the Army, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$2,771,015.

Subsistence of the Army.

Ante, p. 599.

Regular supplies of the Army: For an additional amount for regular supplies of the Army, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$944,545.

Regular supplies of the Army.

Ante, p. 600.

Clothing and equipage: For an additional amount for clothing and equipage for the Army, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$6,965,228.

Clothing and equipage.

Ante, p. 600.

Incidental expenses of the Army: For an additional amount for incidental expenses of the Army, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$138,255.

Incidental expenses.

Ante, p. 601.

Army transportation: For an additional amount for Army transportation, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$3,384,559, and of such amount not to exceed \$650,000 may be expended for the purchase or construction of boats and other vessels,

Army transportation.

Ante, p. 601.

Boats, etc.

Vehicles.

and not to exceed \$216,000 may be expended for the purchase of passenger-carrying automobiles, motorcycles, ambulances, and trucks of station-wagon type.

MILITARY POSTS

Construction, etc.

For construction and installation of buildings, flying fields, and appurtenances thereto, authorized by the Act entitled "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", approved April 3, 1939, including interior facilities, fixed equipment, necessary services, roads, connections to water, sewer, gas, and electric mains, purchase and installation of telephone and radio equipment, and similar improvements, and procurement of transportation incident thereto, without reference to sections 1136 and 3734, Revised Statutes (10 U. S. C. 1339; 40 U. S. C. 267); employment of personnel without regard to civil-service requirements and restrictions of law relating thereto; general overhead expenses of transportation, engineering, supplies, inspection and supervision, and such services as may be necessary in the Office of the Quartermaster General; and the engagement by contract or otherwise without regard to section 3709, Revised Statutes (41 U. S. C. 5), and at such rates of compensation as the Secretary of War may determine, of the services of architects or firms or corporations thereof and other technical and professional personnel as may be necessary, fiscal year 1940, \$64,862,500, to remain available until expended, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1940, for the same purposes, to an amount not in excess of \$21,337,500, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

Ante, pp. 555, 1327.

Procurement of transportation.

R. S. §§ 1136, 3734.
10 U. S. C. § 1339; 40 U. S. C. § 267.

R. S. § 3709.
41 U. S. C. § 5.
Technical, etc., services.

Contracts.

ACQUISITION OF LAND

Panama, acquisition of land.

For the acquisition of land in the Republic of Panama as authorized by the Act entitled "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", approved April 3, 1939, fiscal year 1940, \$400,000, to remain available until expended.

Ante, pp. 559, 1327.

BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

Construction, maintenance, etc.

For an additional amount for barracks and quarters and other buildings and utilities, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$3,461,159.

Ante, p. 603.

CONSTRUCTION AND REPAIR OF HOSPITALS

Construction, repair, etc.

For an additional amount for construction and repair of hospitals, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$288,300.

Ante, p. 604.

SIGNAL CORPS

SIGNAL SERVICE OF THE ARMY

Signal service of the Army.

For an additional amount for signal service of the Army, fiscal year 1940, including the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$6,074,564, and, in addition, the Chief Signal Officer, when authorized by the Secretary

Ante, p. 604.

of War, may enter into contracts prior to July 1, 1940, for the procurement of aircraft-communication equipment and ground radio and telephone facilities to an amount not in excess of \$1,160,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

Contracts for additional facilities.

AIR CORPS

AIR CORPS, ARMY

For an additional amount for Air Corps, Army, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, including maintenance and repair of aeronautical equipment loaned to aviation schools under the provisions of section 4 of the Act entitled "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", approved April 3, 1939, \$89,727,655: *Provided*, That not to exceed \$2,500,000 of such amount shall be available until June 30, 1941, for transportation to first destination of equipment procured hereunder, for salaries and travel of personnel in connection with the inspection of new aircraft, equipment, and accessories, and for the cost of tuition for training of Regular Army personnel at civilian educational institutions, under authority of sections 2 and 4 of said Act of April 3, 1939: *Provided further*, That \$27,000 of the amount herein appropriated shall be available exclusively for the engagement of personal services, by contract or otherwise, at such rates of compensation as the Secretary of War may determine, for preparing a comprehensive digest of the data which has been collected upon geographic, meteorologic, and weather conditions in northern latitudes pursuant to authority contained in the War Department Appropriation Act, fiscal year 1935: *Provided further*, That in addition to the amount herein appropriated the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1940, for the procurement of new airplanes, and for the procurement of equipment, spare parts, and accessories for airplanes to an amount not in excess of \$44,000,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

Designated purposes.

Ante, p. 605.

Ante, p. 556.
Provisos.
Transportation of equipment.

Inspection expenses.
Training at civilian educational institutions.
Ante, p. 556.

Digest of data upon geographic, etc., conditions in northern latitudes.

48 Stat. 628.
Contracts authorized.

MEDICAL DEPARTMENT

ARMY

MEDICAL AND HOSPITAL DEPARTMENT

For an additional amount for Medical and Hospital Department, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$1,375,399.

Supplies, etc.

Ante, p. 607.

ORDNANCE DEPARTMENT

ORDNANCE SERVICE AND SUPPLIES, ARMY

For an additional amount for ordnance service and supplies, Army, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, and including communication service in connection therewith, \$6,552,833, and, in addition, the Chief of Ordnance, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1940, for ordnance service and supplies to an amount not in excess of

Ordnance service and supplies, Army.

Ante, p. 608.

Contracts authorized.

\$4,000,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

REPAIRS OF ARSENALS

Repairs of arsenals. For an additional amount for repairs of arsenals, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, and including provision for additional ordnance storage and loading facilities incident to the aviation-expansion program authorized by the Act approved April 3, 1939, \$1,059,000.

Ante, p. 609.

Ordnance storage and loading facilities.

Ante, p. 555.

CHEMICAL WARFARE SERVICE

Expenses. For an additional amount for Chemical Warfare Service, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$354,352.

Ante, p. 609.

SEACOAST DEFENSES

Expenses. The following amounts appropriated under title II, Second Deficiency Appropriation Act, fiscal year 1939, for seacoast defenses for the fiscal year 1939, shall remain available until June 30, 1940:

United States, \$2,072,893.

Insular departments, \$724,384.

Panama Canal, \$727,567.

In all, \$3,524,844.

Ante, p. 644.

NATIONAL GUARD

ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD

Care of materials, animals, etc. For an additional amount for compensation of help for care of materials, animals, and equipment, fiscal year 1940, \$48,665: *Provided*, That during the fiscal year 1940 the number of caretakers authorized to be employed for any one heavier-than-air squadron under the provisions of section 90 of the National Defense Act of June 3, 1916, as amended, may be increased from thirteen to twenty-one.

Ante, p. 611.

Proviso.

Caretakers, increase.

39 Stat. 205.

32 U. S. C. § 42;

Supp. IV, § 42.

General expenses, etc. For an additional amount for general expenses, equipment, and instruction, National Guard, fiscal year 1940, including the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$47,892.

Ante, p. 611.

Travel, Army officers, etc. For an additional amount for travel of officers, warrant officers, and enlisted men of the Regular Army detailed to, or while on duty with, the National Guard, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$908.

Ante, p. 612.

Transportation of equipment. For an additional amount for transportation of equipment and supplies, fiscal year 1940, \$15,663.

Ante, p. 612.

Army enlisted men, details. For an additional amount for expenses of enlisted men of the Regular Army on duty with the National Guard, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$1,624.

Ante, p. 612.

Pay, armory drills. For an additional amount for pay of National Guard (armory drills), fiscal year 1940, \$90,935.

Ante, p. 612.

No pay to National Guard officer, etc., drawing pension. No part of the appropriations made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the National Guard who may be drawing a pension, disability allowance, disability compensation, or retired pay (where retirement has been made on account of physical disability or age)

from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the National Guard who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his service in the National Guard: *Provided further*, That adjutants general who may be drawing such emoluments may be continued in a federally recognized status without pay under this Act.

Proviso.
Surrender of pension.

Adjutants general, continuance in federally recognized status.

ARMS, UNIFORMS, EQUIPMENT, AND SO FORTH, FOR FIELD SERVICE, NATIONAL GUARD

For an additional amount for arms, uniforms, equipment, and so forth, for field service, National Guard, fiscal year 1940, including the same objects specified under this head in the Military Appropriation Act for said fiscal year, \$7,436,653, and all of the sums appropriated in this Act on account of the National Guard shall be accounted for as one fund.

Arms, uniforms, etc., for field service.

Ante, p. 612.

No appropriation contained in this Act shall be available for any expense for or on account of a larger number of mounted units and wagon companies of the National Guard than were in existence on June 30, 1932.

Mounted units, etc., restriction.

ORGANIZED RESERVES

For an additional amount for Organized Reserves, fiscal year 1940, comprising the same objects specified under this head in the Military Appropriation Act for said fiscal year; and for all expenditures necessary for such Medical Department Reserve officers, Reserve chaplains, and Reserve officers of the Judge Advocate General's Department, as may be called to active duty under the provisions of section 5 of the Act approved April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress), \$479,304: *Provided*, That funds available for Organized Reserves for the fiscal year 1940 may be expended for the pay of Reserve officers ordered to active duty for longer periods than fifteen days under the provisions of section 10 of said Act of April 3, 1939.

Pay and allowances.

Ante, p. 613.

Ante, p. 557.

Proviso.
Reserve officers, active duty periods.

Ante, p. 559.

No appropriation made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer of the Organized Reserves who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the Reserve Corps who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his active duty in the Reserve Corps.

No pay to officer drawing pension.

Proviso.
Surrender of pension.

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE, ARMY

The appropriations "Promotion of rifle practice, 1939", and "Promotion of rifle practice, 1940", shall be available for all purposes enumerated in section 113, National Defense Act, as amended, and in the Act of June 7, 1924 (43 Stat. 510), including incidental travel of rifle teams and individuals attending regional, national, and international competitions, and for the purchase of medals and badges for use in National Rifle Association competitions, including those fired as a part of the national matches.

Instruction expenses.
52 Stat. 666; *ante*, p. 617.
39 Stat. 211; 43 Stat. 510.
32 U. S. C. §§ 183, 186, 181.

SEC. 2. This Act may be cited as the "Supplemental Military Appropriation Act, 1940".

Short title.

Approved, July 1, 1939.