

80TH CONGRESS
1st SESSION

S. 1560

IN THE SENATE OF THE UNITED STATES

JULY 2 (legislative day, APRIL 21), 1947

Mr. GURNEY (by request) introduced the following bill; which was read twice
and referred to the Committee on Armed Services

A BILL

To facilitate the performance of research and development work
by and on behalf of the War and Navy Departments, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, as used in this Act—

4 (a) The term "Departments" means the War and Navy
5 Departments and any other department created within any
6 national defense establishment hereafter provided for by
7 any legislation passed by the Congress.

8 (b) The term "Secretaries" means the Secretary, Under
9 Secretary, and any Assistant Secretary of War, the Secre-
10 tary, Under Secretary, and any Assistant Secretary of the

1 Navy, and the Secretary, Under Secretary, and any Assistant
2 Secretary of any other department, as defined in subsection
3 (a) hereof.

4 SEC. 2. Each of the Secretaries is hereby authorized to
5 establish a Research Advisory Committee, or panel, for his
6 Department. In addition, each of the Secretaries may
7 authorize the establishment of similar committees, or panels,
8 in any technical service, bureau, or office of his respective
9 Department by the Chief thereof, and the Secretary of War
10 may authorize the establishment of a similar committee or
11 panel in the Army Air Forces by the Chief thereof. The
12 members of the committees or panels provided for herein
13 shall be chosen from persons in civilian life who are pre-
14 eminent in the fields of science or technology. They shall
15 serve for such term or terms, shall meet at such times and
16 places, and shall perform such duties, as may be specified by
17 the person designating them. Each member of any such
18 committee or panel shall be entitled to compensation in an
19 amount not to exceed \$50 for each day or part of a day he
20 shall be in attendance at any regularly called meeting of
21 such committee or panel, and shall be allowed actual and
22 necessary transportation expenses and not to exceed \$10 per
23 diem in lieu of subsistence when engaged, away from his
24 permanent residence or place of business, in attendance at
25 such meetings, or in the performance of such other duties as

1 a member of such committee or panel as may be specified by
2 the person designating him: *Provided*, That nothing con-
3 tained in sections 41, 109, or 113 of the Criminal Code
4 (U. S. C., title 18, secs. 93, 198, and 203); in Revised
5 Statutes, section 190 (U. S. C., title 5, sec. 99); in section
6 19 (c) of the Contract Settlement Act of 1944 (U. S. C.,
7 title 41, sec. 119); or in any other provision of Federal law
8 imposing restrictions, requirements, or penalties in relation
9 to the employment of persons, the performance of services, or
10 the payment or receipt of compensation in connection with
11 any claim, proceeding, or matter involving the United States,
12 shall apply to any such person solely by reason of member-
13 ship on such committee or panel. Members of all such com-
14 mittees or panels may be designated without regard to the
15 provisions of the civil-service or classification laws: *Provided*
16 *further*, That the provisions of the Act of July 12, 1870
17 (R. S. 3679; U. S. C., title 31, sec. 665), as amended, shall
18 not apply to the acceptance of voluntary service by any
19 member of any such committee or panel."

20 SEC. 3. For the purpose of promoting and conducting
21 scientific research and development work, each of the Sec-
22 retaries is authorized to employ expert scientific, technical,
23 and professional personnel, pursuant to the provisions of
24 section 15 of the Act of August 2, 1946 (Public Law 600,
25 Seventy-ninth Congress): *Provided*, That no provision of

1 law prohibiting payment of compensation or expenses to any
2 person not a citizen of the United States shall apply to any
3 person employed hereunder.

4 SEC. 4. There are hereby authorized to be appropriated
5 such amounts as may be necessary to enable the departments
6 to carry out their respective scientific research and develop-
7 ment programs. Any funds so appropriated, and any other
8 funds heretofore or hereafter made available for the research
9 and development programs of the departments, shall, if
10 obligated during the fiscal year or years for which appro-
11 priated, remain available for expenditure for four fiscal years
12 following the fiscal year or years for which appropriated.

13 SEC. 5. (a) Any contract for research or development,
14 or both, may provide for the acquisition or construction by,
15 or furnishing to, the contractor of research, developmental, or
16 test facilities, determined by the Secretary concerned to
17 be necessary for the performance thereof. Such research,
18 developmental, or test facilities may be acquired or con-
19 structed at Government expense, and may be furnished to
20 the contractor by lease, loan, or sale at fair value, and with
21 or without reimbursement to the Government for the use
22 thereof: *Provided*, That nothing contained in this subsection
23 shall be deemed to authorize construction of a permanent
24 nature of buildings or of additions to or extensions of build-
25 ings, the cost of which in any case exceeds \$20,000: *Pro-*

1 *vided further*, That nothing contained herein shall be deemed
2 to authorize the installation or construction of facilities or
3 property not owned by the Government which would not
4 be readily removable or separable without unreasonable
5 expense or unreasonable loss of value, unless adequate pro-
6 vision is made in the contract for (1) reimbursement to the
7 Government of the fair value of such facilities upon the
8 completion or termination of the contract, or within a reason-
9 able time thereafter, or (2) an option in the Government
10 to acquire the underlying land, or (3) such other provisions
11 as will in the opinion of the Secretary concerned be adequate
12 to protect the Government's interest in such facilities: *And*
13 *provided further*, That all moneys arising from sales or
14 reimbursement under this subsection shall be covered into
15 the Treasury as miscellaneous receipts.

16 (b) With the approval of the Secretary concerned, any
17 contract for research or development, or both, may provide
18 that the Government will indemnify the contractor against
19 either or both of the following, to the extent that they arise
20 out of the performance of said contract, and are not com-
21 pensated by insurance or otherwise: (1) Liability on ac-
22 count of claims (including reasonable expenses of litigation
23 or settlement of such claims), by third persons, including
24 employees of the contractor, for death, bodily injury, or

1 loss of or damage to property: *Provided*, That any con-
2 tract so providing shall also contain appropriate provisions
3 for notice to the Government of suits or actions filed, or
4 claims made, against the contractor, with respect to any
5 alleged liability for such death, bodily injury, or loss or
6 damage to property, and for control of or assistance in the
7 defense of any such suit, action, or claim, by the Govern-
8 ment, at its election; and (2) loss or damage to property
9 of the contractor arising as a result of a risk defined in the
10 contract to be unusual: *Provided further*, That no payment
11 shall be made by the Government under authority of this
12 subsection (b) unless the amount thereof shall first have
13 been certified to be just and reasonable by the Secretary
14 concerned or by an official of the Department designated
15 for such purpose by the Secretary: *And provided further*,
16 That any such payment may be made out of any funds
17 obligated for the performance of such contract, out of any
18 funds available for research and development work and not
19 otherwise obligated, or out of any funds appropriated by the
20 Congress for the making of such payments.

21 SEC. 6. Each of the Secretaries is authorized to pre-
22 scribe, with the approval of the Comptroller General of the
23 United States, regulations for his department stating the
24 extent to which vouchers for funds expended under any
25 contract for research or development, or both, shall be sub-

1 ject to itemization or substantiation prior to payment, without
2 regard to the limitations of other laws relating to the expendi-
3 ture of public funds and accounting therefor. In settling
4 the accounts of any disbursing officer, the General Account-
5 ing Office shall allow any disbursements made pursuant to
6 such regulations, notwithstanding any other provisions of
7 law.

8 SEC. 7. Each of the Secretaries is authorized to publish
9 or arrange for the publication of scientific and technical in-
10 formation resulting from the research and development pro-
11 grams conducted by the departments, so as to further the
12 full dissemination of information of scientific value consistent
13 with the national interest.

14 SEC. 8. Each of the Secretaries is authorized to delegate
15 any authority provided by this Act, except the authority
16 under the second proviso in subsections 5 (a) hereof, but
17 including the making of any other determination or decision
18 hereunder, to the chiefs of the technical services, bureaus, or
19 offices (and, in the case of the Secretary of War, to the Chief
20 of the Army Air Forces) and to one assistant to each such
21 chief: *Provided*, That the power to negotiate, execute, and
22 administer contracts for research or development, or both,
23 may be further delegated, subjected to the provisions of any
24 other applicable law, in accordance with regulations issued
25 by the Secretary concerned.

1 SEC. 9. (a) Nothing contained in this Act shall be
2 deemed to modify or repeal any of the provisions of the
3 Armed Services Procurement Act of 1947, or, except to
4 the extent that they are inconsistent herewith, any of the
5 provisions of Public Law 588, Seventy-ninth Congress,
6 second session (60 Stat. 779).

7 (b) The provisions of this Act shall be regarded as
8 separable, and the invalidity of any such provision shall not
9 affect the validity of the remainder. The invalidity of any
10 provision hereof as to one department shall not affect its
11 validity as to the other.

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