IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1947

Mr. Andrews of New York introduced the following bill; which was 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
5 Navy Departments and any other department created within
6 any National Defense Establishment hereafter provided for
7 by any legislation passed by the Congress.
8 (b) The term “Secretaries” means the Secretary,
9 Under Secretary, and any Assistant Secretary of War, the
10 Secretary, Under Secretary, and any Assistant Secretary
of the Navy, and the Secretary, Under Secretary and any
Assistant Secretary of any other department, as defined in
subsection (a) hereof.
Sec. 2. Each of the Secretaries is hereby authorized
to establish a Research Advisory Committee, or panel, for
his Department. In addition, each of the Secretaries may
authorize the establishment of similar committees, or panels,
in any technical service, bureau, or office of his respective
Department by the Chief thereof, and the Secretary of War
may authorize the establishment of a similar committee
or panel in the Army Air Forces by the Chief thereof.
The members of the committees or panels provided for
herein shall be chosen from persons in civilian life who
are preeminent in the fields of science or technology. They
shall serve for such term or terms, shall meet at such times
and places, and shall perform such duties, as may be speci-
fied by the person designating them. Each member of
any such committee or panel shall be entitled to compensa-
tion in an amount not to exceed $50 for each day or
part of a day he shall be in attendance at any regularly
called meeting of such committee or panel, and shall be
allowed actual and necessary transportation expenses and
not to exceed $10 per diem in lieu of subsistence when
engaged, away from his permanent residence or place of
business, in attendance at such meetings, or in the per-
formance of such other duties as a member of such committee or panel as may be specified by the person designating him: Provided, That nothing contained in sections 41, 109, or 113 of the Criminal Code (U. S. C., title 18, secs. 93, 198 and 203); in Revised Statutes, section 190 (U. S. C., title 5, sec. 99); in section 19 (c) of the Contract Settlement Act of 1944 (U. S. C., title 41, sec. 119); or in any other provision of Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States, shall apply to any such person solely by reason of membership on such committee or panel. Members of all such committees or panels may be designated without regard to the provisions of the civil-service or classification laws: Provided further, That the provisions of the Act of July 12, 1870 (R. S., 3679; U. S. C., title 31, sec. 665), as amended, shall not apply to the acceptance of voluntary service by any member of any such committee or panel.

Sec. 3. For the purpose of promoting and conducting scientific research and development work, each of the Secretaries is authorized to employ expert scientific, technical, and professional personnel, pursuant to the provisions of section 15 of the Act of August 2, 1946 (Public Law 600, Seventy-
ninth Congress): Provided, That no provision of law prohibiting payment of compensation or expenses to any person not a citizen of the United States shall apply to any person employed hereunder.

Sec. 4. There are hereby authorized to be appropriated such amounts as may be necessary to enable the Departments to carry out their respective scientific research and development programs. Any funds so appropriated, and any other funds heretofore or hereafter made available for the research and development programs of the Departments, shall, if obligated during the fiscal year or years for which appropriated, remain available for expenditure for four fiscal years following the fiscal year or years for which appropriated.

Sec. 5. (a) Any contract for research or development, or both, may provide for the acquisition or construction by, or furnishing to, the contractor of research, developmental, or test facilities, determined by the Secretary concerned to be necessary for the performance thereof. Such research, developmental, or test facilities may be acquired or constructed at Government expense, and may be furnished to the contractor by lease, loan, or sale at fair value, and with or without reimbursement to the Government for the use thereof: Provided, That nothing contained in this subsection shall be deemed to authorize construction of a permanent nature of buildings or of additions to or extensions of buildings, the cost
of which in any case exceeds $20,000: Provided further, that nothing contained herein shall be deemed to authorize the installation or construction of facilities or property not owned by the Government which would not be readily removable or separable without unreasonable expense or unreasonable loss of value, unless adequate provision is made in the contract for (1) reimbursement to the Government of the fair value of such facilities upon the completion or termination of the contract, or within a reasonable time thereafter, or (2) an option in the Government to acquire the underlying land, or (3) such other provisions as will in the opinion of the Secretary concerned be adequate to protect the Government's interest in such facilities: And provided further, that all moneys arising from sales or reimbursement under this subsection shall be covered into the Treasury as miscellaneous receipts.

(b) With the approval of the Secretary concerned, any contract for research or development, or both, may provide that the Government will indemnify the contractor against either or both of the following, to the extent that they arise out of the performance of said contract, and are not compensated by insurance or otherwise: (1) Liability on account of claims (including reasonable expenses of litigation or settlement of such claims), by third persons, including
employees of the contractor, for death, bodily injury, or loss of or damage to property: *Provided*, That any contract so providing shall also contain appropriate provisions for notice to the Government of suits or actions filed, or claims made, against the contractor, with respect to any alleged liability for such death, bodily injury, or loss or damage to property, and for control of or assistance in the defense of any such suit, action, or claim, by the Government, at its election; and (2) loss or damage to property of the contractor arising as a result of a risk defined in the contract to be unusual: *Provided further*, That no payment shall be made by the Government under authority of this subsection (b) unless the amount thereof shall first have been certified to be just and reasonable by the Secretary concerned or by an official of the Department designated for such purpose by the Secretary: *And provided further*, That any such payment may be made out of any funds obligated for the performance of such contract, out of any funds available for research and development work and not otherwise obligated, or out of any funds appropriated by the Congress for the making of such payments.

**Sec. 6.** Each of the Secretaries is authorized to prescribe, with the approval of the Comptroller General of the United States, regulations for his Department stating the extent to which vouchers for funds expended under any
contract for research or development, or both, shall be sub-
ject to itemization or substantiation prior to payment, without
regard to the limitations of other laws relating to the
expenditure of public funds and accounting therefor. In
settling the accounts of any disbursing officer, the General
Accounting Office shall allow any disbursements made pur-
suant to such regulations, notwithstanding any other provi-
sions of law.

SEC. 7. Each of the Secretaries is authorized to publish
or arrange for the publication of scientific and technical
information resulting from the research and development
programs conducted by the departments, so as to further
the full dissemination of information of scientific value con-
sistent with the national interest.

SEC. 8. Each of the Secretaries is authorized to dele-
gate any authority provided by this Act, except the au-
thority under the second proviso in subsection 5 (a) hereof,
but including the making of any other determination or
decision hereunder, to the chiefs of the technical services,
bureaus, or offices (and, in the case of the Secretary of
War, to the Chief of the Army Air Forces), and to one
assistant to each such chief: Provided, That the power to
negotiate, execute, and administer contracts for research or
development, or both, may be further delegated, subject
to the provisions of any other applicable law, in accordance
with regulations issued by the Secretary concerned.

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

(b) The provisions of this Act shall be regarded as
separable, and the invalidity of any such provision shall not
affect the validity of the remainder. The invalidity of any
provision hereof as to one Department shall not affect its
validity as to the other.
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By Mr. Andrews of New York

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Referred to the Committee on Armed Services