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
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 prominent 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 specified by the person designating them. Each member of any such committee or panel shall be entitled to compensation 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 performance of such other duties as
a member of such committee or panel as may be specified by
the person designating him: Provided, That nothing con-
tained 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 member-
ship on such committee or panel. Members of all such com-
mittees 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 Sec-
retaries 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: Pro-
vided 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
1 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 expendi-
ture of public funds and accounting therefor. In settling
the accounts of any disbursements officer, the General Account-
ing Office shall allow any disbursements made pursuant to
such regulations, notwithstanding any other provisions of
law.

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

SEC. 8. Each of the Secretaries is authorized to delegate
any authority provided by this Act, except the authority
under the second proviso in subsections 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, subjected 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. Gurney

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