

80<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R. 4035**

NSA 16. 7. 11. 1947

**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

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

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

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

21       SEC. 3. For the purpose of promoting and conducting  
22 scientific research and development work, each of the Secre-  
23 taries is authorized to employ expert scientific, technical, and  
24 professional personnel, pursuant to the provisions of section  
25 15 of the Act of August 2, 1946 (Public Law 600, Seventy-

1 ninth Congress) : *Provided*, That no provision of law pro-  
2 hibiting payment of compensation or expenses to any person  
3 not a citizen of the United States shall apply to any person  
4 employed hereunder.

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

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

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1 of which in any case exceeds \$20,000: *Provided further,*  
2 That nothing contained herein shall be deemed to authorize the  
3 installation or construction of facilities or property not owned  
4 by the Government which would not be readily removable  
5 or separable without unreasonable expense or unreasonable  
6 loss of value, unless adequate provision is made in the con-  
7 tract for (1) reimbursement to the Government of the fair  
8 value of such facilities upon the completion or termination of  
9 the contract, or within a reasonable time thereafter, or (2) an  
10 option in the Government to acquire the underlying land,  
11 or (3) such other provisions as will in the opinion of the  
12 Secretary concerned be adequate to protect the Government's  
13 interest in such facilities: *And provided further,* That all  
14 moneys arising from sales or reimbursement under this sub-  
15 section shall be covered into the Treasury as miscellaneous  
16 receipts.

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

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

22 SEC. 6. Each of the Secretaries is authorized to pre-  
23 scribe, with the approval of the Comptroller General of the  
24 United States, regulations for his Department stating the  
25 extent to which vouchers for funds expended under any

1 contract for research or development, or both, shall be sub-  
2 ject to itemization or substantiation prior to payment, without  
3 regard to the limitations of other laws relating to the  
4 expenditure of public funds and accounting therefor. In  
5 settling the accounts of any disbursing officer, the General  
6 Accounting Office shall allow any disbursements made pur-  
7 suant to such regulations, notwithstanding any other provi-  
8 sions of law.

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

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

1 to the provisions of any other applicable law, in accordance  
2 with regulations issued by the Secretary concerned.

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

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



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By Mr. ANDREWS of New York

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