

[CHAPTER 86]

AN ACT

April 24, 1939
[S. 1574]
[Public, No. 42]

To authorize the attendance of the Marine Band at the National Encampment of the Grand Army of the Republic to be held at Pittsburgh, Pennsylvania, from August 27 to September 1, inclusive, 1939.

National Encampment of the Grand Army of the Republic, Pittsburgh, Pa.
Attendance of Marine Band authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the National Encampment of the Grand Army of the Republic to be held at Pittsburgh, Pennsylvania, from August 27 to September 1, inclusive, 1939.

Appropriation authorized.
Post, p. 777.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such encampment, there is authorized to be appropriated the sum of \$8,500, or so much thereof as may be necessary, to carry out the provisions of this Act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for additional living expenses while on the duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

Proviso.
Allowances.

Approved, April 24, 1939.

[CHAPTER 87]

AN ACT

April 25, 1939
[H. R. 4278]
[Public, No. 43]

To authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

Naval aviation facilities, establishment, etc.
Post, pp. 772, 797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to establish, develop, or increase naval aviation facilities, with which shall be included the authority to purchase, accept by gift, or otherwise acquire land and to construct buildings and accessories, with approximate costs as indicated, at or in the vicinity of Kaneohe Bay, \$5,800,000; Midway Island, \$5,350,000; Wake Island, \$2,000,000; Johnston Island, \$1,150,000; Palmyra Island, \$1,100,000; Kodiak, Alaska, \$8,750,000; Sitka, Alaska, \$2,900,000; San Juan, Puerto Rico, \$9,300,000; Pensacola, Florida, \$5,850,000; Jacksonville, Florida, and Banana River, Florida, \$17,000,000; Norfolk, Virginia, \$500,000, for acquiring the land described and authorized by the Act of June 14, 1934 (48 Stat. 957), as amended by section 5 of this Act; Quonset Point, Rhode Island, \$1,000,000 for acquiring privately owned land; Tongue Point, Oregon, \$1,500,000; Pearl Harbor, Hawaii, \$2,800,000; the total cost not to exceed \$65,000,000, except as may be otherwise authorized by law: *Provided*, That the approximate cost indicated for each project enumerated above may, in the discretion of the Secretary of the Navy, be varied upward or downward by an amount not to exceed 25 per centum of the approximate cost indicated, but the total cost of \$65,000,000 shall not be exceeded. In addition to other authority contained in this section the Secretary of the Navy is hereby authorized to proceed with the construction of aeronautical engine and materials laboratory buildings at the Naval Aircraft Factory, Philadelphia, Pennsylvania, at a cost not to exceed \$1,800,000. In addition to other authority contained in this section, the Secretary of the Navy is hereby authorized to accept, free from all encumbrances and without cost to the United States, title in fee simple to land or other realty at or in the vicinity of Corpus Christi, Texas, to be used for

48 Stat. 957.

Total cost; limitation.

Proviso.
Variation in costs permitted; limitation.

Naval Aircraft Factory, Philadelphia, Pa., construction at.

Acceptance of title to land, etc.
Corpus Christi, Tex.

the purpose of establishing a naval aviation training station, and title in fee simple to land or other realty from the State of Rhode Island at or in the vicinity of Quonset Point, Rhode Island, to be used as a naval air base.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act.

SEC. 3. Whenever deemed by him to be advantageous to the national defense, and providing that in the opinion of the Secretary of the Navy the existing facilities of the Naval Establishment are inadequate, the Secretary of the Navy is hereby authorized to employ, by contract or otherwise, outside architectural or engineering corporations, firms, or individuals for the production and delivery of the designs, plans, drawings, and specifications required for the accomplishment of any naval public works or utilities project or the construction of any naval vessel, aircraft, or part thereof, without reference to the Classification Act of 1923 (42 Stat. 1488), as amended (5 U. S. C., ch. 13), or to section 3709 of the Revised Statutes of the United States (41 U. S. C. 5). In no case shall the fee paid for any service authorized by this section exceed 6 per centum of the estimated cost, as determined by the Secretary of the Navy, of the project to which such fee is applicable.

SEC. 4. (a) To enable the Secretary of the Navy to accomplish without delay or excessive cost those public-works projects authorized by this Act to be located outside the continental limits of the United States, he is hereby authorized to enter into contracts upon a cost-plus-a-fixed-fee basis after such negotiations as he may authorize and approve and without advertising for proposals with reference thereto. Approval by the President shall be necessary to the validity of any contract entered into under authority of this section. The fixed fee to be paid the contractor as a result of any contract entered into under authority of this section shall be determined at or before the time such contract is made, and shall be set forth in such contract. Such fee shall not exceed 10 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy. Changes in the amount of the fee shall be made only upon material changes in the scope of the work concerned as determined by the Secretary of the Navy whose determination shall be conclusive.

(b) Negotiations under this section shall be between the Secretary of the Navy, or a duly authorized representative, and three or more reputable and qualified contracting individuals, firms, or corporations regularly engaged in work of comparable magnitude and class to that contemplated by the negotiations, as determined by the Secretary of the Navy, and contracts may be made with any such individual, firm, or corporation, or with any two or more of them jointly, upon such terms and conditions as the Secretary of the Navy may determine to be fair and equitable and in the interests of the national defense. For each contract entered into under authority of this section the Secretary of the Navy may detail a naval officer to duty, without additional compensation, as an executive representative of the contracting officer. The contract shall provide that the officer so detailed shall have the right to attend any meetings of the board of directors or other executive or administrative board or committee of any corporation, partnership, firm, or syndicate which is or may become a party thereto for the purpose of submitting propositions, propounding questions, and receiving information relative to any matter within the purview of the contract with the intent and for the purpose of safeguarding the interests of the United States, coordinating efforts, and

Quonset Point, R. I.

Appropriations authorized.

Employment of certain outside corporations, etc.
Post, p. 772.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. IV, §§ 673, 673c.
R. S. § 3709.
41 U. S. C. § 5.
Limitation.

Projects outside continental limits, contracts on a cost-plus-a-fixed-fee basis.
Post, p. 772.

Approval by the President.

Amount of fee, limitation.

Changes.

Negotiations.

Detail of naval officer as executive representative of contracting officer.

promoting mutually beneficial relationships, and making decisions within the scope of his delegated authority and not in conflict with any provision of the contract.

(c) In any project the contract for which is negotiated under authority of this section, the Secretary of the Navy may waive the requirement of a performance and a payment bond and may accept materials required for any such project at such place or places as he may deem necessary to minimize insurance costs.

(d) Any contract negotiated under this section may, in the discretion of the Secretary of the Navy, contain provisions under which any loss of or major damage to the plant, materials, or supplies of any contractor, not due to his negligence or fault or to the negligence or fault of his agents or servants, while the same is necessarily in transit upon or lying in the open sea for the purposes of the contract, will be investigated by a board of naval officers appointed for the purpose and reported to the Secretary of the Navy, who will transmit to the Congress the findings of fact and his recommendations in the premises.

(e) The Secretary of the Navy shall report annually to the Congress all contracts entered into under authority of this section, including the names of the contractors and copies of the contracts concerned, together with the amounts thereof.

SEC. 5. The Act of June 14, 1934 (48 Stat. 957), after the enacting clause is hereby amended to read as follows:

"That the Secretary of the Navy be, and he hereby is, authorized to acquire, by purchase or condemnation, additional lands adjacent to the Hampton Roads Naval Operating Base, Norfolk, Virginia, such lands lying north of the Virginian Railway and west of Granby Street. The sum of \$500,000 authorized by section 1 of the bill H. R. 4278, as enacted, for the acquisition of land at or in the vicinity of Norfolk, Virginia, shall be available for the purposes of this Act."

Approved, April 25, 1939.

[CHAPTER 88]

AN ACT

Making 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 personal services in the District of Columbia, as follows:

Office of Secretary of War.
Proviso.
Use of field-service appropriations.

Office of Secretary of War: Secretary of War, Assistant Secretary of War, and other personal services, \$315,660: *Provided*, That no field-service appropriation shall be available for personal services in the War Department except as may be expressly authorized herein.

Designated offices.

Office of Chief of Staff, \$244,120.
Adjutant General's office, \$1,392,308.

World War personnel records.

For personal services, to be employed exclusively in assembling, classifying, and indexing the military personnel records of the World War, and for the purchase of necessary supplies and materials used in such work, \$74,960.

Office of the Inspector General, \$29,120.
Office of the Judge Advocate General, \$112,660.
Office of the Chief of Finance, \$396,100.

Waiver of performance, etc., bond.

Acceptance of materials.

Damage to plant, etc.; investigation.

Transmittal of findings, etc., to Congress.

Annual report to Congress.

48 Stat. 957.

Norfolk, Va., acquisition of lands.

Funds available.
Ante, p. 590.

April 26, 1939
[H. R. 4630]
[Public, No. 44]

Military Appropriation Act, 1940.