

possible, surplus property, and may recommend to the Commission the repair or construction under the provisions of section 304, at any time prior to July 1, 1950, of buildings deemed essential to the rehabilitation of public health and quarantine functions."

60 Stat. 136.
50 U. S. C. app.
§ 1784.

SEC. 3. Section 311 of the Philippine Rehabilitation Act of 1946 is amended by adding thereto a subsection numbered (f) and reading as follows:

60 Stat. 139.
50 U. S. C. app.
§ 1791.

"(f) Any Filipino who has commenced training or instruction prior to June 30, 1950, as provided in this Act, shall, notwithstanding any other provisions of this Act, be entitled, insofar as facilities are available, to receive the full course of training or instruction as prescribed by the head of the bureau or agency concerned, and funds appropriated under the authority of this Act shall be available for such training or instruction. The number of trainees to be trained each year, as prescribed by the several sections of this Act, refers to the number of trainees who may be designated each year by the President of the Philippines and not to the total number of trainees receiving training or instruction in any one year."

Training period.

Number of trainees.

Approved July 2, 1948.

[CHAPTER 811]

AN ACT

To promote the common defense by providing for the retention and maintenance of a national reserve of industrial productive capacity, and for other purposes.

July 2, 1948
[S. 2554]
[Public Law 833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Industrial Reserve Act of 1948".

National Industrial Reserve Act of 1948.

DECLARATION OF POLICY

SEC. 2. In enacting this Act, it is the intent of Congress to provide a comprehensive and continuous program for the future safety and for the defense of the United States by providing adequate measures whereby an essential nucleus of Government-owned industrial plants and a national reserve of machine tools and industrial manufacturing equipment may be assured for immediate use to supply the needs of the armed forces in time of national emergency or in anticipation thereof; it is further the intent of the Congress that such Government-owned plants and such reserve shall not exceed in number or kind the minimum requirements for immediate use in time of national emergency, and that any such items which shall become surplus to such requirements shall be disposed of as expeditiously as possible.

DEFINITIONS

SEC. 3. (a) The term "national industrial reserve", as used herein, means that excess industrial property which has been or may hereafter be sold, leased, or otherwise disposed of by the United States, subject to a national security clause, and that excess industrial property of the United States which not having been sold, leased, or otherwise disposed of, subject to a national security clause, shall be transferred to the Federal Works Agency under section 5 hereof.

"National industrial reserve."

(b) The term "excess industrial property," as used herein, means any machine tool, any industrial manufacturing equipment and any industrial plant (including structures on land owned by or leased to the United States, substantially equipped with machinery, tools, and equipment) which is capable of economic operation as a separate and independent industrial unit and which is not an integral part of an installation of a private contractor, which machine tools, industrial manufacturing equipment, and industrial plants are under the control

Post, p. 1226.
"Excess industrial property."

of any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation and which are not required for its immediate needs and responsibilities as determined by the head thereof.

"National security clause."

Infra.

(c) The term "national security clause", as used herein, means those terms, conditions, restrictions, and reservations, heretofore formulated or as may be formulated under section 4 (2) hereof for insertion in instruments of sale or lease of property, determined in accordance with section 4 (1) to be a part of the national industrial reserve, which will guarantee the availability of such property for the purposes of national defense at any time when availability thereof for such purposes is deemed necessary by the Secretary of Defense.

Authority of Secretary of Defense.

SEC. 4. To effectuate the policy set forth in section 2 of this Act the Secretary of Defense is hereby authorized and directed to—

Supra.

(1) determine which excess industrial properties should become a part of the national industrial reserve under the provisions of this Act;

(2) formulate a national security clause, as defined in section 3 (c) hereof and vary or modify the same from time to time in such manner as best to attain the objectives of this Act, having due regard to securing advantageous terms to the Government in the disposal of excess industrial property;

(3) consent to the relinquishment or waiver of all or any part of any national security clause in specific cases when necessary to permit the disposition of particular excess industrial property when it is determined that the retention of the productive capacity of any such excess industrial property is no longer essential to the national security or that the retention of a lesser interest than that originally required will adequately fulfill the purposes of this Act: *Provided*, That nothing in this subsection (3) shall require the modification or waiver of any part of any such national security clause when such clause is deemed necessary by the Secretary of Defense to effectuate the purposes of this Act; and

(4) designate what excess industrial property shall be disposed of subject to the provisions of the national security clause.

Modifications of national security clause.

SEC. 5. (a) In the event that any agency charged with the disposal of excess industrial property, after making every practicable effort so to do, is unable to dispose of any excess industrial plant because of the national security clause it shall notify the Secretary of Defense, indicating such modifications in the national security clause, if any, which in its judgment would make possible disposal of the plant. The Secretary of Defense shall consider and agree to any and all such proposed modifications as in his judgment would be consistent with the purposes of this Act. If, however, such clause is not modified or the requirements thereof waived pursuant to section 4 (3), or if modified, such plant cannot then be disposed of under such modified clause, the Secretary of Defense shall direct that such plant be transferred to the Federal Works Agency, and such transfer shall be without reimbursement or transfer of funds.

Supra.

Transfer of plant to Federal Works Agency.

Storage of equipment, etc.

(b) Notwithstanding any other provisions of law, any agency charged with the disposal of excess machine tools and industrial manufacturing equipment shall transfer custody of such machine tools and equipment as may be designated by the Secretary of Defense pursuant to section 4 hereof to the Federal Works Agency, without reimbursement, for storage and maintenance.

Duties of Federal Works Agency.

SEC. 6. Subject to provisions of section 7 hereof, the Federal Works Agency is hereby authorized and directed to accept the transfer to it of such excess industrial property as is directed to be transferred to it under section 4 hereof and, as and when directed or authorized by

Supra.

the Secretary of Defense pursuant to section 7 hereof, to utilize, maintain, protect, repair, restore, renovate, lease, or dispose of such property. Notwithstanding section 321 of the Act of June 30, 1932 (47 Stat. 412; U. S. C., title 40, sec. 303 (b)), any lease may provide for the renovation, maintenance, protection, repair, and restoration by the lessee, of the property leased, or of the entire unit or installation when a substantial part thereof is leased, as part or all of the consideration for the lease of such property.

SEC. 7. The Secretary of Defense, with respect to property in the national industrial reserve, is authorized when he deems such action to be in the interest of national security—

(1) to establish general policies for the care, maintenance, utilization, recording, and security of such property transferred to the Federal Works Agency pursuant to section 5 hereof; and

(2) to direct the transfer without reimbursement by the Federal Works Agency of any of such property to other Government agencies with the consent of such agencies; and

(3) to direct the leasing by the Federal Works Agency of any of such property to designated lessees; and

(4) to authorize the disposition by the Federal Works Agency of any of such property by sale or otherwise when in the opinion of the Secretary of Defense such property may be disposed of subject to or free of the national security clause provided for in section 5 hereof; and

(5) to authorize and regulate the lending of any such property by the Federal Works Agency to any nonprofit educational institution or training school when (a) the Secretary shall determine that the program proposed by such institution or school for the use of such property will contribute materially to national defense, and (b) such institution or school shall by agreement make such provision as the Secretary shall deem satisfactory for the proper maintenance of such property and for its return to the Federal Works Agency without expense to the Government.

SEC. 8. As and when directed or authorized by the Secretary of Defense pursuant to the provisions of section 7 hereof, the Federal Works Agency shall after the date upon which transfer is directed pursuant to section 5 hereof provide for the transportation, handling, care, storage, protection, maintenance, utilization, repair, restoration, renovation, leasing, and disposition of excess industrial property.

SEC. 9. Nothing contained in this Act shall be construed as authorizing the acquisition of any property for the national industrial reserve except from excess or surplus Government-owned property.

SEC. 10. The Secretary of Defense shall appoint a National Industrial Reserve Review Committee, which shall consist of not exceeding fifteen persons to be appointed from civilian life who are by training and experience familiar with various fields of American industry, including shipbuilding, aircraft manufacture, machine tools, and arms and armament production. The members of such Committee shall serve for such term or terms as the Secretary of Defense may specify and shall meet at such times as may be specified by the Secretary of Defense to consult with and advise the National Military Establishment. Each member of such Committee shall be entitled to compensation in the amount of \$50 for each day, or part of day, he shall be in attendance at any regular called meeting of the Committee, together with reimbursement for all travel expenses incident to such attendance: *Provided*, That nothing contained in sections 41, 109, and 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 (e) of the Contract Settlement Act of 1944 (Public Law 395, Seventy-eighth

Infra.

40 U. S. C. § 303b.

Property in national industrial reserve.

Lending to nonprofit educational institutions.

Ante, p. 1226.

Acquisition of property; restriction.

National Industrial Reserve Review Committee.

Ante, p. 863.

58 Stat. 668.
41 U. S. C. § 119.
Ante, p. 868.

Congress); 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 such persons solely by reason of their appointment to and membership on such Committee.

Duties of Committee.

SEC. 11. It shall be the duty of the Committee appointed under section 10 hereof to review not less often than once each year the justification for the retention of property in the national industrial reserve established hereunder and (i) to recommend to the Secretary of Defense the disposition of any such property which in the opinion of the Committee would no longer be of sufficient strategic value to warrant its further retention for the production of war material in the event of a national emergency; (ii) to recommend to the Secretary of Defense standards of maintenance for the property held in the national industrial reserve; (iii) to review and recommend to the Secretary of Defense the disposal of that property which in the opinion of the Committee could and should be devoted to commercial use in the civilian economy; and (iv) to advise the Secretary of Defense with respect to such activities under this Act as he may request.

Report to Congress.

SEC. 12. The Secretary of Defense shall submit to the Congress on April 1 of each year a report detailing the action taken by it hereunder and containing such other pertinent information on the status of the national industrial reserve as will enable the Congress to evaluate its administration and the need for amendments and related legislation.

10 U. S. C., Supp. I, § 1270c; 34 U. S. C., Supp. I, § 522d.

Appropriation authorized. *Ante*, p. 1033.

SEC. 13. Section 5 of the Act approved August 5, 1947 (ch. 493, 61 Stat. 774), is hereby repealed.

SEC. 14. There are hereby authorized to be appropriated to the Office of the Secretary of Defense and to the Federal Works Administration, out of any moneys in the Treasury not otherwise appropriated, such sums as the Congress may, from time to time, determine to be necessary to enable the Secretary of Defense and the Federal Works Agency to carry out their respective functions under the Act.

Approved July 2, 1948.

[CHAPTER 812]

AN ACT

July 2, 1948
[S. 2743]
[Public Law 894]

Providing for the more expeditious determination of certain claims filed by Ute Indians.

Ute Indians. Determination of certain claims.

25 U. S. C. §§ 70-70v.
Separate judgments for surface and subsurface of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians or any tribe or band thereof may have against the United States, and for other purposes, approved June 28, 1938 (52 Stat. 1209), as amended July 15, 1941 (55 Stat. 593), June 22, 1943 (57 Stat. 160), June 11, 1946 (60 Stat. 255), and August 13, 1946 (60 Stat. 1049), is hereby amended by adding to section 3 thereof the following: "The court shall, upon a determination of the material issues or upon consent of the parties, enter a separate final judgment for any value of the surface and a subsequent separate final judgment for any value of the subsurface of the land which the court may determine to be the subject matter of case numbered 45585 in the United States Court of Claims entitled, *Confederated Bands of Ute Indians versus United States of America*. Each of the judgments shall be subject to review in accordance with the provisions of section 3 of the Act of February 13, 1929 (ch. 229, 43 Stat. 939), as amended by the Act approved May 22, 1939 (ch. 140, 53 Stat. 752; 28 U. S. C. 288). Any value subse-

Ante, p. 1000.