

58 Stat. 387.
5 USC 851 note.

“(e) This section does not and shall not be construed to amend or modify the Veterans’ Preference Act of 1944 (Public Law 359, Seventy-eighth Congress), as amended.”

Ante, p. 736.

SEC. 603. The Official Reporters of the proceedings and debates of the Senate and their employees shall be considered to be officers or employees in or under the legislative branch of the Government within the meaning of the provisions of section 2 (a) of the Federal Employees’ Group Life Insurance Act of 1954.

24 Stat. 492.

SEC. 604. The Act entitled “An Act authorizing the employment of mail messengers in the postal service”, approved March 3, 1887 (39 U. S. C., sec. 578), is amended by adding at the end thereof the following new paragraph:

“The Postmaster General may, in his discretion and under such regulations as he may prescribe, readjust the compensation of the holder of any contract for the performance of mail-messenger service on account of increased or decreased costs occasioned by changed conditions which could not reasonably have been anticipated at the time such contract was made.”

Approved September 1, 1954.

Public Law 764

CHAPTER 1209

AN ACT

September 1, 1954
[H. R. 6287]

To extend and amend the Renegotiation Act of 1951.

Renegotiation
Act of 1951, ex-
tension, etc.
65 Stat. 7.
50 USC app.
1212.
Aggregate
amounts.
50 USC app.
1215.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 102 of the Renegotiation Act of 1951 is hereby amended by striking out “December 31, 1953” and inserting in lieu thereof “December 31, 1954.”

SEC. 2. (a) Section 105 (f) (1) of such Act is amended by striking out “\$250,000” wherever it appears therein and inserting in lieu thereof the following: “\$250,000, in the case of a fiscal year ending before June 30, 1953, or \$500,000, in the case of a fiscal year ending on or after June 30, 1953”.

(b) Section 105 (f) (3) of such Act is amended by inserting, in the second sentence thereof, after “the \$250,000 amount” the following: “, the \$500,000 amount.”

Exemptions.
50 USC app.
1216.

SEC. 3. (a) Paragraph (6) of section 106 (a) of such Act is hereby amended by inserting immediately following the second period therein the following: “In designating those classes and types of contracts which shall be exempt and in exempting any individual contract under this paragraph, the Board shall consider as not having a direct or immediate connection with national defense any contract for the furnishing of materials or services to be used by the United States, a Department or agency thereof, in the manufacture and sale of synthetic rubbers to a private person or to private persons which are to be used for nondefense purposes. If the use by such private person or persons shall be partly for defense and partly for nondefense purposes, the Board shall consider as not having a direct or immediate connection with national defense that portion of the contract which is determined not to have been used for national defense purposes. The method used in making such determination shall be subject to approval by the Board.”

(b) The amendment made by subsection (a) shall be effective as if it were a part of such Renegotiation Act of 1951 on the date of its enactment.

SEC. 4. (a) Paragraph (1) of section 106 (c) of such Act is hereby amended by striking out "from subcontracts" and inserting in lieu thereof "from contracts or subcontracts."

Durable productive equipment.

(b) Paragraph (1) of section 106 (c) of such Act is further amended by inserting "(A)" after the word "except" and by adding before the period at the end of such paragraph the following: "and (B) to receipts and accruals from contracts for new durable productive equipment in cases in which the Board finds that the new durable productive equipment covered by such contracts cannot be adapted, converted, or retooled for commercial use".

(c) Paragraph (2) of such section 106 (c) is hereby amended to read as follows:

"(2) DEFINITION.—For the purpose of this subsection, the term 'durable productive equipment' means machinery, tools, or other equipment which does not become a part of an end product, or of an article incorporated therein, and which has an average useful life of more than five years."

(d) The amendments made by subsections (a), (b), and (c) shall apply only with respect to fiscal years (as defined in section 103 (h) of the Renegotiation Act of 1951) ending on or after June 30, 1953.

50 USC app. 1213.

SEC. 5. (a) Section 106 (a) of such Act is hereby amended—

50 USC app. 1216.

(1) by striking out, in paragraph (7), "by reason of this subsection." and inserting in lieu thereof "by reason of any paragraph, other than paragraph (8), of this subsection; or"; and

(2) by adding at the end of such section the following:

"(8) any contract or subcontract for the making or furnishing of a standard commercial article, unless the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will not reasonably prevent excessive profits. This paragraph shall apply to any such contract or subcontract only if (1) the contractor or subcontractor files, at such time and in such form and detail as the Board shall by regulations prescribe, such information and data as may be required by the Board under its regulations for the purpose of enabling it to reach a decision with respect to the making of a specific finding under this paragraph, and (2) within a period of six months after the date of filing of such information and data, the Board fails to make a specific finding that competitive conditions affecting the sale of such article are such as will not reasonably prevent excessive profits, or (3) within such six-month period, the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will reasonably prevent excessive profits. Any contractor or subcontractor may waive the exemption provided in this paragraph with respect to receipts or accruals in any fiscal year by including a statement to such effect in the financial statement filed by such contractor or subcontractor for such fiscal year pursuant to section 105 (e) (1). Any specific finding of the Board under this paragraph shall not be reviewed or redetermined by any court or agency other than by the Tax Court of the United States in a proceeding for a redetermination of the amount of excessive profits determined by an order of the Board. For the purpose of this paragraph—

Standard commercial articles. Excessive profits.

50 USC app. 1215.

"(A) the term 'article' includes any material, part, component, assembly, machinery, equipment, or other personal property;

“(B) the term ‘standard commercial article’ means an article—

“(1) which, in the normal course of business, is customarily manufactured for stock, and is customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial agency for the marketing of such article; or

“(2) which is manufactured and sold by more than two persons for general civilian industrial or commercial use, or which is identical in every material respect with an article so manufactured and sold;

“(C) the term ‘identical in every material respect’ means of the same kind, manufactured of the same or substitute materials, and having the same industrial or commercial use or uses, without necessarily being of identical specifications; and

“(D) the term ‘persons’ does not include any person under control of, or controlling, or under common control with any other person considered for the purposes of subparagraph (B) (2) of this paragraph.”

(b) The amendments made by subsection (a) shall apply to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953.

50 USC app.
1216.
Common carriers
by water.

SEC. 6. (a) Section 106 (a) (4) of such Act is hereby amended by striking out “; or” at the end thereof and inserting the following: “and to such furnishing or sale in any case in which the Board finds that the regulatory aspects of rates for such furnishing or sale, or the type and nature of the contract for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable; or”.

(b) The amendment made by subsection (a) shall apply only with respect to fiscal years (as defined in section 103 (h) of the Renegotiation Act of 1951) ending on or after December 31, 1953.

50 USC app.
1213.

50 USC app.
1215.
Voiding of agree-
ment.

SEC. 7. (a) Section 105 (d) of such Act is hereby amended by striking out the period at the end of the last sentence thereof and inserting the following: “, and shall also have the power to set aside and declare null and void any such agreement if, upon a request made to the Board within three years from the date of such agreement, the Board finds as a fact that the aggregate of the amounts received or accrued by the other party to such agreement during the fiscal year covered by such agreement was not more than the minimum amounts subject to renegotiation specified in section 105 (f) for such fiscal year.”

(b) The amendment made by subsection (a) shall be effective as if it were a part of the Renegotiation Act of 1951 on the date of its enactment.

66 Stat. 753.
50 USC app.
1231.

Savings provi-
sion.

SEC. 8. Section 201 (h) of such Act is hereby amended by striking out “two years” and inserting in lieu thereof “four years”, and by adding at the end thereof the following new sentence: “If any such case has been dismissed by any court for failure to substitute for the War Contracts Price Adjustment Board prior to the effective date of this sentence, such case is hereby revived and reinstated in such court as if it had not been dismissed.”

Approved September 1, 1954.