

Section 1343, act Sept. 3, 1954, ch. 1257, title V, §513, 68 Stat. 1176, authorized special promotions. See section 14301 et seq. of Title 10.

Section 1344, act Sept. 3, 1954, ch. 1257, title V, §514, 68 Stat. 1176, related to promotion of officers serving in temporary grade higher than permanent grade. See section 14301 et seq. of Title 10.

Section 1345, act Sept. 3, 1954, ch. 1257, title V, §515, 68 Stat. 1177, related to female Reserve officers.

Section 1346, act Sept. 3, 1954, ch. 1257, title V, §516, 68 Stat. 1177, related to promotion to colonel. See section 14301 et seq. of Title 10.

Section 1347, act Sept. 3, 1954, ch. 1257, title V, §517, 68 Stat. 1177, provided for promotion to brigadier general and major general. See sections 14314 and 14315 of Title 10.

Section 1348, act Sept. 3, 1954, ch. 1257, title V, §518, 68 Stat. 1178, provided for removal from the promotion list by the President. See section 14301 et seq. of Title 10.

Section 1349, act Sept. 3, 1954, ch. 1257, title V, §519, 68 Stat. 1179, related to Air National Guard. See section 14301 et seq. of Title 10, Armed Forces, and section 307 of Title 32, National Guard.

Section 1350, act Sept. 3, 1954, ch. 1257, title V, §520, 68 Stat. 1179, provided for promotion to first lieutenant in Air National Guard of the United States. See sections 14301 et seq. and 14503 of Title 10, Armed Forces.

Section 1351, act Sept. 3, 1954, ch. 1257, title V, §521, 68 Stat. 1179, provided for promotion to captain, major, and lieutenant colonel in the Air National Guard. See section 14301 et seq. of Title 10.

Section 1352, act Sept. 3, 1954, ch. 1257, title V, §522, 68 Stat. 1180, related to deferred officers. See section 14301 et seq. of Title 10, Armed Forces, and section 323 of Title 32, National Guard.

Section 1353, acts Sept. 3, 1954, ch. 1257, title V, §523, 68 Stat. 1181; June 30, 1955, ch. 247, §4(i), 69 Stat. 220, related to maximum ages for retention in active status. See sections 14510 to 14512 of Title 10, Armed Forces.

Section 1354, acts Sept. 3, 1954, ch. 1257, title V, §524, 68 Stat. 1182; June 30, 1955, ch. 247, §4(j), 69 Stat. 220, related to elimination of officers for length of service. See section 14501 et seq. of Title 10.

Section 1355, act Sept. 3, 1954, ch. 1257, title V, §525, 68 Stat. 1183, provided for elimination of excess officers. See sections 14514 and 14704 of Title 10.

Section 1356, act Sept. 3, 1954, ch. 1257, title V, §526, 68 Stat. 1183, provided for elimination or transfer of adjutants general or assistant adjutants general. See section 14314(a), (c) of Title 10.

Section 1357, act Sept. 3, 1954, ch. 1257, title V, §527, as added June 30, 1955, ch. 247, §4(k), 69 Stat. 220, related to civilian employees of the Air National Guard.

§§ 1381 to 1398. Repealed. Pub. L. 85-861, §36A, Sept. 2, 1958, 72 Stat. 1569

Section 1381, act Sept. 3, 1954, ch. 1257, title VI, §601, 68 Stat. 1183, defined terms used in sections 1381 to 1399 of this title. See section 720 of Title 14, Coast Guard.

Section 1382, act Sept. 3, 1954, ch. 1257, title VI, §602, 68 Stat. 1183, related to applicability of sections 1381 to 1399 of this title. See section 721 of Title 14.

Section 1383, act Sept. 3, 1954, ch. 1257, title VI, §603, 68 Stat. 1184, related to authorized numbers and distribution of officers in the Coast Guard Reserve. See section 724 of Title 14.

Section 1384, act Sept. 3, 1954, ch. 1257, title VI, §604, 68 Stat. 1184, related to promotions and selection boards. See section 729 of Title 14.

Section 1385, act Sept. 3, 1954, ch. 1257, title VI, §605, 68 Stat. 1185, provided for precedence. See section 725 of Title 14.

Section 1386, acts Sept. 3, 1954, ch. 1257, title VI, §606, 68 Stat. 1185; June 30, 1955, ch. 247, §5(a), 69 Stat. 221, related to running mates. See section 726 of Title 14.

Section 1387, act Sept. 3, 1954, ch. 1257, title VI, §607, 68 Stat. 1186, related to promotion zones. See section 731 of Title 14.

Section 1388, acts Sept. 3, 1954, ch. 1257, title VI, §608, 68 Stat. 1186; June 30, 1955, ch. 247, §5(b), 69 Stat. 221, related to date of rank upon promotion. See section 736 of Title 14.

Section 1389, act Sept. 3, 1954, ch. 1257, title VI, §609, 68 Stat. 1186, related to minimum points for consideration for promotion. See section 785 of Title 14.

Section 1390, act Sept. 3, 1954, ch. 1257, title VI, §610, 68 Stat. 1186, related to qualifications for promotion. See section 734 of Title 14.

Section 1391, act Sept. 3, 1954, ch. 1257, title VI, §611, 68 Stat. 1186, related to failure of selection and elimination. See section 740 of Title 14.

Section 1392, act Sept. 3, 1954, ch. 1257, title VI, §612, 68 Stat. 1187, provided for removal from promotion list by the President. See section 738 of Title 14.

Section 1393, act Sept. 3, 1954, ch. 1257, title VI, §613, 68 Stat. 1187, related to maximum ages for active status. See section 742 of Title 14.

Section 1394, act Sept. 3, 1954, ch. 1257, title VI, §614, 68 Stat. 1187, related to type of promotion. See section 737 of Title 14.

Section 1395, act Sept. 3, 1954, ch. 1257, title VI, §615, 68 Stat. 1188, related to promotion of officers serving on active duty. See section 728 of Title 14.

Section 1396, act Sept. 3, 1954, ch. 1257, title VI, §616, 68 Stat. 1188, provided for appointment of former Navy and Coast Guard officers. See section 744 of Title 14.

Section 1397, act Sept. 3, 1954, ch. 1257, title VI, §617, 68 Stat. 1188, provided for recall of retired officers. See section 746 of Title 14.

Section 1398, act Sept. 3, 1954, ch. 1257, title VI, §618, 68 Stat. 1188, authorized the Secretary to promulgate regulations. See section 794 of Title 14.

§ 1399. Omitted

CODIFICATION

Section, act Sept. 3, 1954, ch. 1257, title VI, §619, as added June 30, 1955, ch. 247, §5(c), 69 Stat. 221, which authorized promotion of officers who were selected for promotion prior to July 1, 1955.

CHAPTER 28—STATUS OF ARMED FORCES PERSONNEL APPOINTED TO SERVICE ACADEMIES

§§ 1411 to 1414. Repealed. Pub. L. 85-861, §36A, Sept. 2, 1958, 72 Stat. 1570

Section 1411, act June 25, 1956, ch. 439, §1, 70 Stat. 333, related to continuance of enlisted contract or period of obligated service and to pay allowance and benefits. See section 516 of Title 10, Armed Forces.

Section 1412, act June 25, 1956, ch. 439, §2, 70 Stat. 333, related to reversion to enlisted status upon separation from the service academies. See section 516 of Title 10.

Section 1413, act June 25, 1956, ch. 439, §3, 70 Stat. 333, related to charge against allowed number of personnel in Armed Forces.

Section 1414, act June 25, 1956, ch. 439, §4, 70 Stat. 333, related to restriction on counting Academy service towards length of service as an officer.

CHAPTER 29—NATIONAL DEFENSE CONTRACTS

Sec.

1431. Authorization; official approval; Congressional action; notification of committees of certain proposed obligations, resolution of disapproval, continuity of session, computation of period.

1432. Restrictions.

1433. Public record; examination of records by Comptroller General; exemptions: exceptional conditions; reports to Congress.

1434. Repealed.

1435. Effective period.

1436. Repealed.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1651 of this title; title 10 section 2410; title 42 section 2210.

§ 1431. Authorization; official approval; Congressional action; notification of committees of certain proposed obligations, resolution of disapproval, continuity of session, computation of period

The President may authorize any department or agency of the Government which exercises functions in connection with the national defense, acting in accordance with regulations prescribed by the President for the protection of the Government, to enter into contracts or into amendments or modifications of contracts heretofore or hereafter made and to make advance payments thereon, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense. The authority conferred by this section shall not be utilized to obligate the United States in an amount in excess of \$50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or an assistant head or his deputy, of such department or agency, or by a Contract Adjustment Board established therein. The authority conferred by this section may not be utilized to obligate the United States in any amount in excess of \$25,000,000 unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such proposed obligation and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees. For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die at the end of a Congress, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain, or because of an adjournment sine die other than at the end of a Congress, are excluded in the computation of such 60-day period.

(Pub. L. 85-804, § 1, Aug. 28, 1958, 72 Stat. 972; Pub. L. 93-155, title VIII, § 807(a), Nov. 16, 1973, 87 Stat. 615; Pub. L. 101-510, div. A, title XIII, § 1313, Nov. 5, 1990, 104 Stat. 1670; Pub. L. 102-25, title VII, § 705(f), Apr. 6, 1991, 105 Stat. 120.)

AMENDMENTS

1991—Pub. L. 102-25, § 705(f)(1), inserted before period at end of third sentence “and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees”.

Pub. L. 102-25, § 705(f)(2), in fourth sentence, inserted “at the end of a Congress” after “sine die” and “, or because of an adjournment sine die other than at the end of a Congress,” after “to a day certain”.

1990—Pub. L. 101-510 struck out before period at end of third sentence “and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees and neither House of Congress has adopted, within such 60-day period, a resolution disapproving such obligation”.

1973—Pub. L. 93-155 provided for notification of Congressional Committees with respect to certain proposed obligations, Congressional resolution of disapproval, continuity of Congressional session, and computation of period.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 705(f)(1) of Pub. L. 102-25 provided that the amendment made by that section is effective as of Nov. 6, 1990.

NONAPPLICABILITY OF NATIONAL EMERGENCIES ACT

The provisions of the National Emergencies Act [see Short Title note set out under section 1601 of this title] shall not apply to the powers and authorities conferred by this section and actions taken hereunder, see section 1651(a)(6) of this title.

OBLIGATIONS ENTERED INTO BEFORE NOVEMBER 16, 1973

Amendment by Pub. L. 93-155 not affecting the carrying out of any contract, loan, guarantee, commitment, or other obligation entered into prior to Nov. 16, 1973, see section 807(e) of Pub. L. 93-155, set out as a note under section 2307 of Title 10, Armed Forces.

EX. ORD. NO. 10789. CONTRACTING AUTHORITY OF GOVERNMENT AGENCIES IN CONNECTION WITH NATIONAL DEFENSE FUNCTIONS

Ex. Ord. No. 10789, Nov. 14, 1958, 23 F.R. 8897, as amended by Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247; Ex. Ord. No. 11610, July 22, 1971, 36 F.R. 13755; Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43239; Ex. Ord. No. 12919, § 904(b), June 3, 1994, 59 F.R. 29534, provided:

By virtue of the authority vested in me by the act of August 28, 1958, 72 Stat. 972, hereinafter called the act [this chapter], and as President of the United States, and deeming that such action will facilitate the national defense, it is hereby ordered as follows:

PART I—DEPARTMENT OF DEFENSE

Under such regulations, which shall be uniform to the extent practicable, as may be prescribed or approved by the Secretary of Defense:

1. The Department of Defense is authorized, within the limits of the amounts appropriated and the contract authorization provided therefor, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, whenever, in the judgment of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the duly authorized representative of any such Secretary, the national defense will be facilitated thereby.

1A. (a) The limitation in paragraph 1 to amounts appropriated and the contract authorization provided therefor shall not apply to contractual provisions which provide that the United States will hold harmless and indemnify the contractor against any of the claims or losses set forth in subparagraph (b), whether resulting from the negligence or wrongful act or omission of the contractor or otherwise (except as provided in subparagraph (b)(2)). This exception from the limitations of paragraph 1 shall apply only to claims or losses arising out of or resulting from risks that the contract defines as unusually hazardous or nuclear in nature. Such a contractual provision shall be approved in advance by an official at a level not below that of the Secretary of a military department and may require each contractor so indemnified to provide and maintain financial protection of such type and in such amounts as is determined by the approving official to be appropriate under the circumstances. In deciding whether to approve the use of an indemnification provision and in determining the amount of financial protection to be provided and maintained by the indemnified contractor, the appropriate official shall take into account such factors as the availability, cost and terms of private insurance, self-insurance, other proof of financial responsibility and workmen's compensation insurance. Such approval and determination, as required by the preceding two sentences, shall be final.