IN THE SENATE OF THE UNITED STATES

October 8 (legislative day, October 1), 1951
Mr. Case (for himself, Mr. Anderson, Mr. Cordon, Mr. Butler of Nebraska, Mr. Magnuson, Mr. Smathers, Mr. Lehman, Mr. Watkins, Mr. Ecton, and Mr. Young) introduced the following bill; which was read twice and referred to the Committee on Interstate and Foreign Commerce

April 18, 1952
Reported by Mr. , with amendments
[Omit the part struck through and insert the part printed in italic]

A BILL

To create a committee to study and evaluate public and private experiments in weather modification.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 STATEMENT OF PURPOSE AND POLICY
4 Research and experimentation in the field of weather
5 modification and control have attained the stage at which
the application of scientific advances in this field appears to be practical.

The effect of the use of measures for the control of weather phenomena upon the social, economic, and political structures of today, and upon national security, cannot now be determined. It is a field in which unknown factors are involved. It is reasonable to anticipate, however, that effective modification and control of weather will cause profound changes in our present way of life, and will result in modification and control of weather; if effective on a large scale, would cause profound changes in our present way of life and would result in vast and far-reaching benefits to agriculture, industry, commerce, and the general welfare and common defense.

While the ultimate extent to which weather modification and control may be utilized is speculative, the application of such measures without proper safeguards, sufficient data and accurate information may result in inadequate or excessive precipitation; may cause catastrophic droughts, storms, floods, and other phenomena with consequent loss of life and property, injury to navigable streams and other channels of interstate and foreign commerce, injury to water supplies for municipal, irrigation, and industrial purposes, and injury to sources of hydroelectric power; may otherwise
impede the production and transportation of goods and services for domestic consumption and export and for the national defense; and may otherwise adversely affect the general welfare and common defense.

Through thorough experimentation and full-scale operations in weather modification and control will of necessity affect areas extending across State and possibly across national boundaries. The Congress therefore recognizes that experimentation and application of such measures are matters of national concern and international concern.

Accordingly, it is hereby declared to be the policy of the Congress, in order to effect the maximum benefit which may result from experiments and operations designed to modify and control weather, to correlate and evaluate the information derived from such activity and to cooperate with the several States and the duly authorized officials thereof with respect to such activity, all to the end of encouraging the intelligent experimentation and the beneficial development of weather modification and control, preventing its harmful and indiscriminate exercise, and fostering sound economic conditions in the public interest.

CREATION OF ADVISORY COMMITTEE ON WEATHER CONTROL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That there Sec. 2. There is hereby established a national committee to be known as the Advisory Committee on Weather Control (hereinafter called the "Committee").

Sec. 2. The Committee shall make a complete study and evaluation of public and private experiments in weather control for the purpose of determining the extent to which the United States should experiment with, engage in, or regulate activities designed to control weather conditions.

Sec. 3. The Committee shall be composed of the Secretary of Defense or his designee, the Secretary of Agriculture or his designee, the Secretary of Commerce or his designee, the Secretary of the Interior or his designee, and five members appointed by the President, by and with the advice and consent of the Senate, from among persons in private life of outstanding ability in the fields of science, agriculture, and business. A vacancy in the Committee shall not affect its powers but shall be filled in the same manner that the original appointment was made.

Sec. 4. The Committee shall elect a Chairman and a Vice Chairman from among its members, the Chairman to be elected from among those appointed from private life.

Sec. 5. The Committee shall meet semiannually on the first Monday in April and the first Monday in October, and, on due notice, at such other times as the Committee may
determine. Five members of the Committee shall constitute a quorum.

SEC. 6. The members of the Committee who are in the executive branch of the Government shall receive no additional compensation for their services on the Committee. The members from private life shall each receive $50 per diem when engaged in the performance of duties vested in the Committee. All members of the Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Committee.

SEC. 7. The Committee shall have power to appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Committee, including one executive secretary at a salary not exceeding $11,000 per annum. Officers and employees other than the executive secretary shall be appointed in accordance with the Classification Act of 1949, as amended, except that to the extent the Committee deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws. The Committee shall make adequate provision for administrative review of any determination to dismiss any employee.

SEC. 8. (a) The Committee, or any member thereof,
may, for the purpose of carrying out the provisions of this 
Act, hold such hearings and sit and act at such times and 
places, and take such testimony as the Committee or such 
member shall deem advisable. Any member of the Com-
mittee may administer oaths or affirmations to witnesses ap-
ppearing before the Committee or before such member.

(b) The Committee is authorized to secure directly 
from any executive department, bureau, agency, board, com-
mission, office, independent establishment, or instrumentality 
information, suggestions, estimates, and statistics for the pur-
pose of this Act; and each such department, bureau, agency, 
board, commission, office, establishment, or instrumentality is 
authorized and directed to furnish such information, sugges-
tions, estimates, and statistics directly to the Committee, upon 
request made by the Chairman or Vice Chairman.

(c) The Committee may, with the consent of the agency 
concerned, accept and utilize, on a reimbursable basis, the 
personnel of any other agency of the Federal Government.

(d) (1) The Committee shall be entitled by regulation, 
subpeña, or otherwise, to obtain such information from, re-
quire such reports and the keeping of such records by, and 
make such inspection of the books, records, and other writ-
ings, premises or property of, any person as may be necessary 
or appropriate to carry out the provisions of this Act, but 
this authority shall not be exercised if adequate and authori-
tative data are available from any Federal or other re-
sponsible agency. In case of contumacy by, or refusal to
obey a subpoena served upon, any person referred to in this
subsection, the district court of the United States for any
district in which such person is found or resides or transacts
business, upon application by the Committee, shall have
jurisdiction to issue an order requiring such person to appear
and give testimony or to appear and produce documents, or
both; and any failure to obey such order of the court may
be punished by such court as a contempt thereof.

(2) The production of a person's books, records, or other
documentary evidence shall not be required at any place
other than the place where such person usually keeps them,
if, prior to the return date specified in the regulations, sub-
pena, or other document issued with respect thereto, such
person furnishes the Committee with a true copy of such
books, records, or other documentary evidence (certified by
such person under oath to be a true and correct copy) or
enters into a stipulation with the Committee as to the infor-
mation contained in such books, records, or other documen-
tary evidence. Witnesses shall be paid the same fees and
mileage that are paid witnesses in the courts of the United
States.

(3) Any person who willfully performs any act pro-
hibited or willfully fails to perform any act required by the
above provisions of this subsection, or any rule, regulation,
or order thereunder, shall upon conviction be fined not more
than $500 for each offense.

(4) Information obtained under this subsection Act
which the Committee deems confidential for purposes of na-
tional security or other reasons or with reference to which
a request for confidential treatment is made by the person
or agency furnishing such information information, shall not
be published or disclosed unless the Committee determines
that the withholding thereof is contrary to the purposes of
this Act, and any member or employee of the Committee will-
fully violating this provision shall, upon conviction, be fined
not more than $5,000.

(e) The Committee shall be entitled to the free use of the
United States mails in the same manner as the other executive
agencies of the Government.

Sec. 9 10. (a) The Secretary of Defense, the Secretary
of Agriculture, the Secretary of Commerce, and the Secretary
of the Interior shall may conduct, or contract for, such research
and experiments, and shall may take such further action,
as may be necessary to perfect at the earliest possible date
methods of controlling weather for beneficial purposes. The
During the time of its existence, the Committee shall assist
them in coordinating their functions under this section so as
to avoid any duplication of effort.
(b) With the approval of the Committee, any contract with a Government agency relating to weather modification or control may provide that the Government will assume and will become solely responsible for either or both of the following, to the extent that they arise out of the performance of said contract, are not compensated by insurance or otherwise, and do not result from a willful violation on the part of the contractor of any regulation or order established by the Committee—

(1) all liability on account of claims by third persons, including employees of the contractor, for death, bodily injury, or loss of or damage to property, whether due to the negligence of the contractor or otherwise; but any contract so providing shall also contain appropriate provisions for notice to the Government of any claims made against the contractor, with respect to any alleged liability for death, bodily injury, or loss of or damage to property; and

(2) loss of or damage to property of the contractor arising as a result of a risk defined in the contract as unusual.

If such provision is included in the contract, no cause of action with respect to any such claims may be maintained against the contractor but such third person's sole cause of action and only remedy shall be by suit against the United
States in the Court of Claims for the recovery of his reason-
able and entire compensation with respect to such claims;
but this section shall not create a cause of action in favor
of any person against the United States unless, except for
this section, a cause of action would lie against the con-
tractor. In any such suit the United States may avail itself
of any and all defenses, general or special, that might be
pleaded by the contractor were the contractor the defendant
in the suit.

(b) With the approval of the Committee, any contract
of a Government agency for research or experiments, or
both, may provide that the Government will indemnify the
contractor against either or both of the following, to the extent
that they arise out of the direct performance of said contract,
are not compensated by insurance or otherwise, and do not
result from a willful violation on the part of the contractor
of any regulation or order established by the Committee: (1)
liability on account of claims (including reasonable expenses
of litigation or settlement of such claims) by third persons,
including employees of the contractor, for death, bodily injury,
loss of or damage to property, arising as a result of a risk
defined in the contract to be unusually hazardous: Provided,
That any contract so providing shall also contain appropriate
provisions for notice to the Government of suits or actions
filed or claims made against the contractor, with respect to any alleged liability for such death, bodily injury, or loss of or damage to property, and for control of or assistance in the defense of any such suit, action, or claims, by the Government, at its election; and (2) loss of or damage to property of the contractor arising as a result of a risk defined in the contract to be unusually hazardous: And provided further, That no payment shall be made by the Government under authority of this section unless the amount thereof shall first have been certified to be just and reasonable by the Secretary concerned or by an official of the department designated for such purpose by the Secretary. Any such payment may be made, with the approval of the Secretary concerned, out of any funds obligated for the performance of such contract or out of funds available for research and development work and not otherwise obligated; or out of any funds appropriated by the Congress for the making of such payments.

(c) Any excess Government property or equipment which the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, or the Secretary of the Interior find suitable for use and necessary in accomplishing the purposes of this section shall be transferred to such Secretary without compensation therefor.

Sec. 10. (a) The Committee shall report its findings
and recommendations to the Congress from time to time, and
shall make a final report to the Congress not later than two
years after the enactment of this Act.

Sec. 11. (a) The Committee shall report its findings and
recommendations to the Congress from time to time. Particu-
larly it shall report, at the earliest possible moment, on the
advisability of the Federal Government regulating, by means
of licenses or otherwise, those who attempt to engage in activi-
ties designed to modify or control the weather. The Com-
mittee shall make a final report to the Congress not later than
June 30, 1955.

(b) Thirty days after the submission to the Congress of
such final report, the Committee shall cease to exist.

Sec. 12. There are authorized to be appropriated, from
any funds in the Treasury not otherwise appropriated, such
sums as the Congress may from time to time deem necessary
to carry out the provisions of this Act.
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By Mr. Case, Mr. Anderson, Mr. Cordon, Mr. Butler of Nebraska, Mr. Magnuson, Mr. Smathers, Mr. Lehman, Mr. Watkins, Mr. Ecton, and Mr. Young

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