

purchaser under this Act, the operating agency last designated by the President shall offer for sale to such purchaser the end products produced at such plant and held in inventory for Government account on the day of such transfer of possession, together with the feedstocks then located at such plant or purchased by the operating agency for use at such plant. Sale of such end products shall be made at the Government sales price prevailing on the business day next preceding the date of transfer of possession of such plant. Sale of such feedstocks shall be made at not less than their cost to the Government. In the event the purchaser declines to purchase such end products or feedstocks when first offered to it by the operating agency, they may be thereafter disposed of in such manner as the operating agency deems advisable. In the event Plancor Numbered 877 is not sold under the provisions of this Act, any end products produced at such plant and held in inventory for Government account on the day such plant is placed in standby condition pursuant to section 25(d) of the Rubber Producing Facilities Disposal Act of 1953, as added by this Act [subsec. (d) of this section], and any feedstocks then located at such plant or purchased by the operating agency for use at such plant shall be disposed of in such manner as the operating agency deems advisable, at the prevailing market price for such end products and feedstocks.”

#### LEASE OR SALE OF TANK CARS

Section 6 of act Mar. 31, 1955, provided that: “Notwithstanding any provision of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941 to 1941y of this Appendix] and notwithstanding any other provision of this Act [enacting this section and provisions set out as notes under sections 1938, 1941r, and 1941w of this Appendix], the Commission or, after it ceases to exist, such agency of the Government as the President may designate, may, after securing the advice of the Attorney General as to whether the proposed lease or sale would tend to create or maintain a situation inconsistent with the antitrust laws, enter into leases or contracts of sale for all or any number of 448 pressure tank cars (ICC Classification ICC-104AW) for which the Commission invited proposals to purchase pursuant to that Act. Each such lease may be for such duration and each such lease or contract of sale may be made on such terms (including type of use) as the Commission or such other agency deems advisable in the public interest: *Provided*, That each such lease or contract of sale shall contain, among other provisions, a national security clause, and each such lease shall contain provisions for the recapture of the tank cars leased by the Government and the termination of the lease, if the President determines that the national interest so requires. The rental or price for any such tank car or cars shall be an amount which the Commission or such agency determines to be the maximum amount obtainable in the public interest, but not less than fair value as determined by the Commission. Any of such tank cars not under lease or contract of sale to non-Federal lessees or purchasers may be transferred without charge by the Commission or such agency to any Government department or agency upon request, for such use as the Commission or such agency deems advisable and subject to national security and recapture provisions of the type hereinabove provided for in this section running in favor of the Commission or other agency transferring the tank car or cars. Any of such tank cars not sold or under lease or transferred as hereinabove provided shall be placed and maintained in adequate standby condition pursuant to the provisions of section 8 of the Rubber Producing Facilities Disposal Act of 1953 [section 1941f of this Appendix].”

#### LIMITATION

Section 7 of act Mar. 31, 1955, provided that: “The provisions of this Act [enacting this section and provisions set out as notes under sections 1938, 1941r, and 1941w of this Appendix] shall not be applicable to the disposal of

any Government-owned rubber-producing facilities other than Plancor Numbered 877 and 448 pressure tank cars (ICC Classification-ICC 104AW); and all action taken pursuant to the provisions of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941 to 1941y of this Appendix] prior to the enactment of this Act [Mar. 31, 1955] shall be governed by the provisions of that Act [sections 1941 to 1941y of this Appendix] as it existed prior to the enactment of this Act and shall have the same force and effect as if this Act had not been enacted.”

### § 1941x. Disposal of rubber-producing facility at Institute, West Virginia

#### (a) Receipt of proposal

Notwithstanding the second sentence of section 7(a) [section 1941e(a) of this Appendix], the period for receipt of proposals for the purchase of the Government-owned rubber-producing facility at Institute, West Virginia, known as Plancor Numbered 980, shall not expire until the end of the sixty-day period which begins on the date of the enactment of this section [Aug. 9, 1955].

#### (b) Negotiation period

If one or more proposals are received for the purchase of Plancor Numbered 980 within the time period specified in subsection (a), the Commission, notwithstanding the expiration of the period for negotiation specified in section 7 (f) [section 1941e(f) of this Appendix], shall negotiate with those submitting the proposals for a period of not to exceed seventy-five days for the purpose of entering into a definite contract of sale.

#### (c) Report to Congress; transfer period

Within ten days after the termination of the actual negotiation period referred to in subsection (b), or, if Congress is not then in session, within ten days after Congress next convenes, the Commission shall prepare and submit to the Congress a report containing with respect to the disposal under this section of Plancor Numbered 980, the information described in paragraphs (1) to (5), inclusive, and paragraph (8) of section 9(a) [section 1941g(a) of this Appendix]. Unless the contract is disapproved by either House of the Congress by a resolution prior to the expiration of thirty days of continuous session (as defined in section 9(c) [section 1941g(c) of this Appendix]) of the Congress following the date upon which the report is submitted to it, upon the expiration of such thirty-day period the contract shall become fully effective and the Commission shall proceed to carry it out, and transfer of possession of the facility sold shall be made as soon as practicable but in any event within thirty days after the expiration of such thirty-day period. The failure to complete transfer of possession within thirty days after the expiration of the period for congressional review shall not give rise to or be the basis of rescission of the contract of sale.

#### (d) Standby condition

If, upon termination of the transfer period provided for in subsection (c), no contract for the sale of Plancor Numbered 980 has become effective, the operating agency last designated by the President shall continue to maintain said Plancor in adequate standby condition under

the provisions of section 8 of the Rubber Producing Facilities Disposal Act of 1953 [section 1941f of this Appendix].

(Aug. 7, 1953, ch. 338, §26, as added Aug. 9, 1955, ch. 696, §1, 69 Stat. 628.)

#### TRANSFER OF FUNCTIONS

Functions, property, records, etc., of Rubber Producing Facilities Disposal Commission transferred to Federal Facilities Corporation by Ex. Ord. No. 10678, Sept. 20, 1956, 21 F.R. 7199, set out under section 1941r of this Appendix.

Federal Facilities Corporation dissolved and functions, property, records, etc., transferred to Administrator of General Services by Pub. L. 87-190, Aug. 30, 1961, 75 Stat. 418, set out as a note under section 1938 of this Appendix.

#### SUBMISSION OF DISPOSAL REPORT TO ATTORNEY GENERAL

Section 2 of act Aug. 9, 1955, provided that: "Notwithstanding the provisions of section 3(d) of the Rubber Producing Facilities Disposal Act of 1953 [section 1941a(d) of this Appendix], the Rubber Producing Facilities Disposal Commission (hereinafter referred to as the 'Commission') before submission to the Congress of its report relative to Plancor Numbered 980, shall submit it to the Attorney General, who shall, within seven days after receiving the report, advise the Commission whether, in his opinion, the proposed disposition, if carried out, will violate the antitrust laws."

#### DISPOSAL CRITERIA

Section 5 of act Aug. 9, 1955, provided that: "Except as otherwise provided in this Act [enacting this section and provisions set out as notes under sections 1938, 1941r, and 1941x of this Appendix], disposal of Plancor Numbered 980 shall be fully subject to all the provisions of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941 to 1941y of this Appendix] and such criteria as have been established by the Commission in handling disposal of other Government-owned rubber producing facilities under that Act: *Provided*, That the provisions of sections 7(j), 7(k), 9(d), 9(f), 10, 11, 15, and 24 of that Act [sections 1941e(j), 1941e(k), 1941g(d), 1941g(f), 1941h, 1941i, 1941m, and 1941v of this Appendix] shall not apply to the disposal of Plancor Numbered 980. As promptly as practicable following the date of transfer of possession of Plancor Numbered 980 to a purchaser under this Act, the operating agency last designated by the President shall offer for sale to such purchaser the end products at such plant and held in inventory for Government account on the day of such transfer of possession, together with the feedstocks then located at such plant or purchased by the operating agency for use at such plant. Sale of such end products shall be made at the Government sales price prevailing on the business day next preceding the date of transfer of possession of such plant. Sale of such feedstocks shall be made at not less than their cost to the Government. In the event the purchaser declines to purchase such end products or feedstocks when first offered to it by the operating agency, they may be thereafter disposed of in such manner as the operating agency deems advisable. In the event Plancor Numbered 980 is not sold under the provisions of this Act, any end products at such plant and held in inventory for Government account and any feedstocks located at such plant or purchased by the operating agency for use at such plant shall be disposed of in such manner as the operating agency deems advisable, at the prevailing market price for such end products and feedstocks."

#### LIMITATION

Section 6 of act Aug. 9, 1955, provided that: "The provisions of this Act [enacting this section and provisions set out as notes under sections 1938, 1941r, and 1941x of this Appendix] shall not be applicable to the disposal of

any Government-owned rubber-producing facilities other than Plancor Numbered 980; and all action taken pursuant to the provisions of the Rubber Producing Facilities Disposal Act of 1953 [sections 1941 to 1941y of this Appendix], or the amendment thereto known as Public Law 19 [section 1941w of this Appendix], enacted March 31, 1955, prior to the enactment of this Act [Aug. 9, 1955] shall be governed by the provisions of that Act as it existed prior to the enactment of this Act and shall have the same force and effect as if this Act had not been enacted."

#### § 1941y. Disposal of rubber-producing facility at Louisville, Kentucky

##### (a) Receipt of proposal

Notwithstanding the second sentence of section 7(a) [section 1941e(a) of this Appendix], the period for receipt of proposals for the purchase of the Government-owned rubber-producing facility at Louisville, Kentucky, known as Plancor Numbered 1207 and hereinafter referred to as the "Louisville plant", shall not expire until the end of the thirty-day period which begins on the date of the enactment of this section [Mar. 21, 1956].

##### (b) Negotiation period

If one or more proposals are received for the purchase of the Louisville plant within the time period specified in subsection (a), the Commission, notwithstanding the expiration of the period for negotiation specified in section 7(f) [section 1941e(f) of this Appendix], shall negotiate with those submitting the proposals for a period of not to exceed thirty days for the purpose of entering into a contract of sale.

##### (c) Report to Congress; transfer period

Within ten days after the termination of the actual negotiation period referred to in subsection (b), or, if Congress is not then in session, within ten days after Congress next convenes, the Commission shall prepare and submit to the Congress a report containing, with respect to the disposal under this section of the Louisville plant, the information described in paragraphs 1, 2, 3, 4, and 8 of section 9(a) [section 1941g(a) of this Appendix]. Unless the contract is disapproved by either House of the Congress by a resolution prior to the expiration of thirty days of continuous session (as defined in section 9(c) [section 1941g(c) of this Appendix]) of the Congress following the date upon which the report is submitted to it, upon the expiration of such thirty-day period the contract shall become fully effective and the Commission shall proceed to carry it out, and transfer of possession of the facility sold shall be made as soon as practicable but in any event within thirty days after the expiration or termination of the existing lease on the Louisville plant. The failure to complete transfer of possession within thirty days after expiration or termination of the existing lease shall not give rise to or be the basis of rescission of the contract of sale.

(Aug. 7, 1953, ch. 338, §27, as added Mar. 21, 1956, ch. 89, §1, 70 Stat. 51.)

#### TRANSFER OF FUNCTIONS

Functions, property, records, etc., of Rubber Producing Facilities Disposal Commission transferred to Federal Facilities Corporation by Ex. Ord. No. 10678, Sept.