

Public Law 96-29
96th Congress

An Act

June 27, 1979
[S. 429]

To authorize supplemental appropriations for fiscal year 1979 for procurement of aircraft, missiles, and naval vessels and for research, development, test, and evaluation for the Armed Forces, and for other purposes.

Department of
Defense
Supplemental
Appropriation
Authorization
Act, 1979.

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 "Department of Defense Supplemental Appropriation Authorization Act, 1979".

TITLE I—PROCUREMENT

92 Stat. 1611.

SEC. 101. In addition to the funds authorized to be appropriated under title I of the Department of Defense Appropriation Authorization Act, 1979, funds are hereby authorized to be appropriated for fiscal year 1979 for the use of the Air Force and the Navy for procurement of aircraft, missiles, and naval vessels, as authorized by law, in amounts as follows:

- (1) For aircraft: for the Air Force, \$45,000,000.
- (2) For missiles: for the Navy, \$143,700,000.
- (3) For naval vessels: for the Navy, \$1,450,700,000.

SEC. 102. There is authorized to be appropriated for fiscal year 1979 the sum of \$80,100,000 to be available only for contribution by the United States of its share of the cost for such fiscal year of the acquisition by the North Atlantic Treaty Organization of the Airborne Early Warning and Control System (AWACS).

SEC. 103. (a) During fiscal year 1979, the Secretary of Defense, in carrying out the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme, signed by the Secretary of Defense on December 6, 1978, may—

- (1) waive reimbursement for the cost of the following functions performed by personnel other than personnel employed in the United States Air Force Airborne Warning and Control System (AWACS) program office:
 - (A) auditing;
 - (B) quality assurance;
 - (C) codification;
 - (D) inspection;
 - (E) contract administration;
 - (F) acceptance testing;
 - (G) certification services; and
 - (H) planning, programming, and management services;
- (2) waive any surcharge for administrative services otherwise chargeable; and
- (3) in connection with the NATO E-3A Cooperative Programme for fiscal year 1979, assume contingent liability for—
 - (A) program losses resulting from the gross negligence of any contracting officer of the United States;

(B) identifiable taxes, customs duties, and other charges levied within the United States on the program; and

(C) the United States share of the unfunded termination liability.

(b) Authority under this section to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. In addition to the funds authorized to be appropriated under title II of the Department of Defense Appropriation Authorization Act, 1979, funds are hereby authorized to be appropriated for fiscal year 1979 for the use of the Armed Forces for research, development, test, and evaluation, as authorized by law, in amounts as follows:

92 Stat. 1612.

- (1) For the Army, \$43,700,000.
- (2) For the Navy, \$3,000,000.
- (3) For the Air Force, \$253,800,000.

SEC. 202. (a) It is the sense of the Congress that maintaining a survivable land-based intercontinental ballistic missile system is vital to the security of the United States and that development of a new basing mode for land-based intercontinental ballistic missiles is necessary to assure the survivability of the land-based system. To this end, the development of the MX missile, together with a new basing mode for such missile, should proceed so as to achieve Initial Operational Capability (IOC) for both such missile and such basing mode at the earliest practicable date.

10 USC 139 note.

(b) In addition, it is the sense of the Congress that the basing mode for the MX missile should be restricted to location on the least productive land available that is suitable for such purpose.

(c) In accordance with the sense of Congress expressed in subsection (a), the Secretary of Defense shall proceed immediately with full scale engineering development of the missile basing mode known as the Multiple Protective Structure (MPS) system concurrently with full scale engineering development of the MX missile, unless and until the Secretary of Defense certifies to the Congress that an alternative basing mode is militarily or technologically superior to, and is more cost effective than, the MPS system or the President informs the Congress that in his view the MPS system is not consistent with United States national security interests.

(d) Nothing in this section shall be construed to prohibit or restrict the study of alternative basing modes for land-based intercontinental ballistic missiles.

Approved June 27, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-90 accompanying H.R. 2575 (Comm. on Armed Services) and No. 96-282 (Comm. of Conference).

SENATE REPORTS: No. 96-62 (Comm. on Armed Services) and No. 96-223 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

May 2, 3, considered and passed Senate.

May 31, H.R. 2575 considered and passed House; passage vacated and S. 429, amended, passed in lieu.

June 18, Senate agreed to conference report.

June 21, House agreed to conference report.