

Public Law 96-107
96th Congress

An Act

To authorize appropriations for fiscal year 1980 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1980 for civil defense, and for other purposes.

Nov. 9, 1979

[S. 428]

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 Authorization Act, 1980".

Department of
Defense
Authorization
Act, 1980.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1980 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$1,002,600,000; for the Navy and the Marine Corps, \$4,534,900,000; for the Air Force, \$7,842,340,000.

MISSILES

For missiles: for the Army, \$1,202,900,000; for the Navy, \$1,575,100,000; for the Marine Corps, \$20,500,000; for the Air Force, \$2,263,800,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$6,706,800,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$1,679,000,000; for the Marine Corps, \$13,000,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, \$336,800,000.

OTHER WEAPONS

For other weapons: for the Army, \$170,500,000; for the Navy, \$153,000,000; for the Marine Corps, \$25,200,000.

REPORT ON B-52 AIRCRAFT MODIFICATION PROGRAM

Report to
Congress.

SEC. 102. Of the amount authorized to be appropriated under section 101 for procurement of aircraft for the Air Force, \$431,900,000 is authorized for the procurement of avionics and cruise missile integration for the B-52 aircraft modification program subject to the condition that the Secretary of Defense provide to the Congress at the earliest possible date, and not later than November 30, 1979, a report on—

(1) all uncertainties in the effectiveness of the B-52 aircraft as a cruise missile carrier over the next decade, including any degradation of defense penetration capabilities of the B-52 aircraft which could result from possible air defense advances by the Soviet Union; and

(2) the requirement for maintaining the defense penetration capability of the B-52 aircraft and the options available during the next decade to maintain such capability.

AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTION TO AIRBORNE
WARNING AND CONTROL SYSTEM (AWACS) FOR NATO

SEC. 103. There is authorized to be appropriated for fiscal year 1980 the sum of \$243,100,000 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).

CERTAIN AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION
WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)
PROGRAM

SEC. 104. (a) During fiscal year 1980, 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—

Waivers.

(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 1980, 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

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Funds are hereby authorized to be appropriated for fiscal year 1980 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$2,866,461,000, of which \$3,000,000 is authorized only for the performance and completion of a feasibility demonstration of launching Heliborne Missiles (HELLFIRE) from UH-60 helicopters.

Heliborne Missiles.

For the Navy (including the Marine Corps), \$4,542,992,000, of which (1) \$60,000,000 is authorized only for the continued research, development, test, and evaluation of the 3,000-ton prototype Surface Effect Ship (SES), and (2) \$30,000,000 is authorized only for joint Navy/Air Force full-scale engineering development of the Air-to-Ground Standoff Missile system which is to be available for production on or before December 31, 1984.

Surface Effect Ship.
Air-to-Ground Standoff Missile system.

For the Air Force, \$4,994,046,000, of which (1) \$670,000,000 is authorized only for the concurrent full-scale engineering development of the missile basing mode known as the Multiple Protective Structure (MPS) system and the MX missile, as provided in section 202 of the Department of Defense Supplemental Appropriation Authorization Act, 1979 (Public Law 96-29), and (2) \$30,000,000 is authorized only for the research, development, test, and evaluation required for competitive hardware demonstration of the Strategic Weapons Launcher and a derivative of a military aircraft or a commercial aircraft, in order to establish not later than September 30, 1981, the utility of these aircraft as cruise missile carriers.

Multiple Protective Structure system.
MX missile.
Strategic Weapons Launcher.
Ante, p. 79.

For the Defense Agencies, \$1,110,618,000, of which \$42,500,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

REPORT ON NEW BASING MODE FOR INTERCONTINENTAL BALLISTIC MISSILES

SEC. 202. The Secretary of Defense shall submit to the Congress in writing, not later than March 1, 1980, a report evaluating in detail the ability of the basing mode for land-based intercontinental ballistic missiles known as the Multiple Protective Structure (MPS) system to survive foreseeable attempts by the Soviet Union to neutralize such system.

Report to Congress.

RESTRICTION ON THE USE OF FUNDS FOR DEVELOPMENT OF THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM

SEC. 203. None of the funds authorized to be appropriated by this Act for the development of the Extremely Low Frequency (ELF) communication system may be obligated or expended for the development of such system unless the President certifies to the Congress in writing that the use of funds for such purpose is in the national interest, that a site has been selected for the deployment of such

Presidential certification to Congress.

system, and that the President has approved such site for the deployment of such system, and in no event may any of the funds authorized to be appropriated by this Act be used for full scale development or construction of another test-bed facility for an Extremely Low Frequency (ELF) communication system.

TITLE III—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 301. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1980, as follows:

- (1) The Army, 776,700.
- (2) The Navy, 528,000.
- (3) The Marine Corps, 189,000.
- (4) The Air Force, 558,000.

AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS

SEC. 302. (a) Section 3218 of title 10, United States Code, is amended by striking out "and those serving in the National Guard Bureau" and inserting in lieu thereof "those serving in the National Guard Bureau, and those counted under section 3202 of this title".

10 USC 5457. (b) Section 5457(a) of such title is amended by inserting after "rear admiral" a comma and "exclusive of those counted under section 5442 of this title,".

10 USC 5458. (c) Section 5458(a) of such title is amended by inserting after "combined" a comma and "exclusive of those counted under section 5443 of this title,".

10 USC 8218. (d) Section 8218 of such title is amended by striking out "and those serving in the National Guard Bureau" and inserting in lieu thereof "those serving in the National Guard Bureau, and those counted under section 8202 of this title".

ANNUAL OFFICER GRADE DISTRIBUTION REPORT AND PROMOTION PLAN TO BE INCLUDED AS PART OF THE ANNUAL MANPOWER REQUIREMENTS REPORT RATHER THAN AS A SEPARATE REPORT

Repeal.
10 USC 686. SEC. 303. (a)(1) Section 686 of title 10, United States Code, providing for an annual officer grade distribution report, is repealed.

(2) The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 686.

10 USC 138. (b) Paragraph (3) of section 138(c) of such title, providing for an annual manpower requirements report, is amended to read as follows:

Report to Congress. "(3)(A) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, recommending the annual active duty end strength level for each component of the armed forces for the next fiscal year and the annual civilian personnel end strength level for each component of the Department of Defense for the next fiscal year, and shall include in that report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time. The justification and explanation shall specify in detail for all military forces (including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit) the—

- "(i) unit mission and capability;

“(ii) strategy which the unit supports; and

“(iii) area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas.

“(B) The Secretary of Defense shall also include in the report required under subparagraph (A) a detailed discussion of—

“(i) the manpower required for support and overhead functions within the armed forces and the Department of Defense;

“(ii) the relationship of the manpower required for support and overhead functions to the primary combat missions and support policies; and

“(iii) the manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.

“(C) In such report, the Secretary of Defense shall also identify, define, and group by mission and by region the types of military bases, installations, and facilities and shall provide an explanation and justification of the relationship between this base structure and the proposed military force structure together with a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce such costs.

“(D) The Secretary of Defense shall also include in such report with respect to each armed force under the jurisdiction of the Secretary of a military department—

“(i) the estimated requirements in members on active duty during the next fiscal year;

“(ii) the estimated number of commissioned officers in each grade on active duty and to be promoted during the next fiscal year; and

“(iii) an analysis of the distribution by grade of commissioned officers on active duty at the time the report is prepared.”

TITLE IV—RESERVE FORCES

AUTHORIZATION OF STRENGTHS

SEC. 401. (a) For fiscal year 1980, the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

- (1) The Army National Guard of the United States, 355,700.
- (2) The Army Reserve, 197,400.
- (3) The Naval Reserve, 87,000.
- (4) The Marine Corps Reserve, 33,600.
- (5) The Air National Guard of the United States, 92,500.
- (6) The Air Force Reserve, 57,300.
- (7) The Coast Guard Reserve, 11,700.

(b) Within the average strengths prescribed by subsection (a), the reserve components of the Armed Forces are authorized, as of September 30, 1980, the following number of Reserves to be serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 6,244.
- (2) The Army Reserve, 4,288.
- (3) The Naval Reserve, 707.
- (4) The Marine Corps Reserve, 67.
- (5) The Air National Guard of the United States, 1,560.
- (6) The Air Force Reserve, 681.

Reduction.

(c) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AMENDMENTS TO SELECTED RESERVE EDUCATIONAL ASSISTANCE
PROGRAM

SEC. 402. (a) Section 2131(b)(1) of title 10, United States Code, is amended by striking out "50 percent" and inserting in lieu thereof "100 percent".

10 USC 2133.

(b) Section 2133(b) of such title is amended to read as follows:
"(b)(1) A member who fails to participate satisfactorily in training with his unit, if he is a member of a unit, during a term of enlistment for which the member entered into an agreement under section 2132(a)(4) of this title shall refund an amount computed under paragraph (2) unless the failure to participate in training was due to reasons beyond the control of the member. Any refund by a member under this section shall not affect the period of obligation of such member to serve as a Reserve.

"(2) The amount of any refund under paragraph (1) shall be the amount equal to the product of—

"(A) the number of months of obligated service remaining during that term of enlistment divided by the total number of months of obligated service of that term of enlistment; and

"(B) the total amount of educational assistance provided to the member under section 2131 of this title."

10 USC 2131
note.

(c) The amendments made by this section shall apply only to individuals enlisting in the Reserves after September 30, 1979.

DISCRETIONARY AUTHORITY OF SECRETARY CONCERNED TO RETAIN
CERTAIN RESERVE OFFICERS ON ACTIVE DUTY UNTIL AGE 60

SEC. 403. (a) Section 3855 of title 10, United States Code, is amended by inserting "Veterinary Corps," after "Dental Corps,".

10 USC 8855.

(b) Section 8855 of such title is amended by inserting "veterinary officer," after "dental officer,".

REPEAL OF AUTHORITY FOR ADDITIONAL PAY FOR PERFORMANCE OF AD-
MINISTRATIVE FUNCTIONS BY OFFICERS OF THE NATIONAL GUARD
AND RESERVE COMPONENTS

Repeal.

SEC. 404. (a)(1) Section 309 of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking out the item relating to section 309.

(b) The amendments made by this section shall apply only with respect to administrative functions performed after September 30, 1980.

37 USC 309 note.

TITLE V—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 501. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1980, of 983,600.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy (including the Marine Corps), the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of the enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

Report to Congress.

(c) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program, and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 1¼ percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

Personnel increase, limitation.

(e) During fiscal year 1980, the Secretary of Defense shall manage the manpower resources of the Department of Defense in a manner that will insure that those functions of the Department of Defense involving maintenance, construction, engineering acquisition, or repair activities will be provided civilian manpower resources sufficient to fulfill the work requirements for which funds have been appropriated on a schedule consistent with the requirements of national security and military readiness.

Notification to Congress.

TITLE VI—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 601. (a) For fiscal year 1980, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 54,865.
- (2) The Navy, 61,913.
- (3) The Marine Corps, 22,618.
- (4) The Air Force, 43,249.
- (5) The Army National Guard of the United States, 7,985.
- (6) The Army Reserve, 4,772.
- (7) The Naval Reserve, 906.
- (8) The Marine Corps Reserve, 3,156.
- (9) The Air National Guard of the United States, 1,958.
- (10) The Air Force Reserve, 1,276.

(b) In addition to the number authorized for the Army, the Army National Guard of the United States, and the Army Reserve in subsection (a), such components are authorized military training student loads of not less than the following numbers to be utilized solely for one station unit training:

- (1) The Army, 19,603.
- (2) The Army National Guard of the United States, 6,631.
- (3) The Army Reserve, 1,556.

(c) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components authorized in subsection (a) for fiscal year 1980 shall be adjusted consistent with the manpower strengths authorized in titles III, IV, and V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

Apportionment
adjustment.

TITLE VII—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 701. There is authorized to be appropriated for fiscal year 1980 for the purpose of carrying out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251-2297) the sum of \$106,800,000.

INCREASE IN AMOUNTS THAT MAY BE APPROPRIATED FOR CONTRIBUTIONS TO STATES FOR PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 702. The last proviso of section 408 of the Civil Defense Act of 1950 (50 U.S.C. App. 2260) is amended by striking out everything after the last semicolon and inserting in lieu thereof "and appropriations for contributions to the States for personnel and administrative expenses under section 205 shall not exceed \$40,000,000 per annum."

50 USC app.
2286.

TITLE VIII—GENERAL PROVISIONS

AMENDMENTS TO THE UNIFORM CODE OF MILITARY JUSTICE

SEC. 801. (a) Section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice), is amended—

- (1) by inserting "(a)" before "The" at the beginning of such section; and
- (2) by adding at the end thereof the following new subsections:

“(b) The voluntary enlistment of any person who has the capacity to understand the significance of enlisting in the armed forces shall be valid for purposes of jurisdiction under subsection (a) of this section and a change of status from civilian to member of the armed forces shall be effective upon the taking of the oath of enlistment.

“(c) Notwithstanding any other provision of law, a person serving with an armed force who—

“(1) submitted voluntarily to military authority;

“(2) met the mental competency and minimum age qualifications of sections 504 and 505 of this title at the time of voluntary submission to military authority;

“(3) received military pay or allowances; and

“(4) performed military duties;

is subject to this chapter until such person's active service has been terminated in accordance with law or regulations promulgated by the Secretary concerned.”

(b) Section 836(a) of such title (article 36(a) of the Uniform Code of Military Justice) is amended by striking out “The procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals” and inserting in lieu thereof “Pretrial, trial, and post-trial procedures, including modes of proof, for cases arising under this chapter triable in courts-martial, military commissions and other military tribunals, and procedures for courts of inquiry.” 10 USC 836.

WAIVER OF APPLICABILITY OF OMB CIRCULAR A-76 TO CONTRACTING OUT OF CERTAIN RESEARCH AND DEVELOPMENT ACTIVITIES

SEC. 802. (a) Except as provided in subsection (b), neither the implementing instructions for, nor the provisions of, Office of Management and Budget Circular A-76 (issued on August 30, 1967, and reissued on October 18, 1976, June 13, 1977, and March 29, 1979) shall control or be used for policy guidance for the obligation or expenditure of any funds which under section 138(a)(2) of title 10, United States Code, are required to be specifically authorized by law. 10 USC 138 note.

(b) Funds which under section 138(a)(2) of title 10, United States Code, are required to be specifically authorized by law may be obligated or expended for operation or support of installations or equipment used for research and development (including maintenance support of laboratories, operation and maintenance of test ranges, and maintenance of test aircraft and ships) in compliance with the implementing instructions for and the provisions of such Office of Management and Budget Circular.

(c) No law enacted after the date of the enactment of this Act shall be held, considered, or construed as amending, superseding, or otherwise modifying any provision of this section unless such law does so by specifically and explicitly amending, repealing, or superseding this section.

AMENDMENTS RELATING TO THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

SEC. 803. (a) Section 2112(b) of title 10, United States Code, is amended by adding at the end thereof the following new sentence: “In so prescribing the number of persons to be graduated from the University, the Secretary of Defense shall, upon recommendation of the Board of Regents, institute actions necessary to ensure the maximum number of first-year enrollments in the University consist-

ent with the academic capacity of the University and the needs of the uniformed services for medical personnel.”

10 USC 2114.

(b) Section 2114(b) of such title is amended by striking out “uniform” in the first sentence of such section and inserting in lieu thereof “uniformed”.

10 USC 2115.

(c)(1) The first two sentences of section 2115 of such title are amended to read as follows: “The Secretary of Defense may allow not more than 20 percent of the graduates of each class at the University to perform civilian Federal service for not less than seven years following the completion of their professional education in lieu of active duty in a uniformed service if the needs of the uniformed services do not require that such graduates perform active duty in a uniformed service and as long as the Secretary of Defense does not recall such persons to active duty in the uniformed services. Such persons who execute an agreement in writing to perform such civilian Federal service may be released from active duty following the completion of their professional education.”

(2) The section heading of such section is amended to read as follows:

“§2115. Graduates: limitation on number permitted to perform civilian Federal service”.

(3) The item relating to section 2115 in the table of sections at the beginning of chapter 104 of such title is amended to read as follows:

“2115. Graduates: limitation on number permitted to perform civilian Federal service.”.

AMENDMENTS RELATING TO COMPENSATION OF HEALTH PROFESSIONALS

SEC. 804. (a) Section 2121(d) of title 10, United States Code, relating to stipends for members of the Armed Forces Health Professions Scholarship program, is amended to read as follows:

“(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate in effect under paragraph (1)(B) of section 751(g) of the Public Health Service Act (42 U.S.C. 294t(g)) for students in the National Health Service Corps Scholarship program.”.

(b) Section 313(a) of title 37, United States Code, relating to special pay for medical officers who execute active duty agreements, is amended—

(1) by striking out clause (4) and redesignating clauses (5) and (6) as clauses (4) and (5), respectively; and

(2) by inserting after the first sentence of such subsection the following new sentence: “However, while serving an active duty obligation resulting from a medical education program leading to appointment or designation as a medical officer, such an officer shall be paid \$9,000 (rather than an amount determined under the preceding sentence) for each year of the active duty agreement.”.

(c) The amendments made by this section shall take effect on October 1, 1979.

Effective date.
10 USC 2121
note.

SIX-YEAR SERVICE OBLIGATION FOR PERSONS ENLISTING AFTER AGE 26

SEC. 805. (a) Section 511(d) of title 10, United States Code, is amended—

(1) by striking out “who is under 26 years of age,”; and

(2) by striking out the comma after “in an armed force”.

(b) Section 651 of such title is amended by striking out "before his twenty-sixth birthday".

10 USC 651.

(c) The amendments made by this section shall apply only to individuals who become members of an Armed Force after the date of the enactment of this Act.

10 USC 511 note.

RESTRICTION ON CONVERTING PERFORMANCE OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS FROM DEPARTMENT OF DEFENSE PERSONNEL TO PRIVATE CONTRACTORS

SEC. 806. (a) During fiscal year 1980, no commercial or industrial type function of the Department of Defense that on the date of the enactment of this Act is being performed by Department of Defense personnel may be converted to performance by a private contractor—

10 USC 2304 note.

(1) to circumvent any civilian personnel ceiling; and

(2) unless the Secretary of Defense shall provide to the Congress in a timely manner—

(A) notification of any decision to study such commercial or industrial type function for possible performance by a private contractor, together with a certification that the government in-house cost calculation for the function is based on an estimate of the most efficient and cost effective organization for in-house performance;

Notification and certification to Congress.

(B) if a decision is made to convert to contract performance, upon completing the study described in subparagraph (A) and before contracting for the performance of such function by a private contractor, a report showing—

Report to Congress.

(i) the potential economic effect on employees affected, and the potential economic effect on the local community and Federal Government if more than 50 employees are involved, of contracting for performance of such function;

(ii) the effect of contracting for performance of such function on the military mission of such function; and

(iii) the amount of the bid accepted for the performance of such function by the private contractor whose bid is accepted and the cost of performance of such function by Department of Defense personnel, together with costs and expenditures which the Government will incur because of the contract.

(b) The Secretary of Defense shall submit a written report to the Congress by February 1, 1980, describing the extent to which commercial and industrial type functions were performed by Department of Defense contractors during fiscal year 1979. The Secretary shall also include in such report an estimate of the percentage of commercial and industrial type functions of the Department of Defense that will be performed by Department of Defense personnel and the percentage of such functions that will be performed by private contractors during fiscal year 1980.

Report to Congress.

ADVANCE PAYMENT OF STATION HOUSING ALLOWANCES FOR MEMBERS OF THE UNIFORMED SERVICES ASSIGNED OVERSEAS

SEC. 807. (a) Section 405 of title 37, United States Code, relating to allowances for members on duty outside the United States or in Alaska or Hawaii, is amended by inserting after the third sentence in such section the following new sentence: "A station housing allowance prescribed under this section may be paid in advance."

Effective date.
37 USC 405 note.

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

ANNUAL REPORT ON NATO READINESS

Report to
congressional
committees.
10 USC 131 note.

SEC. 808. (a) Each year the Secretary of Defense shall assess, and make findings with respect to, the readiness status of the military forces of the North Atlantic Treaty Organization and shall submit a report of such assessment and findings to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives on the same date that the President transmits to the Congress the Budget. The first such report shall be submitted on the date the Budget for fiscal year 1981 is transmitted.

(b) The annual assessment by the Secretary of Defense under subsection (a) shall include the assessment and findings of the Secretary of Defense with respect to—

(1) deficiencies in the readiness of the North Atlantic Treaty Organization (including an analysis of such deficiencies in each member nation of the North Atlantic Treaty Organization) with respect to—

- (A) war reserve stocks;
- (B) command, control, and communications systems (including the susceptibility of such systems to degradation by potential overt activities of the Warsaw Pact);
- (C) electronic warfare capabilities;
- (D) offensive and defensive chemical warfare capabilities;
- (E) air defense capabilities (including ground and air systems and the integration of ground systems with air systems);
- (F) armor and anti-armor capabilities;
- (G) firepower capabilities;
- (H) forward deployed units and the proximity of such units to assigned general defensive positions;
- (I) the availability of ammunition;
- (J) the availability, responsiveness, and overall effectiveness of reserve forces;
- (K) airlift capabilities to meet reinforcement and resupply requirements;
- (L) the ability to protect, cross-service, and stage air assets from allied air fields;
- (M) the maritime force capabilities (including sealift, minelaying, and minesweeping capabilities);
- (N) logistical support arrangements (including the availability of ports, air fields, transportation, and host nation support);
- (O) training (including the availability of the facilities and equipment needed to conduct realistic operational exercises); and
- (P) the compatibility of operational doctrine and procedures among armed forces of the member nations;

(2) planned corrections in the identified readiness deficiencies of the United States with respect to the North Atlantic Treaty Organization and that portion of the Budget transmitted to the Congress by the President on the date such report is transmitted which is allocated for such corrections; and

(3) commitments made by other member nations of the North Atlantic Treaty Organization to correct readiness deficiencies of such nations (including any deficiencies of such nations in the items listed in paragraph (1)) and an identification of particular

improvements to be made in readiness by weapons system, program, or activity.

QUARTERLY SELECTED ACQUISITION REPORTS TO CONGRESS

SEC. 809. Section 811(a) of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 89 Stat. 539) is amended to read as follows:

10 USC 139 note.

“(a) Beginning with the quarter ending December 31, 1979, the Secretary of Defense shall submit quarterly to the Congress written selected acquisition reports for those major defense systems which are estimated to require a total cumulative financing for research, development, test, and evaluation in excess of \$75,000,000 or a cumulative production investment in excess of \$300,000,000. The report for the quarter ending on December 31 of any fiscal year shall be submitted within 20 days after the President transmits the Budget to the Congress for the following fiscal year, and the reports for the other three quarters of any fiscal year shall be submitted within 30 days after the end of the quarter. If a preliminary report is submitted for any quarter, then the final report for such quarter shall be submitted to the Congress within 15 days after the submission of such preliminary report.”

Reports to Congress.
10 USC 139 note.

AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR 1980 OLYMPIC WINTER GAMES

SEC. 810. There is authorized to be appropriated to the Secretary of Defense for fiscal year 1980 an amount not to exceed \$10,000,000 for the purpose of providing assistance for the 1980 Olympic winter games, as authorized by section 816(a) of the Department of Defense Appropriation Authorization Act, 1979 (Public Law 95-485; 92 Stat. 1626). Except for funds used for pay and nontravel related allowances of members of the Armed Forces, no funds may be obligated or expended for the purpose of carrying out such section unless specifically appropriated for such purpose. The costs for pay and nontravel related allowances of members of the Armed Forces may not be charged to appropriations made pursuant to this authorization.

PRESIDENTIAL RECOMMENDATIONS FOR SELECTIVE SERVICE REFORM

SEC. 811. (a) The President shall prepare and transmit to the Congress a plan for a fair and equitable reform of the existing law providing for registration and induction of persons for training and service in the Armed Forces. Such plan shall include recommendations with respect to—

Plan, transmittal to Congress.
50 USC app. 451 note.

(1) the desirability and feasibility of resuming registration under the Military Selective Service Act as in existence on the date of the enactment of this Act;

(2) the desirability and feasibility of establishing a method of automatically registering persons under the Military Selective Service Act through a centralized, automated system using existing records, together with a discussion of the impact of such method, or of alternative methods of establishing such a registration system, on privacy rights under the Constitution and under statutes protecting such rights (including section 552a of title 5, United States Code, commonly referred to as the “Privacy Act”) and any proposal for reform of such Privacy Act or other statutes, relevant court decisions relating to Selective Service

procedures, and the impact of such alternative methods on other constitutional issues;

(3) the desirability of the enactment of authority for the President to induct persons registered under such Act for training and service in the Armed Forces during any period with respect to which the President determines that such authority is required in the interest of the national defense;

(4) whether women should be subject to registration under such Act and to induction for training and service in the Armed Forces under such Act;

(5) the desirability and feasibility of providing authority for the President to induct persons into the Individual Ready Reserve;

(6) whether persons registered under such Act should also be immediately classified and examined or whether classification and examination of registrants should be subject to the discretion of the President;

(7) such changes in the organization and operation of the Selective Service System as the President determines are necessary to enable the Selective Service System to meet the personnel requirements of the Armed Forces during a mobilization in a more efficient and expeditious manner than is presently possible;

(8) the desirability, in the interest of preserving discipline and morale in the Armed Forces, of establishing a national youth service program permitting volunteer work, for either public or private public service agencies, as an alternative to military service;

(9) such other changes in existing law relating to registration, classification, selection, and induction as the President considers appropriate; and

(10) other possible procedures that could be established to enable the Armed Forces to meet their personnel requirements.

(b) The President shall transmit with the plan required by subsection (a) proposals for such legislation as may be necessary to implement the plan and to revise and modernize the Military Selective Service Act.

(c) The plan required by subsection (a), together with the proposed legislation required by subsection (b), shall be transmitted to the Congress not later than January 15, 1980, or the end of the three-month period beginning on the date of the enactment of this Act, whichever is later.

Legislative proposals, transmittal to Congress.

PRESERVATION OF SELECTIVE SERVICE SYSTEM AS AN INDEPENDENT AGENCY

SEC. 812. Section 1 of the Military Selective Service Act (50 U.S.C. App. 451) is amended by adding at the end thereof the following new subsection:

“(f) The Congress further declares that the Selective Service System should remain administratively independent of any other agency, including the Department of Defense.”.

STUDY OF TITAN II MISSILE SYSTEMS

SEC. 813. The Secretary of the Air Force shall conduct an investigation of Titan II missile systems located within the United States to assess the physical condition of those facilities and components thereof as well as relevant maintenance procedures. Not later than 180 days after the date of the enactment of this Act, the findings of

Report to congressional committees.

that investigation, along with recommendations for any needed physical or procedural improvements to protect the public safety (including the safety of military personnel assigned to those systems) shall be reported to the Committees on Armed Services of the Senate and House of Representatives.

**LIMITATION ON OVERSEAS TRAVEL AND TRANSPORTATION ALLOWANCES
FOR DEPENDENTS**

SEC. 814. Section 406 of title 37, United States Code, relating to travel and transportation allowances for dependents, is amended—

(1) by striking out "A" at the beginning of subsection (a) of such section and inserting in lieu thereof "Except as provided in subsection (i) of this section, a";

(2) by striking out "In" at the beginning of subsection (h) of such section and inserting in lieu thereof "Except as provided in subsection (i) of this section, in"; and

(3) by adding at the end of such section the following new subsection:

"(i)(1) After September 30, 1980, and except as provided in paragraph (3) of this subsection, the allowance and transportation authorized by subsection (a) and subsection (h) of this section for travel and transportation of dependents may not be provided with respect to travel and transportation of any dependent of a member of the Army, Navy, Air Force, or Marine Corps from any place inside the United States to any place outside the United States, or from any place outside the United States to any place inside the United States, during any period in which the number of dependents accompanying members of the Army, Navy, Air Force, and Marine Corps who are stationed outside the United States and who are authorized by the Secretary concerned to receive such allowance or transportation for dependents exceeds 325,000.

"(2)(A) The Secretary of Defense shall allocate among the three military departments the limitation established by paragraph (1) with respect to the total number of dependents who may be accompanying members of the Army, Navy, Air Force, and Marine Corps stationed overseas who are entitled under subsection (a) or (h) to travel and transportation for dependents before the allowance for such travel and transportation is suspended under such paragraph.

"(B) The Secretary of each military department, in his discretion, shall administer the limitation on the number of dependents who may be provided travel and transportation under subsections (a) and (h) allocated to his military department under subparagraph (A) in such manner as the Secretary considers to be fair and in the best interest of the United States.

"(3) Paragraph (1) does not prohibit the provision of travel and transportation under subsection (a) or subsection (h) of this section for travel and transportation of dependents from a place outside the United States to a place inside the United States if the travel and transportation of such dependents to such place outside the United States was authorized under subsection (a) or subsection (h) of this section at the time of the travel and transportation of such dependents to such place outside the United States."

PURCHASES OF GASOLINE AS A FUEL FOR MOTOR VEHICLES

SEC. 815. To the maximum extent feasible and consistent with overall defense needs and sound vehicle management practices, as determined by the Secretary of Defense, the Department of Defense is

10 USC 2388
note.

authorized and directed to enter into contracts by competitive bid, subject to appropriations, for the purchase of domestically produced alcohol or alcohol-gasoline blends containing at least 10 percent domestically produced alcohol for use in motor vehicles owned or operated by the Department of Defense.

EXTENSION OF PERIOD FOR CERTAIN RESERVISTS TO ELECT COVERAGE UNDER SURVIVOR BENEFIT PLAN

SEC. 816. Section 208 of the Uniformed Services Survivors' Benefits Amendments of 1978 (Public Law 95-397; 10 U.S.C. 1447 note) is amended—

(1) by striking out "the end of the nine-month period beginning on the effective date of this title" and inserting in lieu thereof "January 1, 1980"; and

(2) by striking out "at the end of the one-year period beginning on the effective date of this title" and inserting in lieu thereof "on March 31, 1980".

EXTENSION OF PERIOD FOR REDUCTION IN NUMBER OF SENIOR-GRADE CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE

SEC. 817. Paragraphs (1) and (2) of section 811(a) of the Department of Defense Appropriation Authorization Act, 1978 (10 U.S.C. 131 note), are amended to read as follows:

"(1) After October 1, 1980, the total number of commissioned officers on active duty in the Army, Air Force, and Marine Corps above the grade of colonel, and on active duty in the Navy above the grade of captain, may not exceed 1,073.

"(2) After September 30, 1981, the total number of civilian employees of the Department of Defense in grades GS-13 through GS-18 (including positions authorized under section 1581 of title 10, United States Code) may not exceed the number equal to the number of such employees employed by the Department of Defense on July 30, 1977, reduced by the same percentage as the percentage by which the total number of commissioned officers on active duty in the Army, Air Force, and Marine Corps above the grade of colonel, and on active duty in the Navy above the grade of captain, is reduced below 1,141 during the period beginning on October 1, 1977, and ending on September 30, 1980."

5 USC 5332 note.

SENSE OF CONGRESS CONCERNING IMPORTATION OF STRATEGIC AND CRITICAL MATERIALS FROM ZIMBABWE-RHODESIA

SEC. 818. It is the sense of the Congress that the United States should have unlimited access to strategic and critical materials which are vital to the defense and security of the United States and that every effort should be made to remove artificial impediments against the importation of such materials into the United States from Zimbabwe-Rhodesia.

22 USC 287c note.

REPORTING REQUIREMENT REGARDING SALARIES OF OFFICERS OF FEDERAL CONTRACT RESEARCH CENTERS

SEC. 819. (a)(1) Chapter 139 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2359.

"§ 2359. Salaries of officers of Federal contract research centers: reports to Congress

"The Secretary of Defense shall notify the Congress not later than January 31 of each year of any officer or employee of a Federal

contract research center the amount of whose compensation paid out of Federal funds during the preceding calendar year exceeded the annual rate of basic pay authorized (without regard to any limitation on the payment of such pay) for level II of the Executive Schedule under section 5313 of title 5 on the last day of such year. Such notification shall include a detailed statement of the reasons for the payment of such amount of compensation to each such officer or employee.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

“2359. Salaries of officers of Federal contract research centers: reports to Congress.”

(b) The first notification under section 2359 of title 10, United States Code, as added by subsection (a), shall be made not later than January 31, 1980.

(c) Section 407 of Public Law 91-121 (83 Stat. 208; 10 U.S.C. 2358 note) is repealed.

10 USC 2359
note.

Repeal.
10 USC 2358
note.

TECHNICAL AMENDMENTS TO TITLES 5 AND 10, UNITED STATES CODE, TO REFLECT CHANGES MADE BY THE DEPARTMENT OF DEFENSE REORGANIZATION ORDER OF MARCH 7, 1978

SEC. 820. (a) Section 136(a) of title 10, United States Code, relating to the Assistant Secretaries of Defense, is amended by striking out “nine” and inserting in lieu thereof “seven”.

(b) Section 3013 of such title, relating to the Under Secretary and Assistant Secretaries of the Army, is amended by striking out “five” and inserting in lieu thereof “four”.

(c) Section 5034(a) of such title, relating to the Assistant Secretaries of the Navy, is amended by striking out “four” and inserting in lieu thereof “three”.

(d) Section 8013 of such title, relating to the Under Secretary and Assistant Secretaries of the Air Force, is amended by striking out “four” and inserting in lieu thereof “three”.

(e)(1) Paragraphs (13), (14), (15), and (16) of section 5315 of title 5, United States Code, relating to positions at level IV of the Executive Schedule, are amended to read as follows:

“(13) Assistant Secretaries of Defense (7).

“(14) Assistant Secretaries of the Air Force (3).

“(15) Assistant Secretaries of the Army (4).

“(16) Assistant Secretaries of the Navy (3).”

(2) Paragraph (96) of section 5316 of such title, relating to positions at level V of the Executive Schedule, is amended to read as follows:

“(96) Deputy Under Secretaries of Defense for Research and Engineering, Department of Defense (4).”

10 USC 3013.

10 USC 5034.

10 USC 8013.

5 USC 5316.

CORRECTION OF ERRONEOUS SECTION DESIGNATION

10 USC 976.

SEC. 821. (a) The last section in chapter 49 of title 10, United States Code, relating to military unions (as added by Public Law 95-610; 92 Stat. 3085), is redesignated as section 976.

(b) The item relating to such section in the table of sections at the beginning of such chapter is amended by striking out "975" and inserting in lieu thereof "976".

Approved November 9, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-166 accompanying H.R. 4040 (Comm. on Armed Services) and Nos. 96-521 and 96-546 (Comm. of Conference).

SENATE REPORTS: No. 96-197 (Comm. on Armed Services) and No. 96-371 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

June 11-13, considered and passed Senate.

Sept. 12-14, H.R. 4040, considered and passed House; passage vacated and S. 428, amended, passed in lieu.

Oct. 24, Senate agreed to conference report.

Oct. 26, House agreed to conference report.