

Public Law 90-378

AN ACT

July 5, 1968

[H. R. 15789]

To amend section 2306 of title 10, United States Code, to authorize certain contracts for services and related supplies to extend beyond one year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2306 of title 10, United States Code, is amended by adding the following new subsection after subsection (f):

“(g) (1) The head of an agency may enter into contracts for periods of not more than five years for the following types of services (and items of supply related to such services) to be performed outside the forty-eight contiguous States and the District of Columbia for which funds would otherwise be available for obligation only within the fiscal year for which appropriated—

“(A) operation, maintenance, and support of facilities and installations;

“(B) maintenance or modification of aircraft, ships, vehicles, and other highly complex military equipment;

“(C) specialized training necessitating high quality instructor skills (for example, pilot and other aircrew members; foreign language training); and

“(D) base services (for example, ground maintenance; in-plane refueling; bus transportation; refuse collection and disposal);

whenever he finds that:

“(i) there will be a continuing requirement for the services consonant with current plans for the proposed contract period;

“(ii) the furnishing of such services will require a substantial initial investment in plant or equipment, or the incurrence of substantial contingent liabilities for the assembly, training, or transportation of a specialized work force; and

“(iii) the use of such a contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operation.

“(2) In entering into such contracts, the head of the agency shall be guided by the following principles:

“(A) the portion of the cost of any plant or equipment amortized as a cost of contract performance should not exceed the ratio between the period of contract performance and the anticipated useful commercial life of such plant or equipment. Useful commercial life, for this purpose, means the commercial utility of the facilities rather than the physical life thereof, with due consideration given to such factors as location of facilities, specialized nature thereof, and obsolescence.

“(B) consideration shall be given to the desirability of obtaining an option to renew the contract for a reasonable period not to exceed three years, at prices not to include charges for plant, equipment and other nonrecurring costs, already amortized.

“(C) consideration shall be given to the desirability of reserving in the agency the right, upon payment of the unamortized portion of the cost of the plant or equipment, to take title thereto under appropriate circumstances.

“(3) In the event funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled or terminated, and the costs of cancellation or termination may be paid from:

“(A) appropriations originally available for the performance of the contract concerned;

Armed Forces.
Multiyear procurement, authorization.

70A Stat. 130;
76 Stat. 528.

Guidelines.

Renewal option.

Cancellation.

Written findings,
requirement.
76 Stat. 529;
80 Stat. 850.

"(B) appropriations currently available for procurement of the type of services concerned, and not otherwise obligated; or
"(C) funds appropriated for those payments."

SEC. 2. Section 2310(b) of title 10, United States Code, is amended—

(A) by inserting "section 2306(g)(1)," after the words "section 2306(c)," after the first time those words appear;

(B) by inserting after "(3)" the words "support the findings required by section 2306(g) (1), (4)";

(C) by striking out "(4)" and inserting in place thereof "(5)", and

(D) by striking out "(5)" and inserting in place thereof "(6)."

Contract au-
thorizations, ex-
ception.

SEC. 3. Section 2311 of title 10, United States Code, is amended by striking out "under clauses (11)–(16) of section 2304(a) of this title" and by inserting in place thereof "(1) under clauses (11)–(16) of section 2304(a) of this title, and (2) authorizing contracts in excess of three years under section 2306(g) of this title."

Ante, p. 289.

Approved July 5, 1968.

Public Law 90-379

AN ACT

July 5, 1968
[H. R. 14910]

To amend the Communications Act of 1934, as amended, to give the Federal Communications Commission authority to prescribe regulations for the manufacture, import, sale, shipment, or use of devices which cause harmful interference to radio reception.

Communications
Act of 1934,
amendment.
48 Stat. 1064.
47 USC 609 and
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Communications Act of 1934, as amended, is further amended by adding thereto a new section 302 to read as follows:

"DEVICES WHICH INTERFERE WITH RADIO RECEPTION

"SEC. 302. (a) The Commission may, consistent with the public interest, convenience, and necessity, make reasonable regulations governing the interference potential of devices which in their operation are capable of emitting radio frequency energy by radiation, conduction, or other means in sufficient degree to cause harmful interference to radio communications. Such regulations shall be applicable to the manufacture, import, sale, offer for sale, shipment, or use of such devices.

"(b) No person shall manufacture, import, sell, offer for sale, ship, or use devices which fail to comply with regulations promulgated pursuant to this section.

Exceptions.

"(c) The provisions of this section shall not be applicable to carriers transporting such devices without trading in them, to devices manufactured solely for export, to the manufacture, assembly, or installation of devices for its own use by a public utility engaged in providing electric service, or to devices for use by the Government of the United States or any agency thereof. Devices for use by the Government of the United States or any agency thereof shall be developed, procured, or otherwise acquired, including offshore procurement, under United States Government criteria, standards, or specifications designed to achieve the common objective of reducing interference to radio reception, taking into account the unique needs of national defense and security."

Approved July 5, 1968.