

Public Law 90-500

AN ACT

September 20, 1968
[S. 3293]

To authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

Armed Forces.
Appropriation
authorization,
1969.

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1969 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$735,447,000; for the Navy and Marine Corps, \$2,406,988,000, of which \$241,800,000 is authorized to be appropriated only for F-4J aircraft and \$162,800,000 is authorized to be appropriated only for EA-6B aircraft; for the Air Force, \$5,212,000,000.

MISSILES

For missiles: for the Army, \$956,140,000; for the Navy, \$848,212,000, of which \$55,500,000 is authorized to be appropriated only for the Phoenix missile; for the Marine Corps, \$13,500,000; for the Air Force, \$1,768,000,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$1,581,500,000, of which \$52,000,000 is authorized to be appropriated only for the procurement of long leadtime components that could be used in vessels of either the DXGN or DLGN types and \$22,500,000 is authorized to be appropriated only for long leadtime components for an improved nuclear-powered attack submarine of new design.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$299,426,000; for the Marine Corps, \$10,800,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1969 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, \$1,611,900,000;

For the Navy (including the Marine Corps), \$2,205,721,000, of which (a) \$46,900,000 is authorized to be appropriated only for the development of the Phoenix missile system, (b) \$170,000,000 is authorized to be appropriated only for the development of the VFX-1 aircraft,

(c) \$4,000,000 is authorized to be appropriated only for development of an improved nuclear attack submarine to be included in the fiscal year 1970 procurement program, and (d) \$16,400,000 is authorized to be appropriated only for an improved nuclear-powered attack submarine of new design to be procured in years after fiscal year 1970;

For the Air Force, \$3,438,594,000; and

For the Defense Agencies, \$487,522,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1969 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$50,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used for development or procurement of the F-111B aircraft.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1968, and ending June 30, 1969, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

- (1) The Army National Guard of the United States, 400,000.
- (2) The Army Reserve, 260,000.
- (3) The Naval Reserve, 128,407.
- (4) The Marine Corps Reserve, 47,204.
- (5) The Air National Guard of the United States, 77,371.
- (6) The Air Force Reserve, 45,526.
- (7) The Coast Guard Reserve, 17,700.

Reduction provisions.

SEC. 302. The average strength prescribed by section 301 of this title 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, not including those units ordered to active duty in January 1968, 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 any such units, including those units ordered to active duty in January 1968, or such individual members are released from active duty during any fiscal year, the average strength 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.

10 USC 263 note.

SEC. 303. Subsection (e) of title I of Public Law 89-687 (80 Stat. 981) is amended by deleting "June 30, 1968" and substituting "June 30, 1969".

TITLE IV—GENERAL PROVISIONS

Funds, availability for Vietnamese forces, etc.

SEC. 401. Subsection (a) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows: "Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support

(1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1969 on such terms and conditions as the Secretary of Defense may determine.”

SEC. 402. It is hereby declared to be the sense of the Congress that the Department of Defense, as soon as practicable, institute such measures as may be necessary to modernize the contract commercial airlift services provided to the Armed Forces of the United States.

Airlift services,
modernization.

SEC. 403. (a) Chapter 153 of title 10, United States Code, is amended by adding at the end thereof the following new section:

70A Stat. 143.
10 USC 2571-
2575.

“§ 2576. Surplus military equipment: sale to State and local law enforcement and firefighting agencies

“(a) The Secretary of Defense, under regulations prescribed by him, may sell to State and local law enforcement and firefighting agencies, at fair market value, pistols, revolvers, shotguns, rifles of a caliber not exceeding .30, ammunition for such firearms, gas masks, and protective body armor which (1) are suitable for use by such agencies in carrying out law enforcement and firefighting activities, and (2) have been determined to be surplus property pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

40 USC 471
note.

“(b) Such surplus military equipment shall not be sold under the provisions of this section to a State or local law enforcement or firefighting agency unless request therefor is made by such agency, in such form and manner as the Secretary of Defense shall prescribe, and such request, with respect to the type and amount of equipment so requested, is certified as being necessary and suitable for the operation of such agency by the Governor (or such State official as he may designate) of the State in which such agency is located. Equipment sold to a State or local law enforcement or firefighting agency under this section shall not exceed, in quantity, the amount requested and certified for such agency and shall be for the exclusive use of such agency. Such equipment may not be sold, or otherwise transferred, by such agency to any individual or public or private organization or agency.”

(b) The table of sections at the beginning of chapter 153 of such title is amended by adding at the end thereof the following:

“2576. Surplus military equipment: sale to State and local law enforcement and firefighting agencies.”

SEC. 404. No funds authorized for appropriation for the use of the Armed Forces of the United States under the provisions of this Act or the provisions of any other law shall be available for the purchase, lease, rental, or other acquisition of multipassenger motor vehicles (buses) other than multipassenger motor vehicles (buses) manufactured in the United States, except as may be authorized by regulations promulgated by the Secretary of Defense solely to insure that compliance with this prohibition will not result in either an uneconomical procurement action or one which would adversely affect the national interests of the United States.

Motor vehicles.

SEC. 405. Section 2304(g) of title 10, United States Code is amended by inserting a comma after the word “proposals” where first used in that section and inserting after the comma the words “including price.”

76 Stat. 528.

Approved September 20, 1968.