

Subsec. (a)(1)(B). Pub. L. 113-66, § 1250(a)(2)(B), substituted "activities" for "a specific weapon system".

Subsec. (a)(2)(A). Pub. L. 113-66, § 1250(a)(1), substituted "NATO Support Organization and its executive agencies" for "NATO Maintenance and Supply Organization".

Subsec. (b). Pub. L. 113-66, § 1250(a)(3), substituted "Support Partnership Agreement" for "Weapon System Partnership Agreement" in introductory provisions.

Pub. L. 113-66, § 1250(a)(1), substituted "NATO Support Organization and its executive agencies" for "NATO Maintenance and Supply Organization" wherever appearing.

Subsecs. (c), (d). Pub. L. 113-66, § 1250(a)(3), substituted "Support Partnership Agreement" for "Weapon System Partnership Agreement".

Subsec. (e). Pub. L. 113-66, § 1250(a)(1), (3), substituted "NATO Support Organization and its executive agencies" for "NATO Maintenance and Supply Organization" and "Support Partnership Agreement" for "Weapon System Partnership Agreement".

1992—Subsec. (c). Pub. L. 102-484 inserted "and costs of claims" after "administrative costs".

1989—Subsec. (e). Pub. L. 101-189, § 938(c), inserted "this chapter and" after "in accordance with".

§ 2350e. NATO Airborne Warning and Control System (AWACS) program: authority of Secretary of Defense

(a) **AUTHORITY UNDER AWACS PROGRAM.**—The Secretary of Defense, in carrying out an AWACS memorandum of understanding, may do the following:

(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.
- (H) Planning, programming, and management services.

(2) Waive any surcharge for administrative services otherwise chargeable.

(3) In connection with that Program, 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) **CONTRACT AUTHORITY LIMITATION.**—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.

(c) **DEFINITION.**—In this section, the term "AWACS memorandum of understanding" means—

(1) 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;

(2) the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, signed by the United States Ambassador to NATO on September 26, 1984;

(3) the Addendum to the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme (dated December 6, 1978) relating to the modernization of the NATO Airborne Early Warning and Control (NAEW&C) System, dated December 7, 1990; and

(4) any other follow-on support agreement for the NATO E-3A Cooperative Programme.

(Added Pub. L. 101-189, div. A, title IX, § 932(a)(1), Nov. 29, 1989, 103 Stat. 1536; amended Pub. L. 102-190, div. A, title X, § 1051, Dec. 5, 1991, 105 Stat. 1470; Pub. L. 103-160, div. A, title XIV, § 1413, Nov. 30, 1993, 107 Stat. 1829.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 97-86, title I, § 103, Dec. 1, 1981, 95 Stat. 1100, as amended, which was set out as a note under section 2407 of this title, prior to repeal by Pub. L. 101-189, § 932(b).

AMENDMENTS

1993—Subsec. (d). Pub. L. 103-160 struck out subsec. (d) which read as follows: "EXPIRATION.—The authority provided by this section expires on September 30, 1993."

1991—Subsec. (c)(3), (4). Pub. L. 102-190, § 1051(1), added par. (3) and redesignated former par. (3) as (4).

Subsec. (d). Pub. L. 102-190, § 1051(2), substituted "1993" for "1991".

§ 2350f. Procurement of communications support and related supplies and services

(a) As an alternative means of obtaining communications support and related supplies and services, the Secretary of Defense, subject to the approval of the Secretary of State, may enter into a bilateral arrangement with any allied country or allied international organization or may enter into a multilateral arrangement with allied countries and allied international organizations, under which, in return for being provided communications support and related supplies and services, the United States would agree to provide to the allied country or countries or allied international organization or allied international organizations, as the case may be, an equivalent value of communications support and related supplies and services. The term of an arrangement entered into under this subsection may not exceed five years.

(b)(1) Any arrangement entered into under this section shall require that any accrued credits and liabilities resulting from an unequal exchange of communications support and related supplies and services during the term of such arrangement would be liquidated by direct payment to the party having provided the greater amount of communications support and related supplies and services. Liquidations may be made at such times as the parties in an arrangement may agree upon, but in no case may final liquidation in the case of an arrangement be made later than 30 days after the end of the term for which the arrangement was entered into.