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(1) One member from the Department of Defense, to be designated by the Secretary of Defense.

(2) One member from the Department of Health, Education, and Welfare, to be designated by the Secretary of Health, Education, and Welfare.

(3) One member from the Department of Housing and Urban Development, to be designated by the Secretary of Housing and Urban Development.

(4) One member from the Department of Transportation, to be designated by the Secretary of Transportation.

(5) One member from the Office of Economic Opportunity, to be designated by the Director of the Office of Economic Opportunity.

(6) One member from the Department of Labor, to be designated by the Secretary of Labor.

(7) One member from the Department of the Interior, to be designated by the Secretary of the Interior.

(8) One member from the National Aeronautics and Space Administration, to be designated by the Administrator of the National Aeronautics and Space Administration.

(c) The member of the Council designated by the Secretary of Housing and Urban Development shall serve as Chairman of the Council.

(d) Three members of the Council shall constitute a quorum; and a vacancy in the Council membership shall not affect its powers but shall be filled in the manner in which the original appointment was made.

(e) It shall be the function of the Council to study and evaluate proposed research programs and projects submitted to it pursuant to this section. The Council shall accept for consideration research projects that are of mutual interest to the Department of Defense and one or more of the participating departments or agencies, and, subject to section 204, such other categories of research bearing on important national needs as the Council may specify, including but not limited to such fields as housing, education, transportation, and pollution.

(f) The Council shall advise the Director of Defense Research and Engineering of the Department of Defense regarding research proposals submitted to it for consideration pursuant to subsection (e) and shall make such recommendations to the Director as it deems appropriate as to the merits of proposals submitted to it for consideration.

(g) The Council shall review the results of research conducted under its auspices and shall advise the Director of Defense Research and Engineering of the Department of Defense as to the desirability of continuing, modifying, or terminating such research activities.

(h) The Secretary of Defense is authorized to make grants to college, universities, and other not-for-profit institutions engaged in research and/or development activities sponsored by the Department of Defense for the purpose of supporting selected research programs and projects promising significant domestic benefits. Proposals for such research shall be submitted to and reviewed by the Council. The decision of the Secretary of Defense with respect to which, if any, research proposals approved by the Council will be sponsored shall be final.

(i) The total amount in grants made under this section in any fiscal year shall not exceed an amount equal to 5 per centum of the total funds expended in such fiscal year by the Department of Defense under contracts entered into with colleges, universities, and other not-for-profit institutions for the performance of defense research.

(j) In no case shall any one institution receive more than \$5,000,000 under this section in any one fiscal year.

(k) Research grants made by the Secretary of Defense under this section shall be

made subject to such rules and regulations as the Secretary of Defense may prescribe after consultation with the Council.

## TITLE III—RESERVE FORCES

Sec. 301. For the fiscal year beginning July 1, 1970, and ending June 30, 1971, 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, 129,000.

(4) The Marine Corps Reserve, 47,715.

(5) The Air National Guard of the United States, 87,878.

(6) The Air Force Reserve, 47,921.

(7) The Coast Guard Reserve, 10,000.

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, 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 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.

## TITLE IV—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION; LIMITATIONS ON DEPLOYMENT

Sec. 401. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

(1) Technical and supporting facilities and acquisition of real estate inside the United States \$322,000,000;

(2) Research, development, test, and evaluation facilities at the Kwajalein Missile Range \$3,200,000;

(3) Military Family Housing, four hundred units, \$8,800,000:

Malmstrom Safeguard site, Montana, two hundred units,

Grand Forks Safeguard site, North Dakota, two hundred units.

(b) There are authorized to be appropriated for the purposes of this section not to exceed \$334,000,000.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1971, in the same manner as if such authorizations had been included in that Act.

(d) Within the amounts of the authorizations for military construction for Safeguard, the Secretary of the Army or his designee is authorized to provide for, under such terms and conditions as he may determine, two hundred and twenty-five units of temporary family housing for occupancy on a rental basis by military and civilian personnel of the Department of Defense and their dependents at each Safeguard site in connection with any military construction and installation and checkout of system equipment which is or may hereafter be authorized at a Safeguard site, if the Secretary of the Army or his designee determines that such temporary housing is necessary in order to perform the construction and installation and checkout of system equipment, and that temporary housing is not otherwise available under reasonable terms and conditions.

Sec. 402. None of the funds authorized by this or any other Act may be obligated or expended for the purpose of initiating deployment of an anti-ballistic missile system at any site other than Whiteman Air Force Base, Knobnoster, Missouri; except that funds may be obligated or expended for the purpose of initiating advanced preparation (site selection, land acquisition, site survey, and the procurement of long lead-time items) for an anti-ballistic missile system site at Francis E. Warren Air Force Base, Cheyenne, Wyoming. Nothing in the foregoing sentence shall be construed as a limitation on the obligation or expenditure of funds in connection with the deployment of an anti-ballistic missile system at Grand Forks Air Force Base, Grand Forks, North Dakota, or Malmstrom Air Force Base, Great Falls, Montana.

## TITLE V—GENERAL PROVISIONS

Sec. 501. The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment.

Sec. 502. 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:

"(a) (1) Not to exceed \$2,500,000,000 of the 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: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine.

"(2) No defense article may be furnished to the South Vietnamese forces, other free world forces in Vietnam, or to local forces in Laos or Thailand with funds authorized for the use of the Armed Forces of the United States under this or any other Act unless the government of the forces to which the defense article is to be furnished shall have agreed that—

"(A) it will not, without the consent of the President—

"(i) permit any use of such article by anyone not an officer, employee, or agent of that government,

"(ii) transfer, or permit any officer, employee, or agent of that government to transfer such article by gift, sale, or otherwise, or

"(iii) use of permit the use of such article for purposes other than those for which furnished;

"(B) it will maintain the security of such article, and will provide substantially the same degree of security protection afforded to such article by the United States Government;

"(C) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such article; and

"(D) unless the President consents to other disposition, it will return to the United States Government for such use or

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disposition as the President considers in the best interests of the United States, any such article which is no longer needed for the purposes for which it was furnished.

The President shall promptly submit a report to the Speaker of the House of Representatives and the President of the Senate on the implementation of each agreement entered into in compliance with this paragraph. The President may not give his consent under clause (A) or (D) of this paragraph with respect to any defense article until the expiration of fifteen days after written notice has been given to the Speaker of the House of Representatives and the President of the Senate regarding the proposed action of the President with respect to such article. As used in this paragraph the term "defense article" shall have the same meaning prescribed for such term in section 644(d) of the Foreign Assistance Act of 1961. In order to allow a reasonable period of time for the Department of Defense to comply with the requirements of this paragraph, the provisions of such paragraph shall become effective sixty days after the date of enactment of this section."

SEC. 503. Of the total amount authorized to be appropriated by this Act for the procurement of the F-111 aircraft, \$283,000,000 of such amount may not be obligated or expended for the procurement of such aircraft until and unless the Secretary of Defense has (1) determined that the F-111 aircraft has been subjected to and successfully completed a comprehensive structural integrity test program, (2) approved a program for the procurement of such aircraft, and (3) certified in a written report to the Committees on Armed Services of the Senate and the House of Representatives that he has made such a determination and approved such a program, and has included in such written report the basis for making such determination and approving such program.

SEC. 504. (a) Of the total amount authorized to be appropriated by this Act for the procurement of the C-5A aircraft, \$200,000,000 of such amount may not be obligated or expended until and unless the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and the House of Representatives a plan for the expenditure of such \$200,000,000 and such committees have approved such plan. In no event may all or any part of such \$200,000,000 be obligated or expended except in accordance with a plan approved by such committees.

(b) The \$200,000,000 referred to in subsection (a) of this section, following the approval of a plan pursuant to such subsection, may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C-5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort;

or

(4) depreciation and amortization costs on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such \$200,000,000 may not be allocated to other portions of the C-5A aircraft contract or to any other contract with the United States, but payments to C-5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(c) Any payment from such \$200,000,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(d) The restrictions and controls provided for in this section with respect to the \$200,000,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 505. Section 412(b) of Public Law 86-149, as amended, is amended by inserting immediately before the word "unless" the following: ", or after December 31, 1970, to or for the use of the Navy for the procurement of torpedoes and related support equipment."

SEC. 560. (a) None of the funds authorized to be appropriated by this Act shall be used for the procurement of delivery systems specifically designed to disseminate lethal chemical or any biological warfare agents, or for the procurement of delivery system parts or components specifically designed for such purpose, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

(b) (1) Section 409(b) of Public Law 91-121, approved November 19, 1969 (83 Stat. 209), is amended—

(A) by striking out "or the open air testing of any such agent within the United States" in the material immediately preceding paragraph (1) and inserting in lieu thereof the following: "the open air testing of any such agent within the United States, or the disposal of any such agent within the United States";

(B) by striking out "transportation or testing" each time it appears in paragraphs (2), (3), and (4) and inserting in lieu thereof "transportation, testing, or disposal"; and

(C) by inserting "or disposal" immediately after "such testing" in paragraph (4) (A).

(2) Section 409(c)(1) of such public law is amended—

(A) by striking out "deployment, or storage, or both," and inserting in lieu thereof "deployment, storage, or disposal"; and

(B) by striking out "deployment or storage" immediately after "unless prior notice of" and inserting in lieu thereof "deployment, storage, or disposal".

(c) (1) The Secretary of Defense shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation to determine (A) the ecological and physiological dangers inherent in the use of herbicides, and (B) the ecological and physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam.

(2) Of the funds authorized by this Act for research, development, testing, and evaluation of chemical warfare agents and for defense against biological warfare agents, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.

(3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation author-

ized by paragraph (1) of this subsection, the Secretary of Defense shall request that the National Academy of Sciences submit a final report containing the results of its study and investigation to the Secretary not later than January 31, 1972. The Secretary shall transmit copies of such report to the President and the Congress, together with such comments and recommendations as he deems appropriate, not later than March 1, 1972.

Mr. MANSFIELD. Mr. President, this is the so-called military procurement bill. The opening speech on the bill will be made tomorrow, after the conclusion of the morning business.

Mr. President, there will be no votes tonight that I know of.

#### ORDER FOR RECOGNITION OF MR. SYMINGTON TUESDAY MORNING NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate meets on Tuesday next, the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized in the Journal for not to exceed 30 minutes.

The PRESIDING OFFICER. (Mr. BELLMON). Without objection, it is so ordered.

#### LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I would like to inquire as to the further order of business after the military procurement bill. I realize that there is some amount of optimism in the inquiry. But I would be curious to know whether it is contemplated that conference reports may be taken up from time to time or other business which would require the attention of Senators, even though there will be a period of debate on the military procurement bill.

Mr. STENNIS. Mr. President, may we have order. I ask that the Senate suspend until we do.

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is anticipated that the conference report on the education appropriations bill will be taken up some time on Monday next.

It is hoped, when appropriation bills are reported by the full Appropriations Committee, that on those occasions we will go back on the double shift basis and, late in the evening, take up those appropriation bills so that we can become as current as possible in that respect.

As Senators can see, the Calendar is pretty clear. The Senate committees have been working assiduously. The Senate is up on its work. That is about the best I can say at the present time.

Mr. SCOTT. Mr. President, I thank the Senator.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of

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ulation to the morass of crime simply because it may be expedient or fashionable to do so. The most controversial provisions of this bill are among the most vital for protecting the residents of this city from the grinding terror of the dangerous defendant and the malignant pervasion of the city's drug traffic.

We have heard some others, ignoring the 90 percent of this bill which is without controversy, oppose this bill as repressive. There is repression in this city; but it is not repression by the Government and it is not repression by this bill. It is the repression of fear and crime and violence which is destroying homes and families and businesses within the shadow of the Capitol itself. It is the repression which drives people to bar their windows and flee the streets at dark. It is the repression which forces people to keep arsenals and police dogs in their homes for fear of being assaulted, not by the police, but by vicious killers, rapists, and thieves.

We have heard it claimed that this bill should not be enacted because it might serve as a model for the Nation. We have heard the bill described as an "experiment in repression" by critics whose own States sanction no-knock search and pretrial detention practices broader and far less safeguarded than this bill provides. We have heard it described as a "model" for other States by critics who overlook the fact that more than half the States now permit no-knock searches and practice virtually unlimited pretrial detention through money bond, without the safeguards of this bill.

We have seen the wiretap and second-offense mandatory sentencing provisions attacked as unprecedented by critics who forget Congress authorized this same legislation, without the new safeguards this bill provides, for the entire Nation in the Omnibus Crime Act and the Gun Crime Control Act of 1968.

This legislation will be an example to the Nation, but not by reason of its provisions, which are based on the experiences and practice of other States and prior Federal laws. The example Congress will provide today is the clear message that a government by free people has the determination, within the sacred limits of its time-tested Constitution, to take reasoned, safeguarded steps to meet and defeat a plague of lawlessness destroying the very fabric of its society.

Some Senators have suggested we should defeat this conference report and send to the House a watered-down version of this legislation. They suggest that in adopting the conference report we are somehow knuckling under to the other House.

Having led the Senate conferees, I can guarantee this bidy that the other House will never accept this suggested alternative. But I do not offer that as a reason to pass this report. We should approve this conference report because it is a sound, constitutional, and effective answer to the crime crisis facing this city.

We have an enormously difficult and tragic crime problem to deal with in this city. Its victims know it better than any of us ever can. Our responsibility is to

address that crime problem rationally, calmly, and deliberately, and to formulate effective answers to it within the framework of our Constitution and our concept of individual rights and liberties. This bill is that kind of response.

We have done our job. We have met the President's request. We have provided the bill necessary to answer the crime problem in this city. I urge the adoption of the conference report.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BELLMON). All time on the conference report has now been yielded back. The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio (after having voted in the negative). On this vote I have a pair with the Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. LONG (after having voted in the affirmative). On this vote I pair with the Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "nay." If I were at liberty to vote I would vote "yea." I withdraw my vote.

Mr. INOUE (after having voted in the negative). On this vote I have a pair with the Senator from New Mexico (Mr. MONTROYA). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTROYA), the Senator from Rhode Island (Mr. PELL), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. CORTON) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from New Hampshire (Mr. CORTON), the Senator from South Dakota (Mr. MUNDT), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced, yeas 54, nays 33, as follows:

[No. 248 Leg.]

## YEAS—54

Alken	Curtis	Hatfield
Allen	Dole	Holland
Allott	Dominick	Hollings
Baker	Eastland	Hruska
Bellmon	Ellender	Jordan, Idaho
Bennett	Fannin	Mansfield
Bible	Goldwater	McClellan
Boggs	Griffin	McGee
Burdick	Gurney	McIntyre
Byrd, Va.	Hansen	Miller
Byrd, W. Va.	Hartke	Moss

Murphy  
Pastore  
Pearson  
Percy  
Prouty  
Proxmire  
Randolph

Saxbe  
Schweiker  
Scott  
Smith, Ill.  
Sparkman  
Spong  
Stevens

Symington  
Talmadge  
Thurmond  
Tower  
Tydings  
Williams, Del.  
Young, N. Dak.

## NAYS—33

Anderson  
Bayh  
Brooke  
Case  
Church  
Cook  
Cooper  
Cranston  
Eagleton  
Ervin  
Fong

Fulbright  
Goodell  
Gravel  
Harris  
Hart  
Hughes  
Jackson  
Javits  
Jordan, N.C.  
Kennedy  
Mathias

McCarthy  
McGovern  
Metcalf  
Mondale  
Muskie  
Nelson  
Packwood  
Ribicoff  
Stennis  
Williams, N.J.  
Yarborough

## PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—8

Inouye, against.

Long, for.

Young of Ohio, against.

## NOT VOTING—10

Cannon  
Cotton  
Dodd  
Gore

Magnuson  
Montoya  
Mundt  
Pell

Russell  
Smith, Maine

So the report was agreed to.

Mr. TYDINGS. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There will be order in the Senate. The galleries will please be as quiet as possible. The Senate will be in order. The Senate is not in order. We will suspend until we have order in the Senate.

The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I have just voted to approve the conference report on S. 2601, a bill to reorganize the courts of the District of Columbia and for other purposes. I want to record to show that I have studied the situation presented by this conference report at great length and with deep misgivings. My respect for the distinguished senior Senator from North Carolina is such and in particular my recognition of his unexcelled capability in the field of constitutional law is so great that I was unwilling to vote for said conference report in view of his deep and expressed conviction as to the unconstitutionality of several portions of that bill in the absence of a conviction of my own as to its usefulness and the very great existing need for many unquestioned provisions of the measure. I think there is substantial reason to expect that the courts may rule in accordance with the convictions and able arguments of the Senator from North Carolina, to eliminate certain sections of the bill as unconstitutional and to limit certain other sections which I shall not discuss at length.

My reason for voting for the conference report, however, is that the bill does contain so many provisions which, in my opinion, will strengthen the enforcement of law within the District of Columbia and that such strengthened enforcement of law is so greatly needed not only for the protection of residents of the District but also for the protection of millions of Americans who visit

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here every year and the protection of thousands of guests from other nations who come here either as visitors or as officials representing their several countries, that I feel profoundly that these helpful provisions of the bill should be enacted notwithstanding the fact that in my own mind there are serious doubts as to several of its provisions which as I have already said may be eliminated or limited by the opinions of the courts.

It is clear to me, however, that under applicable law and under the structure of this particular bill these questionable provisions, from the constitutional standpoint, are separable—separable—from the main body of the bill which is so badly needed to improve the enforcement of law and the protection of the law-abiding public within the District of Columbia. From the standpoint of better organization of the courts, better jurisdictional and procedural machinery for the courts, and in many respects improvement of the substance of the criminal laws applicable in the District of Columbia I feel that this measure should become law.

I may add that in reaching my decision on this serious question I have not only studied the record of the debate and carefully considered my own convictions, but I have also discussed with some of our colleagues in the other body the possibility of eliminating or limiting in further conference or in separate legislation some of the questionable provisions which have disturbed the Senator from North Carolina as well as other Senators and myself. I have reached the conclusion that the soundest course available was to enact the conference report and I have therefore voted to do so.

ORDER FOR ADJOURNMENT TO 11  
A.M. TOMORROW

Mr. MANSFIELD, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

MILITARY PROCUREMENT  
AUTHORIZATIONS, 1971

Mr. MANSFIELD, Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1020, H.R. 17123, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and 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.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$292,100,000; for the Navy and the Marine Corps, \$2,337,700,000; for the Air Force, \$3,225,500,000.

MISSILES

For missiles: for the Army, \$1,031,600,000; for the Navy, \$932,400,000; for the Marine Corps, \$12,800,000; for the Air Force, \$1,479,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$2,276,900,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$182,300,000; for the Marine Corps, \$47,400,000.

OTHER WEAPONS

For other weapons: for the Army, \$67,200,000; for the Navy, \$2,789,000; for the Marine Corps, \$4,400,000.

TITLE II—RESEARCH, DEVELOPMENT,  
TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1971 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, \$1,609,300,000;  
For the Navy (including the Marine Corps), \$2,194,300,000;

For the Air Force, \$2,718,000,000; and  
For the Defense Agencies, \$445,000,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1971 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$50,000,000.

SEC. 203. (a) Funds authorized for appropriation to the Department of Defense under the provisions of this Act or any other Act shall not be available for payment of independent research and development, bid and proposal, or other technical effort costs unless the work for which payment is made is relevant to the functions or operations of the Department of Defense and unless the following conditions are met—

(1) the Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more than \$2,000,000 of independent research and development, bid and proposal, or other technical effort payments from the Department of Defense, the advance agreements thus negotiated (A) to cover the first fiscal year of each such company beginning on or after the beginning of each fiscal year of the Federal Government and (B) to be concluded either directly with each such company or with those product divisions of each such company which contract directly with the Department of Defense and themselves received more than \$250,000 of such payments during their company's last preceding fiscal year;

(2) the independent research and development portions of the advance agreements thus negotiated are based on company submitted plans on each of which a technical evaluation is performed by the Department of Defense prior to or during the fiscal year covered by such advance agreement;

(3) no payments for independent research and development, bid and proposal, and other technical effort costs are made by the Department of Defense to any company or product division with which an advance agreement is required by subsection (a)(1) of this section, except pursuant to the terms of that agreement; and

(4) the total dollar value of the advance agreements negotiated prior to or during a given fiscal year as required under subsection (a)(1) of this section does not exceed a ceiling to be established annually by the Congress.

(b) In the event negotiations are held with any company or product division with which they are required under subsection (a)(1) of this section, but no agreement is reached with any such company or product division—

(1) no payments for independent research and development, bid and proposal, and other technical effort costs shall be made to any such company or product division during the fiscal year for which an agreement was not reached, except in an amount substantially less than the amount which, in the opinion of the Department of Defense, such company or product division would otherwise have been entitled to receive; and

(2) the amount of money received by that company for independent research and development, bid and proposal, and other technical effort costs during its last preceding fiscal year shall be included in determining compliance by the Department of Defense with the ceiling established by Congress, pursuant to subsection (a)(4) of this section, for the fiscal year in question.

(c) The Secretary of Defense shall submit an annual report to the Congress on or before January 31, 1972, and on or before January 31 of each succeeding year, setting forth—

(1) those companies with which negotiations were held pursuant to subsection (a)(1) of this section prior to or during the preceding fiscal year, together with the result of those negotiations;

(2) the manner of his compliance with the ceiling established by Congress for the preceding fiscal year pursuant to subsection (a)(4) of this section; and

(3) the latest available Defense Contract Audit Agency statistics on the independent research and development, bid and proposal, and other technical effort payments made to major defense contractors whether or not covered by subsection (a)(1) of this section.

(d) The provisions of this section shall apply only to contracts for which the submission and certification of cost or pricing data are required in accordance with section 2306 (f) of title 10, United States Code.

(e) The ceiling to be established pursuant to subsection (a)(4) of this section for fiscal year ending June 30, 1971, shall be \$625,000,000.

(f) Section 403 of Public Law 91-121 (80 Stat. 204) is hereby repealed.

SEC. 204. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

SEC. 205. (a) There is hereby established an interagency advisory council to be known as the Interagency Advisory Council on Domestic Applications of Defense Research (hereinafter in this section referred to as the "Council").

(b) The Council shall be composed of the following members: