

SEC. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alignments within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purpose of this Act as well as to connect with roads of ingress and egress to the area.

Road alignments, study.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

Report to Congress.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, \$125,000 for the acquisition of lands and interests in lands and not to exceed \$1,031,800 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

Appropriation.

Approved November 12, 1971.

Public Law 92-156

AN ACT

November 17, 1971
[H. R. 8687]

To authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, 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,

Armed Forces, Appropriation authorization, 1972.

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1972 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, \$94,200,000; for the Navy and the Marine Corps, \$3,254,900,000 of which not to exceed \$801,600,000 shall be available for a F-14 aircraft program of not less than 48 aircraft; for the Air Force, \$3,029,800,000: *Provided*, That \$14,500,000 of funds

available to the Air Force for aircraft procurement shall be available for the procurement of 30 armed STOL aircraft.

MISSILES

For missiles: for the Army, \$1,066,100,000; for the Navy, \$704,100,000; for the Marine Corps, \$1,300,000; for the Air Force, \$1,791,200,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$3,067,100,000, of which \$14,600,000 is authorized only for advanced procurement for the nuclear powered guided missile frigate DLGN-41. The contracts for advance procurement for the DLGN-41 shall be entered into as soon as practicable unless the President fully advises the Congress that its construction is not in the national interest.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$112,500,000; for the Marine Corps, \$63,900,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, \$193,500,000.

OTHER WEAPONS

For other weapons: for the Army, \$33,000,000; for the Navy, \$1,300,000; for the Marine Corps, \$1,000,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. (a) Funds are hereby authorized to be appropriated during the fiscal year 1972 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, \$1,880,000,000;

For the Navy (including the Marine Corps), \$2,418,700,000 of which amount not more than \$4,492,000 may be used to carry out research and development in connection with the Navy's Project Sanguine, and of which amount \$150,000 shall be available only for carrying out an environmental compatibility program in connection with the Sanguine project, and of which amount \$300,000 shall be available only for biological and ecological effects research in connection with the Sanguine project;

For the Air Force, \$2,979,000,000; and

For the Defense Agencies, \$465,700,000.

(b) Section 40 of Public Law 1028, approved August 10, 1956 (70A Stat. 636; 31 U.S.C. 649c) is amended to read as follows:

"SEC. 40. Unless otherwise provided in the appropriation Act concerned, moneys appropriated to the Department of Defense (1) for the

Funds, availability.

procurement of technical military equipment and supplies and the construction of public works, including moneys appropriated to the Department of the Navy for the procurement and construction of guided missiles, remain available until spent, and (2) for research and development remain available for obligation for a period of two successive fiscal years."

(c) None of the funds authorized to be appropriated by this Act may be used to carry out any research and development work in connection with a deep underground system for the Sanguine project.

Sanguine project, restriction.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1972 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$50,000,000.

Emergency fund.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, 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, 45,849.
- (5) The Air National Guard of the United States, 88,191.
- (6) The Air Force Reserve, 49,634.
- (7) The Coast Guard Reserve, 15,000.

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.

SEC. 303. (a) Section 270(a) of title 10, United States Code, is amended by adding below clause (2) thereof a new sentence as follows:

Training requirements, exception.
72 Stat. 1438.

"However, no member who has served on active duty for one year or longer shall be required to perform a period of active duty for training if the first day of such period falls during the last one hundred and twenty days of his required membership in the Ready Reserve."

(b) Section 502(a) of title 32, United States Code, is amended by adding below clause (2) thereof a new sentence as follows:

70A Stat. 610.

"However, no member of such unit who has served on active duty for

one year or longer shall be required to participate in such training if the first day of such training period falls during the last one hundred and twenty days of his required membership in the National Guard."

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

Safeguard anti-ballistic missile system.

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, \$98,500,000.

(2) Military family housing, four hundred and thirty units, \$11,070,000:

Malmstrom Safeguard site, Montana, two hundred and fifteen units,

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

(b) There are authorized to be appropriated for the purpose of this section not to exceed \$109,570,000, of which not more than \$5,200,000 shall be available for community impact assistance as authorized by section 610 of Public Law 91-511.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1972, in the same manner as if such authorizations had been included in that Act.

84 Stat. 1224.

Ante, p. 394.

Family housing construction, continuation.

SEC. 402. Notwithstanding the repeal provision of section 605(b) of the Act of October 26, 1970, Public Law 91-511 (84 Stat. 1204, 1223), authorizations contained in section 401 of the Act of October 7, 1970, Public Law 91-441 (84 Stat. 905, 909) for the following items which shall remain in effect until fifteen months from the date of this Act and which shall be increased from \$8,800,000 to \$9,200,000:

(a) two hundred family housing units at Malmstrom Safeguard site, Montana.

(b) two hundred family housing units at Grand Forks Safeguard site, North Dakota.

SEC. 403. (a) 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; except that funds may continue to be obligated or expended for the purpose of advanced preparation (site selection, land acquisition, site survey, and the procurement of long leadtime items) for antiballistic missile system sites at Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Whiteman Air Force Base, Knobnoster, Missouri. Nothing in this section 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.

Warren and Whiteman AFB, advanced preparation.

Grand Forks and Malmstrom AFB, continuation.

Repeal.

(b) Section 402 of Public Law 91-441 (84 Stat. 905, 909) is hereby repealed.

TITLE V—GENERAL PROVISIONS

SEC. 501. Subsection (a) (1) 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, availability for Vietnamese forces.
84 Stat. 910.

“(a) (1) Not to exceed \$2,500,000,000 of the funds authorized for appropriations 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 1972 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*. That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.”

77 Stat. 216;
79 Stat. 547.

Cambodia and Laos.

SEC. 502. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

Funds to campuses barring military recruiters, prohibition.

Exception.

SEC. 503. The Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U.S.C. 98-98h) is amended (1) by redesignating section 10 as section 11, and (2) by inserting after section 9 a new section 10 as follows:

Strategic and critical materials, importation.

“SEC. 10. Notwithstanding any other provision of law, on and after January 1, 1972, the President may not prohibit or regulate the importation into the United States of any material determined to be strategic and critical pursuant to the provisions of this Act, if such material is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law.”

77A Stat. 11;
79 Stat. 1022.

C-5A aircraft contingency fund, restrictions and controls.

SEC. 504. (a) The amount of \$325,100,000 authorized to be appropriated by this Act for the development and procurement of the C-5A aircraft 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 \$325,100,000 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.

(b) Any payments from such \$325,100,000 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.

(c) The restrictions and controls provided for in this section with respect to the \$325,100,000 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. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be expended in any amount in excess of \$350,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972.

(b) In computing the \$350,000,000 limitation on expenditure authority under subsection (a) of this section in fiscal year 1972, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos, but in no case less than 33 $\frac{1}{3}$ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) No additional expenditures in excess of the limitation prescribed in subsection (a) of this section may be made for any of the purposes described in such subsection in, to, for, or on behalf of

Defense Department and GAO audits.

Report to Congress.

Laos, fund limitation.

"Value."

Laos in any fiscal year beginning after June 30, 1972, unless such expenditures have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall expenditures in any amount in excess of the amount authorized by law for any fiscal year be made for any such purpose during such fiscal year.

(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations in or over Laos by United States military forces.

(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purposes for which such funds are to be used in such fiscal year.

Report to Congress.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of expenditures in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purposes, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the Secretary of Defense can make taking into consideration all information available to him.

Report to Congress.

SEC. 506. (a) Beginning with the calendar year 1972, the Secretary of Defense shall submit to the Congress each calendar year, at the same time the President submits the Budget to the Congress pursuant to section 201 of the Budget and Accounting Act, 1921, a written report regarding development and procurement schedules for each weapon system for which fund authorization is required by section 412(b) of Public Law 86-149, as amended, and for which any funds for procurement are requested in such budget. Beginning with the calendar year 1973, there shall be included in the report data on operational testing and evaluation for each such weapon system for which funds for procurement are requested (other than funds requested only for the procurement of units for operational testing and evaluation and/or long lead-time items). A weapon system shall also be included in the annual report required under this subsection in each year thereafter until procurement of such system has been completed or terminated, or until the Secretary of Defense certifies in writing that such inclusion would not serve any useful purpose and gives his reasons therefor.

Report to Congress.

64 Stat. 832;
84 Stat. 1169.
31 USC 11.

83 Stat. 207;
84 Stat. 912.
10 USC 133
note.

(b) A supplemental report shall be submitted to the Congress by the Secretary of Defense not less than thirty nor more than sixty days before the awarding of any contract or the exercising of any option in a contract for the procurement of any such weapon system (other than procurement of units for operational testing and evaluation and/or long lead-time items) unless (1) the contractor or contractors for that system have not yet been selected, and the Secretary of Defense determines that the submission of such report would adversely affect the source selection process and notifies the Congress in writing, prior to such award, of such determination, stating his reasons therefor, or (2) the Secretary of Defense determines that the submission of such report would otherwise adversely affect the vital security interests of the United States and notifies the Congress in writing of such determination at least 30 days prior to such award, stating his reasons therefor.

Report to Congress.

(c) Any report required to be submitted under subsection (a) or (b) of this section, as the case may be, shall include detailed and summarized information with respect to each weapon system covered by such report, and shall specifically include, but shall not be limited to—

(1) the development schedule, including estimated annual costs until development is completed;

(2) the planned procurement schedule, including the best estimate of the Secretary of Defense of the annual costs and units to be procured until procurement is completed;

(3) to the extent required by the second sentence of subsection (a) of this section, the results of all operational testing and evaluation up to the time of the submission of the report, or, if operational testing and evaluation has not been conducted, a statement of the reasons therefor and the results of such other testing and evaluation as has been conducted.

(d) In the case of any weapon system for which procurement funds have not been previously requested and for which funds are first requested by the President in any fiscal year after the Budget for such fiscal year has been submitted to the Congress, the same reporting requirements shall be applicable to such system in the same manner and to the same extent as if funds had been requested for such system in such Budget.

TITLE VI—TERMINATION OF HOSTILITIES IN INDO-CHINA

SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Approved November 17, 1971.