

Public Law 92-436

September 26, 1972
[H. R. 15495]

AN ACT

To authorize appropriations during the fiscal year 1973 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 construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Armed Forces,
Appropriation
authorization,
1973.

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

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1973 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, \$133,800,000; for the Navy and the Marine Corps, \$3,073,400,000, of which not to exceed \$570,100,000 shall be available for an F-14 aircraft program of not less than 48 aircraft subject to (1) not increasing the ceiling price for the lot V option in the F-14 contract between the Navy and the primary airframe contractor except in accordance with the terms of such contract, including the clause providing for normal technical changes; and (2) the Navy exercising the option for lot V on or before October 1, 1972, or any subsequent date prior to December 31, 1972, as may be mutually agreed upon between the Navy and the contractor without additional cost to the government and within the present contract terms and conditions: *Provided*, That in the event the Secretary of Defense determines that any condition prescribed in clause (1) or (2) cannot be met, he shall report such fact to the Congress within 90 days after such determination together with his recommendations regarding the future of the F-14 program; for the Air Force, \$2,283,900,000.

Missiles

For missiles: for the Army, \$700,400,000; for the Navy, \$769,600,000; for the Marine Corps, \$22,100,000; for the Air Force, \$1,745,300,000.

Naval Vessels

For naval vessels: for the Navy, \$3,179,200,000.

Tracked Combat Vehicles

For tracked combat vehicles: for the Army, \$186,500,000; for the Marine Corps, \$54,500,000.

Torpedoes

For torpedoes and related support equipment: for the Navy, \$194,200,000.

Other Weapons

For other weapons: for the Army, \$57,800,000; for the Navy, \$25,700,000; for the Marine Corps, \$900,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1973 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, \$1,978,966,000;

For the Navy (including the Marine Corps), \$2,708,817,000;

For the Air Force, \$3,272,777,000, of which \$48,100,000 is authorized only for the A-X program; and

For the Defense Agencies, \$505,987,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1973 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—ACTIVE FORCES

SEC. 301. (a) Subject to the provisions of subsection (b) of this section, for the fiscal year beginning July 1, 1972, and ending June 30, 1973, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 828,900;

(2) The Navy, 601,672;

(3) The Marine Corps, 197,965;

(4) The Air Force, 700,516;

except that the ceiling for any armed force shall not include members of the Ready Reserve of such armed force ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, or members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code. Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, on the first day of the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

Exceptions.

70A Stat. 28;
72 Stat. 1441.

70A Stat. 199,
525.

70A Stat. 15;
82 Stat. 841.
10 USC 331.
Report to Con-
gress.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section for the fiscal year ending June 30, 1973, shall be reduced by not less than 16,000. Such reduction shall be apportioned among the Army, Navy (excluding the Marine Corps), and Air Force in such manner as the Secretary of Defense shall prescribe, except that, in applying any portion of such reduction to any military

Reduction.

department. the reduction shall be applied solely to the general support forces of such military department unless the Secretary of Defense (1) determines that the making of such reduction solely from the general support forces of such military department will seriously and adversely affect the military mission of such department, and (2) promptly informs the Congress in writing of his determination and the reasons therefor.

SEC. 302. Subsection (d) of section 412 of Public Law 86-149, as added by section 509 of Public Law 91-441 (84 Stat. 913), is amended to read as follows:

“(d) (1) Beginning with the fiscal year which begins July 1, 1972, and for each fiscal year thereafter, the Congress shall authorize the end strength as of the end of each fiscal year for active duty personnel for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the end strength for active duty personnel of such component for such fiscal year has been authorized by law.

“(2) Beginning with the fiscal year ending June 30, 1972, the Secretary of Defense shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the annual active duty end strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time. Such justification and explanation shall specify in detail for all forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall also include a detailed discussion of the manpower required for support and overhead functions within the Armed Services.”

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1972, and ending June 30, 1973, 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, 402,333;
- (2) The Army Reserve, 261,300;
- (3) The Naval Reserve, 129,000;
- (4) The Marine Corps Reserve, 45,016;
- (5) The Air National Guard of the United States, 87,614;
- (6) The Air Force Reserve, 51,296;
- (7) The Coast Guard Reserve, 11,800.

SEC. 402. The average strength prescribed by section 401 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

Armed Forces,
active duty per-
sonnel strength,
congressional
authorization.
85 Stat. 362.
10 USC 133
note.

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gress.

during the fiscal year. Whenever 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 V—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION—LIMITATIONS ON DEPLOYMENT

SEC. 501. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

Safeguard.

Military family housing, Grand Forks Safeguard site, North Dakota, two hundred and eighteen units, \$6,004,000.

(b) Authorization contained in this section shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1973, in the same manner as if such authorizations had been included in that Act.

Post, p. 1135.

SEC. 502. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of continuing or initiating deployment of an anti-ballistic missile system at any site except Grand Forks Air Force Base, Grand Forks, North Dakota. Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the dismantling of anti-ballistic missile system sites or the cancellation of work at Whiteman Air Force Base, Knob Noster, Missouri, Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Malmstrom Air Force Base, Great Falls, Montana.

Grand Forks AFB, continuation.

Whiteman, Warren and Malmstrom AFB, dismantling and cancellation.

(b) Section 403(a) of Public Law 92-156 (85 Stat. 423, 426) is hereby repealed.

Repeal.

TITLE VI—GENERAL PROVISIONS

SEC. 601. (a) Effective April 1, 1972, (1) subsection (a)(1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended by section 501 of Public Law 92-156 (85 Stat. 427), is hereby amended by deleting "\$2,500,000,000" and inserting "\$2,700,000,000" in lieu thereof, and (2) section 738(a) of Public Law 92-204 (85 Stat. 734) is amended by deleting "\$2,500,000,000" and inserting "\$2,700,000,000" in lieu thereof.

Funds, availability for Vietnamese forces. Effective date.

(b) Effective July 1, 1972, 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:

Effective date.

"(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 for related costs, during the fiscal year 1973 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 mem-

77 Stat. 216;
79 Stat. 547.

Cambodia and
Laos.

Laos, fund
limitation.

"Value."

Report to Con-
gress.

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gress.

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

bers 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."

SEC. 602. (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 \$375,000,000 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, 1973.

(b) In computing the \$375,000,000 limitation on expenditure authority under subsection (a) of this section in fiscal year 1973, 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 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 Laos in any fiscal year beginning after June 30, 1973, 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 and South Vietnamese 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.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, 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.

SEC. 603. (a) The amount of \$107,600,000 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 airframe 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 in excess of \$4,400,000 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 \$107,600,000 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 \$107,600,000 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.

Defense Department and GAO audits.

Report to Congress.

(c) The restrictions and controls provided for in this section with respect to the \$107,600,000 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. 604. Section 412 of Public Law 86-149, as amended, is further amended by adding the following new subsection:

“(e) (1) Beginning with the fiscal year which begins July 1, 1973, and for each fiscal year thereafter, the Congress shall authorize the average military training student loads for each component of the Armed Forces. Such authorization shall not be required for unit or crew training student loads, but shall be required for student loads for the following individual training categories: recruit and specialized training; flight training; professional training in military and civilian institutions; and officer acquisition training; and no funds may be appropriated for any fiscal year beginning on or after such date for the use of training any military personnel in the aforementioned categories of any component of the Armed Forces unless the average student load of such component for such fiscal year has been authorized by law.

Military training student loads, congressional authorization. Ante, p. 736.

“(2) Beginning with the fiscal year ending June 30, 1973, the Secretary of Defense shall submit to the Congress a written report not later than March 1 of each fiscal year recommending the average student load for each category of training for each component of the Armed Forces for the next three fiscal years and shall include in such report justification for and explanation of the average student loads recommended.”

Report to Congress.

Submarine duty pay.
80 Stat. 1121.

SEC. 605. Section 301(a)(2)(A) of title 37, United States Code, is amended to read as follows:

“(A) during one calendar month: 48 hours; however, hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month;”

Funds to campuses barring military recruiters, prohibition.

SEC. 606. (a) No part of the funds appropriated pursuant to this or any other Act for the Department of Defense or any of the Armed Forces may be used at any institution of higher learning if the Secretary of Defense or his designee determines that 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 in a case where the Secretary of the service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States.

Exception.

(b) The prohibition made by subsection (a) of this section as it applies to research and development funds shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous program with such institution which is likely to make a significant contribution to the defense effort.

(c) 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 31 and June 30 thereafter the names of any institution of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section.

Limitation.

SEC. 607. None of the funds authorized for appropriation to the Department of Defense pursuant to this Act shall be obligated under a contract entered into after the date of enactment of this Act under any multi-year procurement as defined in section 1-322 of the Armed Services Procurement Regulations (as in effect on the date of enactment of this Act) where the cancellation ceiling for such procurement is in excess of \$5,000,000.

Israel, aircraft sales, extension.

SEC. 608. Notwithstanding any other provision of law, the authority provided in section 501 of Public Law 91-441 (84 Stat. 909) is hereby extended until December 31, 1973.

Approved September 26, 1972.

Public Law 92-437

AN ACT

September 29, 1972
[H. R. 2589]

To amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form.

U.S. Courts.
Juror qualification forms.
82 Stat. 61.

Definition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (h) of section 1869 of title 28, United States Code, is amended to read as follows:

“(h) ‘juror qualification form’ shall mean a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, which shall elicit the name, address, age, race, occupation, education,