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90TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
1st Session } { No. 270

FILE SUBJ.  
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5-67-1

AUTHORIZING APPROPRIATIONS FOR DEFENSE PRO-  
CUREMENT AND RESEARCH AND DEVELOPMENT FOR  
FISCAL YEAR 1968

MAY 22, 1967.—Ordered to be printed

Mr. RIVERS, from the committee of conference, submitted the  
following

CONFERENCE REPORT

[To accompany S. 666]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 666) to authorize appropriations during the fiscal year 1968 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1968 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

Aircraft

For aircraft: For the Army, \$768,700,000; for the Navy and the Marine Corps, \$2,527,100,000; for the Air Force, \$5,770,000,000.

## JAG-SUR JTAG Missiles

For missiles: For the Army, \$769,200,000; for the Navy, \$625,600,000; for the Marine Corps, \$23,100,000; for the Air Force, \$1,343,000,000.

## Naval Vessels

For naval vessels: For the Navy, \$1,605,900,000, of which amount \$249,600,000 is authorized only for the construction of two nuclear powered guided-missile frigates. The contracts for the construction of the two nuclear powered guided-missile frigates shall be entered into as soon as practicable unless the President fully advises the Congress that their construction is not in the national interest.

## Tracked Combat Vehicles

For tracked combat vehicles: For the Army, \$424,700,000; for the Marine Corps, \$5,100,000.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1968 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, \$1,539,000,000;

For the Navy (including the Marine Corps), \$1,864,118,000. Due regard shall be given in all appropriate naval research programs to benefits which may accrue therefrom to the American Merchant Marine;

For the Air Force, \$3,313,514,000, of which amount \$51,000,000 is authorized only for the development of an advanced manned strategic aircraft;

For the Defense agencies, \$464,000,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1968 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$125,000,000.

## TITLE III—GENERAL PROVISIONS

SEC. 301. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), is hereby amended to read as follows: "Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1968, on such terms and conditions as the Secretary of Defense may determine."

## TITLE IV

SEC. 401. Section 3034(a) of title 10, United States Code, is amended to read as follows:

"The Chief of Staff shall be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, from the

*general officers of the Army. He serves during the pleasure of the President. In time of war or national emergency declared by the Congress after December 31, 1968, he may be reappointed for a term of not more than four years."*

SEC. 402. Section 5081(a) of title 10, United States Code, is amended to read as follows:

*"There is a Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate, to serve at the pleasure of the President, for a term of four years, from officers on the active list in the line of the Navy, eligible to command at sea and not below the grade of rear admiral. In time of war or national emergency declared by the Congress after December 31, 1968, he may be reappointed for a term of not more than four years."*

SEC. 403. Section 8034(a) of title 10, United States Code, is amended to read as follows:

*"The Chief of Staff shall be appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves during the pleasure of the President. In time of war or national emergency declared by the Congress after December 31, 1968, he may be reappointed for a term of not more than four years."*

SEC. 404. Section 5201(a) of title 10, United States Code, is amended to read as follows:

*"There is a Commandant of the Marine Corps, appointed by the President, for a term of four years, by and with the advice and consent of the Senate, to serve at the pleasure of the President, from officers on the active list of the Marine Corps, not below the rank of colonel. In time of war or national emergency declared by the Congress after December 31, 1968, he may be reappointed for a term of not more than four years."*

SEC. 405. The amendments made by this title shall take effect as of January 1, 1969.

And the House agree to the same.

L. MENDEL RIVERS,  
 PHILIP PHILBIN,  
 F. E. HEBERT,  
 MELVIN PRICE,  
 WILLIAM H. BATES,  
 L. C. ARENDS,  
 ALVIN E. O'KONSKI,  
*Managers on the Part of the House.*  
 RICHARD B. RUSSELL,  
 JOHN STENNIS,  
 STUART SYMINGTON,  
 HENRY M. JACKSON,  
 MARGARET CHASE SMITH,  
 STROM THURMOND,  
*Managers on the Part of the Senate.*

## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 666) to authorize appropriations during the fiscal year 1968 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

### PROCUREMENT

#### NAVY AND MARINE CORPS AIRCRAFT

##### *EA-6's*

The House modified the aircraft portion of the Navy program by adding \$106.7 million for additional EA-6A aircraft.

The reason for this is that testimony indicated that the Marine Corps urgently requires additional EA-6A's to provide for attrition and to replace obsolete EF-10B electronic warfare aircraft in Vietnam. The EF-10B lacks the capabilities of the EA-6A, and the expiration of its service life will deplete the EW aircraft inventory below Marine Corps requirements commencing in fiscal year 1968. These additional EA-6A's will bridge the gap between the loss of the EF-10B's and the introduction of the EA-6B in fiscal year 1971.

The conferees agreed that these EA-6A's should be added to the bill.

The Senate recedes.

#### AIR FORCE AIRCRAFT

##### *C-130's*

The House added \$60 million for C-130 aircraft to the bill on the basis that they are required (1) to provide replacements for C-130's diverted from airlift to high national priority assignments and (2) in the airlift forces for command support, for attrition, and to fill squadrons not fully equipped.

The conferees agreed that these C-130's should be added to the bill.

The Senate recedes.

##### *C-7A*

The House added \$12.5 million for the C-7A aircraft as attrition replacements on the basis of anticipated losses in Vietnam and losses due to normal attrition.

The conferees agreed that these C-7A's should be added to the bill.

The Senate recedes.

##### *C-X2*

The House added \$16 million for C-X2 aeromedical transport aircraft in the light of testimony that these aircraft are needed to

modernize the fleet of aeromedical evacuation aircraft which now consists of old C-131 and C-118 aircraft.

The conferees agreed that these C-X2's should be added to the bill. The Senate recedes.

#### *Aircraft modifications*

The House added \$99.5 million for aircraft modifications. Testimony indicated that this was part of the original Air Force budget submission and is an estimate to cover anticipated modifications which would arise as a result of experience in SEA which could not be precisely identified in advance. This estimate was based on experience to date in SEA and was included to provide a capability to respond quickly to changes in threat, technology, and operational requirements. It was anticipated that the estimate would cover such things as improved electronic equipment for fighters to give better penetration capability, greater bombing accuracy, and to provide better offensive and defensive jamming.

The conferees agreed that aircraft modifications should be added to the bill.

The Senate recedes.

#### NAVAL VESSELS

The House added \$48.9 million to the naval shipbuilding portion of the bill. This figure was arrived at as indicated in the table below:

	<i>In millions</i>
The House deleted 2 DDG's.....	-\$166.6
The House inserted 2 DLGN's.....	+269.6
The Congress in fiscal year 1967 authorized and appropriated \$20 million for long lead time items for 1 DLGN.....	-20.0
The House authorized 2 of the requested 5 FDL's.....	-34.1
The House left undisturbed the 2 fiscal year 1966 FDL's.....	0
Net plus.....	48.9

The conferees agreed that the two DLGN's be substituted for the two DDG's in accordance with the House action, and also agreed that the \$20 million authorized and appropriated in fiscal year 1967 should be applied to the cost of the construction of the DLGN's.

The conferees agreed that the two fast deployment logistic ships included in the House version of the bill should be stricken, and also that the \$67.6 million authorized and appropriated in fiscal year 1966 for two FDL's should be applied to the cost of construction of ships in the fiscal year 1968 program.

The Senate recedes with an amendment.

#### *DX/DXG*

The conferees discussed the reasons for the following statement in House Report No. 221 of May 2, 1967, which prohibits the use of any of the \$30 million authorized for contract definition of the DX/DXG types of ships for the design of any major fleet escorts (DXG's) not powered with a naval nuclear propulsion plant:

The authorization now includes one \$30 million item for the contract definition of the DX/DXG types of ships. The Navy has informed the committee that the DXG is being designed as the major fleet escort of the future. It is the committee position that, as expressed above, all new major fleet escorts should be nuclear powered. Therefore none of these

funds should be used for design of any major fleet escorts not powered with a naval nuclear propulsion plant.

The conferees agreed that the language in the House report does not in any way restrict the Navy from completing their current DX/DXG concept formulation study, which is intended to evaluate oil-fired steam propulsion, gas-turbine propulsion, and nuclear propulsion for both the DX and the DXG types of ships. The \$30 million authorization in question is for contract definition for both the DX and the DXG. The end product of contract definition is design and specifications defined sufficiently to form the basis for contracting for ship procurement.

The conferees agreed that the \$30 million could be used to study both nuclear and conventional power for the DX class of ships but that this authorization may be used only to study nuclear power for the DXG class of ships.

#### RESEARCH AND DEVELOPMENT

The House added \$46 million to that portion of the bill dealing with Navy research and development and added also language relating to this addition.

The conferees agreed that the \$46 million should not be granted.  
The House recedes.

#### AIR FORCE

##### *Advanced manned strategic aircraft*

The House added \$25 million for the advanced manned strategic aircraft which was originally requested by the Air Force in its budget submission for fiscal year 1968. This amount is necessary in order to fund the contract definition phase of development during fiscal year 1968. The program as approved by the House was recommended by the Secretary of the Air Force and all members of the Joint Chiefs of Staff.

This makes a total of \$51 million for AMSA in the fiscal year 1968 budget. This endorsement of contract definition is not a commitment on the part of the Department of Defense to initiate production of the aircraft. That decision will be made upon completion of this phase of development.

The conferees agreed that \$25 million should be added to the bill for AMSA.

The Senate recedes.

#### LANGUAGE CHANGES

##### (PROCUREMENT)

The House made several language changes in the bill. They are as follows:

##### *Naval vessels*

That portion of the bill relating to naval vessels in the House version read:

For naval vessels: for the Navy, \$..... of which amount \$..... is authorized only for the construction of two nuclear powered guided missile frigates. The contracts for the construction of the two nuclear powered guided missile frig-

*ates shall be entered into as soon as practicable unless the President fully advises the Congress that their construction is not in the national interest.*

The conferees agreed on the foregoing language and on the money figures of \$1,605,900,000 and \$249,600,000. The Senate recedes.

*Construction of ships in foreign yards*

The House also adopted another language change under the heading "Naval Vessels" as follows:

Notwithstanding any other provision of law, no naval vessel may be constructed in any foreign shipyard with funds authorized to be appropriated by this Act, unless specifically authorized by law.

In the absence of special circumstances the conferees favor the construction of U.S. naval vessels inside the United States. However, the conferees agreed to strike the foregoing language on several grounds including the fact that some naval vessel construction in Great Britain is closely associated with large purchases by that country of U.S. equipment and materiel.

The House recedes.

(RESEARCH AND DEVELOPMENT)

*Antisubmarine warfare*

As described above, \$46 million was added to that portion of the bill dealing with research and development for antisubmarine warfare programs. Language was also adopted with respect to this addition.

The conferees agreed that both the money figure and the associated language should be stricken from the bill.

The House recedes.

*Merchant marine*

This same section of the bill was further modified by the House to include the following language:

\* \* \* giving due regard in all such research programs to benefits which may accrue therefrom to the American Merchant Marine;

The conferees agreed that without in any way changing the sense of this language, this portion of the bill should read instead:

For the Navy (including the Marine Corps), \$1,864,118,000. *Due regard shall be given in all appropriate naval research programs to benefits which may accrue therefrom to the American Merchant Marine;*"

*AMSA*

As described above, \$25 million was added to that portion of the bill dealing with Air Force research and development for the advanced manned strategic aircraft. Language was also added as follows:

For the Air Force, \$3,313,514,000, *of which amount \$51,000,000 is authorized only for the development of an advanced manned strategic aircraft;*



## 8 AUTHORIZING APPROPRIATIONS FOR DEFENSE PROCUREMENT

The conferees agreed that both the added authorizations for appropriations and the language should be accepted.

The Senate recedes.

### (TITLE IV—JOINT CHIEFS OF STAFF)

The House added a new title IV to the bill dealing with the appointment of the Chief of Staff of the Army, Chief of Staff of the Air Force, and Chief of Naval Operations. The language of title IV is as follows:

### TITLE IV

SEC. 401. Section 3034(a) of title 10, United States Code, is amended to read as follows:

“The Chief of Staff shall be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, from the general officers of the Army. He serves during the pleasure of the President. In time of war or national emergency hereafter declared by the Congress he may be reappointed for a term of not more than four years.”

SEC. 402. Section 5081(a) of title 10, United States Code, is amended to read as follows:

“There is a Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate, to serve at the pleasure of the President, for a term of four years, from officers on the active list in the line of the Navy eligible to command at sea and not below the grade of rear admiral. In time of war or national emergency hereafter declared by the Congress he may be reappointed for a term of not more than four years.”

SEC. 403. Section 8034(a) of title 10, United States Code, is amended to read as follows:

“The Chief of Staff shall be appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves during the pleasure of the President. In time of war or national emergency hereafter declared by the Congress he may be reappointed for a term of not more than four years.”

SEC. 404. Section 5201(a) of title 10, United States Code, is amended to read as follows:

“There is a Commandant of the Marine Corps, appointed by the President, for a term of four years, by and with the advice and consent of the Senate, to serve at the pleasure of the President, from officers on the active list of the Marine Corps, not below the rank of colonel. In time of war or national emergency hereafter declared by the Congress he may be reappointed for a term of not more than four years.”

SEC. 405. The foregoing provisions of this amendment shall take effect as of January 1, 1969.

Existing law authorizes the appointment of the Chief of Staff of the Army, Chief of Staff of the Air Force, and Chief of Naval Operations for a term of *not more than 4 years*, unless reappointed by the President.

Under title IV the Chief of Staff of the Army, Chief of Staff of the Air Force, and Chief of Naval Operations will be appointed for a *specific term of 4 years* and they may not be reappointed unless Congress hereafter declares a state of war or national emergency. Of course, these officers will continue to serve at the pleasure of the President.

The Commandant of the Marine Corps, under current law, is appointed for a specific term of 4 years. Under the proposed title IV the Commandant of the Marine Corps may be reappointed under the same conditions as the Chief of Staff of the Army, Chief of Staff of the Air Force, and Chief of Naval Operations.

This title does not affect the appointment or tenure of office of the Chairman of the Joint Chiefs of Staff.

Title IV will become effective January 1, 1969.

The conferees agreed that title IV should be included in the bill but also agreed that wherever in sections 401, 402, 403, and 404 the sentence—

In time of war or national emergency hereafter declared by the Congress he may be reappointed for a term of not more than four years.

appears, the following language should be substituted therefor:

In time of war or national emergency declared by the Congress *after December 31, 1968* he may be reappointed for a term of not more than four years.

The conferees agreed on a further technical amendment whereby section 405 would be modified to read as follows:

*"Sec. 405. The amendments made by this title shall take effect as of January 1, 1969.*

#### SUMMARY

The bill as presented to the Congress by the President totaled \$21,066,432,000. The bill as it passed the House totaled \$21,481,032,000. The bill as it passed the Senate totaled \$20,765,332,000.

The bill as agreed to in conference totals \$21,168,032,000.

The figure arrived at by the conferees is \$313,000,000 less than the bill as it passed the House, \$402,700,000 more than the bill as it passed the Senate, and is \$101,600,000 more than the bill as it was presented to the Congress by the President.

L. MENDEL RIVERS,  
PHILIP PHILBIN,  
F. E. HÉBERT,  
MELVIN PRICE,  
WILLIAM H. BATES,  
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*Managers on the Part of the House.*

