

琉球大学学術リポジトリ

米国管理下の南西諸島状況雑件 沖縄関係 毒ガス
問題 第2次移送

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妻が不移送前の悪毒化にうつる

② 大臣秘書官
 条約課長
 安全保障課長
 軍縮室長
 アメリカ局長
 参事官
 北米第一課長

米軍毒ガスの移送前の無毒化
 について

昭46.2.1
 米北1

本1日午後、参議院予算委員会において、横崎議員(社会)より、1969年8月11日米国上院において決議されたCB兵器規制法案を引用して、米軍毒ガスの移送前の無毒化につき論ずるところがある。

本件毒ガスの無毒化については、同年11月19日成立した、1970年度軍需調達権限

法(公法91-121号)が409条(b)(3)に同称趣旨の規定があり、同規定によれば

"国防長官は、CB剤を廃棄のため輸送する場合にこれを無毒化することを含め、何らかの予防措置を講じなければ、輸送に要する費用は支出できない、とされて"

(注1) これは、"国防省は、廃棄のために輸送する前に、CB剤を無毒化しなければならぬ、とする前記上院案とは表現において若干の差異がある。

(注2)

この間の経緯については、上下両院においてそれぞれ別箇に審議承認された軍需調達法案(CB兵器規制案は同法案の修正案として追加された)に

は、CB兵器規制に関する諸規定を
含め、かなりの相違がみられたので、試案規則

にともづき、上下両院協議会に付され、最終的に前記の
かたちで両院の妥協が

成立したものである。^(注2)

但し、最終的には、上院案と若干異

なるものとなったにせよ、毒ガスの移送
前の無毒化は、あくまで“廃棄のため”

(for disposal)の輸送の前に行なわれ
るべきことと規定してあることについては

変更とすべきはなし。

(注1) 別添資料4の付属P.5下段

(注2) 別添資料2 P.4上から4行目

(注3) 別添資料3 中央部分中段以下

(別添乙)

Calendar No. 281

91st CONGRESS
1ST SESSION

S. 2546

IN THE SENATE OF THE UNITED STATES

AUGUST 8, 1969
Ordered to be printed

AMENDMENT

Proposed by Mr. McINTYRE (for himself, Mr. GOODELL, Mr. HARTKE, Mr. HUGHES, Mr. MONDALE, Mr. NELSON, Mr. PELL, Mr. PROXMIRE, Mr. STEVENS, and Mr. YARBOROUGH) to S. 2546, a bill to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, viz: At the end of the bill add a new section as follows:

1 CHEMICAL AND BIOLOGICAL WARFARE
2 SEC. 402. (a) The Secretary of Defense shall submit
3 semiannual reports to the Congress on or before January 31
4 and on or before July 31 of each year setting forth the pur-
 Amdt. No. 131

1 poses of and the amounts spent during the preceding six-
2 month period for research, development, test, evaluation, and
3 procurement of lethal and nonlethal chemical and biological
4 agents. The Secretary shall include in such reports an ex-
5 planation of such expenditures including the necessity
6 therefor.

7 (b) None of the funds authorized to be appropriated by
8 this or any other Act may be used for the procurement of
9 delivery systems specifically designed to disseminate lethal
10 chemical agents, disease-producing biological micro-orga-
11 nisms, or biological toxins, or for the procurement of any part
12 or component of such delivery system.

13 (c) None of the funds authorized to be appropriated by
14 this or any other Act may be used for future deployment
15 and storage of any lethal chemical agent or any disease-
16 producing biological micro-organisms or any biological toxin
17 at any place outside the United States, or for the deploy-
18 ment at any place outside the United States of delivery
19 systems designed to disseminate any such agent or micro-
20 organism or toxin unless the country exercising jurisdiction
21 over such place has prior notice of such action. In the
22 case of any place outside the United States which is under
23 the jurisdiction or control of the Government of the United
24 States, no such action may be taken unless prior notice
25 of such action has been given to the Committee on Armed

1 Services, the Committee on Foreign Relations, the Commit-
 2 tee on Appropriations and, when appropriate, the Committee
 3 on Interior and Insular Affairs of the Senate, and the
 4 Committee on Armed Services, the Committee on Foreign
 5 Affairs, the Committee on Appropriations and, when appro-
 6 priate, the Committee on Interior and Insular Affairs of the
 7 House of Representatives. As used in this section, the term
 8 "United States" means the several States and the District
 9 of Columbia.

10 (d) (1) None of the funds authorized to be appro-
 11 priated by this Act or any other Act shall be used for the
 12 transportation of any lethal chemical or biological agents to
 13 or from any military installation in the United States, its
 14 territories or possessions, unless the Surgeon General of the
 15 Public Health Service has determined that such transporta-
 16 tion will not present a hazard to the public health.

17 (2) The Secretary of Defense, except during a war
 18 declared by Congress or during a national emergency de-
 19 clared by Congress or the President after the enactment of
 20 this legislation, shall provide written notification to the Con-
 21 gress, to the Secretary of Transportation, to the Secretary of
 22 Health, Education, and Welfare, and to the Interstate Com-
 23 merce Commission at least thirty days in advance of any
 24 operation involving the transportation of lethal chemical or
 25 biological agents to or from any military installation in the

1 United States, its territories or possessions. The Secretary
 2 of Defense shall provide appropriate notification to the Gov-
 3 ernor of any State through which such agents be transported.

4 (3) The Department of Defense shall detoxify all
 5 lethal chemical or biological agents before their transporta-
 6 tion for disposal as provided for in subsections (e) (1) and
 7 (e) (2) of this section whenever it is practical to do so.

8 (e) None of the funds authorized by this or any other
 9 Act shall be used for the testing, development, transporta-
 10 tion, storage, or disposal of any chemical or biological weapon
 11 outside of the continental limits of the United States unless
 12 the Secretary of State determines that such testing, develop-
 13 ment, transportation, storage, or disposal will not violate
 14 international law and reports such determination to the Com-
 15 mittee on Foreign Relations of the Senate and the Committee
 16 on Foreign Affairs of the House of Representatives, and to
 17 the appropriate international organizations, or organs thereof,
 18 whenever required by treaty or other international agree-
 19 ment.

20 (f) None of the funds authorized to be appropriated
 21 by this or an other Act shall be used for the open air testing
 22 of lethal chemical agents, disease-producing biological micro-
 23 organisms, or biological toxins except upon a determination
 24 by the Secretary of Defense, under guidelines provided by
 25 the President of the United States, that an open-air test is

1 necessary for the national security, and then only after a
 2 separate determination by the Surgeon General, within thirty
 3 days of the determination of the President, that the test pro-
 4 posed will not present a hazard to the public health. The
 5 Secretary of Defense shall report his determination and that
 6 of the Surgeon General, to the Committee on Armed Serv-
 7 ices, the Committee on Labor and Public Welfare, and the
 8 Committee on Appropriations of the Senate and to the Com-
 9 mittee on Armed Services, the Committee on Interstate and
 10 Foreign Commerce, and the Committee on Appropriations
 11 of the House of Representatives at least thirty days prior
 12 to any actual test. The Secretary of Defense shall set forth
 13 in his report the name of the agents, micro-organisms, or
 14 toxins to be tested, the time and place of any test, and the
 15 reasons therefor.

marks at this point in the Record and to include extraneous matter.)

(Mr. ANDERSON of Illinois' remarks will appear hereafter in the Extensions of Remarks.)

THE OIL INDUSTRY AND OUR NATION'S SECURITY

(Mr. WAGGONER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONER. Mr. Speaker, during the period in which this body was considering the so-called tax reform bill, I had an opportunity to appear on a nationwide television program with three other Members to debate the proposal to cut the oil depletion allowance. One of the points which I tried to stress in order to clarify the widespread misunderstanding which exists on this subject, was the vital connection which exists between the oil industry and the very security of this Nation. You may recall, Mr. Speaker, that I have stressed this point over and over for months now in other statements here on the floor.

A recent editorial in the Shreveport, La., Journal, states the case even better than I have been able to do it. It is guest editorial written by Mr. J. F. Bookout, Jr., vice president of the Shell Oil Co. I commend this editorial to the attention of every Member in the hopes that it, too, will serve to straighten out the confusion and misunderstanding which has been promoted by some to convince the people and the Congress that the oil depletion allowance is some sort of tax favoritism that accrues to multi-millionaire oil barons. Nothing could be further from the truth and this editorial states the facts in explicit fashion. The editorial follows:

IS NATIONAL SECURITY IN JEOPARDY? (By J. F. Bookout Jr., vice president, Shell Oil Co., New Orleans)

(N. J.—Mr. Bookout, who is in charge of Shell's southeastern exploration and production region, is a native of Shreveport. He was educated from Fair Park High School and attended Centenary College prior to receiving his Bachelor of Science and Master of Arts degrees from the University of Texas in 1949 and 1950.)

National security embraces all elements which contribute to our nation's economic and military strength. Our high productivity, high living standard and industrial and military capabilities all require consumption of large quantities of energy supplied by a variety of sources with oil and gas being the principal contributors—about 75 per cent of total requirements. Transportation, for example, a particularly security sensitive sector of the U.S. economy, is especially dependent on oil for more than 99 per cent of its energy needs.

Today certain safeguards of our nation's economic and military security are subjects of unprecedented attack, generally under the banner of benefiting the consumer and taxpayer. There are those who contend that the oil industry receives preferential tax treatment at the expense of other taxpayers. In addition, there are some who advocate the elimination of the oil import control program as being too costly to the consumer. Of course, challenge and change are necessary ingredients of progress. However, if change is to be constructive, we all know it must

be based on a sound analysis of facts and prudent judgment.

The existing tax laws and the oil import program were both designed to encourage and maintain a viable domestic exploration and production industry capable of providing a reasonable level of national energy self-sufficiency. This has been accomplished at a moderate cost to the nation and, contrary to critics' claims, the oil industry has not been the recipient of excessive profits. It is a matter of record that oil industry profit levels are about the same as those of all manufacturing industries.

The House of Representatives recently passed a bill which could materially reduce the percentage depletion allowance. The attack on the depletion allowance is principally based on the idea that the oil and gas industry pays less federal income tax than other industries. This is not the full story because for every dollar of federal income tax paid by the petroleum industry, more than three dollars of state and local taxes are paid. Considering federal, state and municipal taxes, the oil industry actually pays a slightly higher percentage of its revenue in taxes than the average of all other U.S. businesses and this, doesn't even include the motor fuel excise and sales taxes.

Percentage depletion has proven to be an effective stimulant and a sound basis for the recovery of the high risk capital invested by industry in the search for new oil and gas reserves. Without it the additional industry cost would result either in increased gasoline prices or there would be a sharp decrease in the search for needed new domestic supplies of oil and gas.

Some critics of the present tax and import programs claim that the way to reduce energy costs and supplement any decline in reserves created by a lessening of domestic exploration and production activities is to have unlimited imports of foreign crude. The claim is often made that the existing import control policy lets industry realize excessive profits. The record refutes this argument as mentioned earlier. Moreover, prices for petroleum products over the past 10 years have increased only about one-third as much as the general consumer price index. The really important point that seems to be overlooked is that excessive reliance on foreign sources of petroleum would imperil the security of U.S. supplies. Foreign sources have a well-established history of intermittent availability and interruption of supply.

Some have advanced theories to provide for energy security with government-subsidized programs, such as "mothballing" existing oil fields, more wildcat drilling, storing imported oil, oil shale development, or substitute fuels. These programs are either unworkable or would be more costly than the existing program.

Make no mistake—the economic and military security of this nation is at stake. There is no evidence that foreign oil will be consistently available as needed to supply our ever-increasing demands. Suppose that through faulty judgment the domestic exploration and production segment of the oil industry is destroyed. How will the government at all levels recoup huge losses in revenue it now receives from lease sales, royalties and taxes? No critic has satisfactorily answered these questions—but we do know the answer. The public would pay for this misadventure—in terms of higher prices, higher taxes and, above all, less security.

CONFERENCE REPORT ON S. 2546—MILITARY PROCUREMENT AUTHORIZATIONS

Mr. RIVERS submitted the following conference report and statement on the bill (S. 2546) to authorize appropriations

during the fiscal year 1970 for military procurement, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-607). The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of 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 1970 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 \$570,400,000; for the Navy and the Marine Corps, \$2,391,200,000; for the Air Force, \$3,965,700,000: Provided, That of the funds authorized to be appropriated for the procurement of aircraft for the Air Force during fiscal year 1970, not to exceed \$28,000,000 shall be available to initiate the procurement of a fighter aircraft to meet the needs of Free World forces in Southeast Asia, and to accelerate the withdrawal of United States forces from South Vietnam and Thailand; the Air Force shall (1) prior to the obligation of any funds appropriated pursuant to this authorization, conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense, and (2) be authorized to use a portion of such funds as may be required for research, development, test, and evaluation.

MISSILES

For missiles: for the Army, \$380,460,000; for the Navy, \$851,300,000; for the Marine Corps, \$20,100,000; for the Air Force, \$1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$2,983,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$223,000,000; for the Marine Corps, \$37,700,000: Provided, That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault vehicles (M-551) under any new or additional contract.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 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, \$1,646,055,000; For the Navy (including the Marine Corps), \$1,908,235,000; For the Air Force, \$3,156,552,000; and For the Defense Agencies, \$450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test,

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biological weapon including those for... defoliation or other military... No similar provision was con-... in the House amendment. The Senate... and accepts the House position.

SECTION 410. DISCLOSURE PROVISION BY FORMER MILITARY AND CIVILIAN OFFICIALS

The Senate bill contained a provision re-... certain reporting procedures by all... military officers employed by industry... defense contracts. It also required... reporting by civilians from defense... industry working for the Department of

The conferees agreed to accept the Senate... with an amendment requiring cer-... reporting procedures from those persons... in defense industry who were... commissioned officers in the grade of... and above or former civilian employees... Department of Defense in the grade...-13 or above.

RESEARCH AND DEVELOPMENT CONTRACTS OR GRANTS

Section 400 of the House bill contained a... ing detailed reports from the... ment of Defense on research and de-... ment contracts or grants provided col-... universities or individuals. Included... the information requested was a... ment summarizing the record of the... college, or university with regard to... cooperation on military matters, includ-... and military recruiting on the

The Senate bill contained no similar pro-...

The House conferees reluctantly receded... in their position with respect to Section... of the House, the agreement to recede from... House position and delete this section... of the bill was arrived at only after the... conferees concurred with the House... that information on this subject... essential preliminary before Congress... in future years intelligently assess the... of programs of this kind and their... contribution to the national defense effort.

The House conferees strongly believe that... American people should be fully in-... as to the manner in which defense... are being spent on research and de-... ment contracts in various universities... institutions of higher learning, and the... tion of personnel entrusted with... security information. The... people are also entitled to know... some research and development con-... and grants are being given to schools... for defense purposes when... time there appears to be an... the part of administrators of some... these schools to deny to the Department... Defense and Individual Service Depart-... able cooperation in related de-... programs.

The House conferees fully appreciate the... research opportunities that are... these various institutions through... Federal defense monies involved in these... contracts. However, the House conferees do... believe that a relatively few schools and... national institutions in the United States... be given a virtual monopoly on this... opportunity. There are hundreds of... and colleges throughout the... States which have a demonstrated re-... capability that has heretofore not... utilized by the Department of Defense... the Individual Service Departments. It... conviction of the Managers on the part... the House that new emphasis must be... on the distribution of these research... development contracts among the var-... educational institutions of our nation... to provide other, equally competent, ed-... national institutions with the same oppor-... to avail themselves of the research... utilized in these defense projects. Ob-... the continued award of these de-

... defense research and development contracts to... educational institutions which appear to be... making a determined effort to either ignore... or deter our national defense effort will be... given very careful scrutiny by the House... Committee on Armed Services during the... coming years.

The Department of Defense and the in-... dividual Service Departments are hereby... being given notice that detailed information... on this entire subject matter, including the... identity of persons receiving classified infor-... mation, will be required by the House Com-... mittee on Armed Services. This information... shall be provided the Committee in such de-... tail as may be necessary to enable it to ob-... jectively assess the policy governing the... award of research and development contracts... of this kind in the future.

QUARTERLY GOVERNMENT ACCOUNTING OFFICE REPORTS

Title V of the Senate bill provided for a... reporting system for major contracts which... would have required quarterly reports to the... Congress from the Defense Department and... audits by the General Accounting Office. The... House version contained no comparable pro-... vision.

After considerable discussion the conferees... agreed that this Title is not required at this... time.

Therefore, the Senate recedes.

SUMMARY

The bill as presented to the Congress by... the President totaled \$21,963,660,000. The bill... as it passed the House totaled \$21,347,860,000. The bill as it passed the Senate totaled \$20,-... 001,586,000, including \$12.7 million for mili-... tary construction of research and develop-... ment facilities at Kwajalein which was not... in the House version, but was included in the... military construction authorization bill pre-... viously approved by the House.

The bill as agreed to in conference totals... \$20,723,202,000.

The figure arrived at by the conferees is... \$624,658,000 less than the bill as it passed... the House, \$721,616,000 more than the bill as... it passed the Senate, and is \$1,240,458,000... less than the bill as it was presented to the... Congress by the President.

The House recedes from its disagreement... to the amendment of the Senate to the title... of the bill and agree to the same.

- L. MENDEL RIVERS,
- PHILIP J. PHILBIN,
- F. E. HEBERT,
- MELVIN PRICE,
- O. C. FISHER,
- CHARLES E. BENNETT,
- SAM STRATTON,
- L.C. ARENDS,
- ALVIN E. O'KONSKI,
- WILLIAM G. BRAY,
- BOB WILSON,
- CHARLES S. GUBSER.

Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of ab-... sence was granted to:

Mr. PEPPER (at the request of Mr. BOGGS), for today, on account of official business.

Mr. WOLFF (at the request of Mr. ALBERT), for today, on account of official business.

Mr. CORMAN, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to... address the House, following the legis-... lative program and any special orders... heretofore entered, was granted to:

Mr. WAGGONER, for 15 minutes, today;... to revise and extend his remarks and to... include extraneous matter.

(The following Members (at the re-... quest of Mrs. HECKLER of Massachu-... setts); to revise and extend their re-... marks and include extraneous matter:)

- Mr. HOGAN, for 15 minutes, today.
- Mr. SCHWENDEL, for 15 minutes, today.
- Mr. GONZALEZ (at the request of Mr. McFALL), for 10 minutes, today; to re-... vise and extend his remarks and include... extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to... extend remarks in the RECORD, or to re-... vise and extend remarks was granted... to:

Mr. HALL immediately following 1-min-... ute speech of Mr. ARENDS today.

Mr. MAHON in four instances and to... include extraneous matter.

Mr. DANIEL of Virginia.

Mr. ICHORD.

Mr. ASPINALL and to include extraneous... matter.

Mr. ST GERMAIN to insert his remarks... following Mr. MOORHEAD in Committee... today.

(The following Members (at the re-... quest of Mrs. HECKLER of Massachusetts)... and to include extraneous matter:)

- Mr. MCKNEALLY.
 - Mr. FINDLEY in three instances.
 - Mr. ZION.
 - Mr. BROCK.
 - Mr. LLOYD.
 - Mr. PETTIS.
 - Mr. BRAY in three instances.
 - Mrs. HECKLER of Massachusetts.
 - Mr. SCHERLE.
 - Mr. MESKILL.
 - Mr. PELLY.
 - Mr. WINN in two instances.
 - Mr. WOLD.
 - Mr. BURKE of Florida.
 - Mr. LANDGREBE.
 - Mr. MCDADE.
 - Mr. ASHBROOK.
 - Mr. WYMAN in two instances.
 - Mr. ZWACH.
 - Mr. COLLIER in five instances.
 - Mr. GOLDWATER.
 - Mr. ERLNBORN.
 - Mr. CLEVELAND.
 - Mr. HALPERN in two instances.
 - Mr. SCHADEBERG.
 - Mr. HOGAN in four instances.
 - Mr. DERWINSKI.
 - Mr. SCHWENDEL.
 - Mr. WYLIE.
 - Mrs. REID of Illinois.
 - Mr. BUCHANAN.
 - Mr. BROYHILL of Virginia in two in-... stances.
 - Mr. BUSH.
 - Mr. GROSS.
 - Mr. STEIGER of Wisconsin.
 - Mr. ESCH.
- (The following Members (at the re-... quest of Mr. McFALL) and to include... extraneous matter:)
- Mr. BOLLING.
 - Mr. MATSUNAGA.
 - Mr. CULVER.
 - Mr. STEED.
 - Mrs. HANSEN of Washington in three... instances.

軍務室

安全保障課長

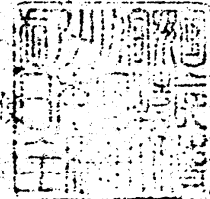
(別添 4)

防第 1312 号

昭和 45 年 2 月 13 日

外務大臣殿

在 米田 大



C.B. 兵器規制法の件 送付

貴電米保第 05/P 号 1 関 L.

1970 年度軍事費支出権限法 (PL 91-121)

91st Congress 8. 25-46, Nov. 19, 1969) の件

2 1 却 別添 送付 下 可。

付 属 添 付





Public Law 91-121
91st Congress, S. 2546
November 19, 1969

2

An Act

To authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, 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,
1970.

TITLE I--PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 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:

83 STAT. 204
83 STAT. 205

AIRCRAFT

For aircraft: for the Army \$570,400,000; for the Navy and the Marine Corps, \$2,391,200,000; for the Air Force, \$3,965,700,000: *Provided*, That of the funds authorized to be appropriated for the procurement of aircraft for the Air Force during fiscal year 1970, not to exceed \$28,000,000 shall be available to initiate the procurement of a fighter aircraft to meet the needs of Free World forces in Southeast Asia, and to accelerate the withdrawal of United States forces from South Vietnam and Thailand; the Air Force shall (1) prior to the obligation of any funds appropriated pursuant to this authorization, conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense, and (2) be authorized to use a portion of such funds as may be required for research, development, test, and evaluation.

MISSILES

For missiles: for the Army, \$880,160,000; for the Navy, \$851,300,000; for the Marine Corps, \$20,100,000; for the Air Force, \$1,480,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$2,983,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$228,000,000; for the Marine Corps, \$37,700,000: *Provided*, That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault vehicles (M-551) under any new or additional contract.

TITLE II--RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 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, \$1,619,055,000;
For the Navy (including the Marine Corps), \$1,988,235,000;

Emergency fund. 83 STAT. 205 83 STAT. 206 Research projects or studies, restriction. Kwajalein Missile Range, test facilities.

For the Air Force, \$3,156,352,000; and For the Defense Agencies, \$430,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$75,000,000.

SEC. 203. 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. 204. Construction of research, development, and test facilities at the Kwajalein Missile Range is authorized in the amount of \$12,700,000, and funds are hereby authorized to be appropriated for this purpose.

TITLE III--RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, 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, 393,298. (2) The Army Reserve, 255,591. (3) The Naval Reserve, 129,000. (4) The Marine Corps Reserve, 40,460. (5) The Air National Guard of the United States, 86,624. (6) The Air Force Reserve, 50,775. (7) The Coast Guard Reserve, 17,500.

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.

81 Stat. 521.

SEC. 303. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90"

TITLE IV--GENERAL PROVISIONS

Funds, availability for Vietnamese forces, etc. 82 Stat. 850.

SEC. 401. 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) 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: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

83 STAT. 207

SEC. 402. (a) Prior to April 30, 1970, the Committees on Armed Services of the House of Representatives and the Senate shall jointly conduct and complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The result of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN-70.

Attack aircraft carriers. Joint congressional study.

(b) In carrying out such study and investigation the Committees on Armed Services of the House of Representatives and the Senate are authorized to call on all Government agencies and such outside consultants as such committees may deem necessary.

SEC. 403. Funds authorized for appropriation under the provisions of this Act shall not be available for payment of independent research and development, bid and proposal, and other technical effort costs incurred under contracts entered into subsequent to the effective date of this Act for any amount in excess of 93 per centum of the total amount contemplated for use for such purposes out of funds authorized for procurement and for research, development, test, and evaluation. The foregoing limitation shall not apply in the case of (1) formally advertised contracts, (2) other firmly fixed contracts competitively awarded, or (3) contracts under \$100,000.

Appropriation, limitation.

SEC. 404. (a) Section 136 of title 10, United States Code, is amended--

76 Stat. 518.

(1) by striking out "seven" in subsection (a) and inserting in lieu thereof "eight"; and

(2) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense."

(b) Section 5315 of title 5, United States Code, is amended by striking out item (13) and inserting in lieu thereof the following:

80 Stat. 462.

"(13) Assistant Secretaries of Defense (8)."

SEC. 405. Section 412(b) of Public Law 86-149, as amended, is amended to read as follows:

Appropriations for procurement, etc. Authorization required. 79 Stat. 128.

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other weapons unless the appropriation of such funds has been authorized by legislation enacted after such dates."

SEC. 406. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

Personnel strength, limitation. 65 Stat. 1 81 Stat. 105. 10 USC 3201 note.

"SEC. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the applica-

83 STAT, 208

Federal contract research centers. Officers' compensation.

Notification to Congress.

Defense contractor profits. Study by Comptroller General.

70A Stat. 127, 10 USC 2301-2314. Report to Congress.

GAO audit.

Subpenas.

Penalty.

2 USC 192.

tion of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

Sec. 407. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of any Federal funds exceeds \$15,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

Sec. 408. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective, representative basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information maintained in the normal course of business by such contractor as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of the cost basis, percentage of sales basis, or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

(d) Upon the request of the Comptroller General, or any officer or employee designated by him, the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate may sign and issue subpoenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(e) Any disobedience to a subpoena issued by the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate to carry out the provisions of this section shall be punishable as provided in section 102 of the Revised Statutes.

(f) No book, account, or other record, or copy of any book, account,

83 STAT, 2

or record of any contractor or subcontractor obtained by or for the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract, as defined in subsection (a) of this section, between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor.

Sec. 409. (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six-month period for research, development, test and evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States until the following procedures have been implemented:

(1) the Secretary of Defense (hereafter referred to in this section as the "Secretary") has determined that the transportation or testing proposed to be made is necessary in the interests of national security;

(2) the Secretary has brought the particulars of the proposed transportation or testing to the attention of the Secretary of Health, Education, and Welfare, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation or testing may pose and to recommend what precautionary measures are necessary to protect the public health and safety;

(3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal): *Provided, however,* That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation or testing, the President may determine that overriding considerations of national security require such transportation or testing be conducted. Any transportation or testing conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable; and

(4) the Secretary has provided notification that the transportation or testing will take place, except where a Presidential determination

Chemical and biological warfare agents. Reports to Congress.

Transportation and open air testing.

Presidential determination.

Report to Congress.

Notice to Congress and State Governor.

mination has been made: (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced and at least 30 days before any such testing will be commenced; (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

Deployment or storage. (c) (1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the future deployment, or storage, or both, at any place outside the United States of—

- (A) any lethal chemical or any biological warfare agent, or
- (B) any delivery system specifically designed to disseminate any such agent,

Notification to Congress. unless prior notice of such deployment or storage has been given to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the President of the Senate and the Speaker of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

"United States." (2) None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or any biological warfare agent outside the United States if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.

Report to Congress. (d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of the United States.

"United States." (e) After the effective date of this Act, the operation of this section, or any portion thereof, may be suspended by the President during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

Suspension, Presidential authorization. (f) None of the funds authorized to be appropriated by this Act may be used for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

Definitions. SEC. 410. (a) As used in this section—

- (1) The term "former military officer" means a former or retired commissioned officer of the Armed Forces of the United States who—
 - (A) served on active duty in the grade of major (or equivalent) or above, and
 - (B) served on active duty for a period of ten years or more.
- (2) The term "former civilian employee" means any former civilian officer or employee of the Department of Defense, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the Department of Defense was equal to or greater than the minimum salary rate at such time for positions in grade GS-13.

(3) "The term "defense contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to the Department of Defense under a contract directly with the Department of Defense.

(4) The term "services and materials" means either services or materials or services and materials and includes construction.

(5) The term "Department of Defense" means all elements of the Department of Defense and the military departments.

(6) The term "contracts awarded" means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than \$10,000 each.

(7) The term "fiscal year" means a year beginning on 1 July and ending on 30 June of the next succeeding year.

(b) Under regulations to be prescribed by the Secretary of Defense:

(1) Any former military officer or former civilian employee who during any fiscal year,

(A) was employed by or served as a consultant or otherwise to a defense contractor for any period of time,

(B) represented any defense contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the Department of Defense by such contractor, or

(C) represented any such contractor in any transaction with the Department of Defense involving services or materials provided or to be provided by such contractor to the Department of Defense,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than November 15 of the next succeeding fiscal year, a report containing the following information:

- (1) His name and address.
- (2) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.
- (3) The title of the position held by him with the defense contractor.
- (4) A brief description of his duties and the work performed by him for the defense contractor.
- (5) His military grade while on active duty or his gross salary rate while employed by the Department of Defense, as the case may be.
- (6) A brief description of his duties and the work performed by him while on active duty or while employed by the Department of Defense during the three-year period immediately preceding his release from active duty or the termination of his civilian employment, as the case may be.
- (7) The date on which he was released from active duty or the termination of his civilian employment with the Department of Defense, as the case may be, and the date on which his employment, as an employee, consultant, or otherwise with the defense contractor began and, if no longer employed by such defense contractor, the date on which such employment with such defense contractor terminated.
- (8) Such other pertinent information as the Secretary of Defense may require.

(2) Any employee of the Department of Defense, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to a defense contractor

Former military and civilian officials employed by defense contractors. Reporting requirements.

DDO employees previously employed by de-

in any fiscal year, and whose salary rate in the Department of Defense is equal to or greater than the minimum salary rate for positions in grade GS-13, shall file with the Secretary of Defense, in such form and manner and at such times as the Secretary may prescribe, a report containing the following information:

- (1) His name and address.
- (2) The title of his position with the Department of Defense.
- (3) A brief description of his duties with the Department of Defense.
- (4) The name and address of the defense contractor by whom he was employed or whom he served as a consultant or otherwise.
- (5) The title of his position with such defense contractor.
- (6) A brief description of his duties and the work performed by him for the defense contractor.
- (7) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his employment as a consultant or otherwise with the Department of Defense began thereafter.
- (8) Such other pertinent information as the Secretary of Defense may require.

Exceptions.

(c) (1) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded by the Department of Defense to such contractor during such year was less than \$10,000,000; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to a defense contractor if the total amount of contracts awarded to such contractor by the Department of Defense during such year was less than \$10,000,000.

(2) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year on account of active duty performed or employment with or services performed for the Department of Defense if such active duty or employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the Department of Defense shall be required to file a report under this section for any fiscal year on account of employment with or services performed for a defense contractor if such employment was terminated or such services were performed three years or more prior to the effective date of his employment with the Department of Defense.

(3) No former military officer or former civilian employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than \$15,000 per year; and no employee of the Department of Defense, including consultants or part time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to a defense contractor at a salary rate of less than \$15,000 per year.

Report to Congress.

(d) The Secretary of Defense shall, not later than December 31 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding fiscal year pursuant to subsections (b) (1) and (b) (2) of this section. The Secretary shall include after each name so much information as he

deems appropriate and shall list the names of such persons under the defense contractor for whom they worked or for whom they performed services.

(e) Any former military officer or former civilian employee whose employment with or services for a defense contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the Department of Defense terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (2) of this section for such year if he would otherwise be required to file under such subsection.

(f) The Secretary shall maintain a file containing the information filed with him pursuant to subsections (b) (1) and (b) (2) of this section and such file shall be open for public inspection at all times during the regular workday.

(g) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than \$1,000, or both.

(h) No person shall be required to file a report pursuant to this section for any fiscal year prior to the fiscal year 1971.

Approved November 19, 1969.

Penalty.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-522 accompanying H.R. 14000 (Comm. on Armed Services) and No. 91-607 (Comm. of Conference).

SENATE REPORT No. 91-290 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 115 (1969):

July 7-11, 14, 15, 18, 22-25, 28-31, Aug. 1, 4-8, 11-13,

Sept. 3-5, 9, 10, 12, 15-17: Considered in Senate.

Sept. 18: Considered and passed Senate.

Oct. 1-3: Considered and passed House, amended, in lieu of H.R. 14000.

Nov. 5: House agreed to conference report.

Nov. 6: Senate agreed to conference report.

毒がいの移送前の無毒化につき

配 付 先

大 臣

大臣秘書官

アメリカ局長

大河原参事官

楠 参事官

条約局長

条約課長

干葉課長

小杉総理秘書官

米軍毒ガスの移送前の無毒化
について

昭和46 2 /
アメリカ局北米第一課

本1日午後、衆議院予算委員会において、輪
崎議員（社会）より、1969年8月11日米
国上院において決議されたO B兵器規制法案を
引用して、米軍毒ガスの移送前の無毒化につき
論ずるところがあつた。

本件毒ガスの無毒化については、同年11月
19日成立した、1970年度軍事調達権限法
（公法91-121号）第40⁹条(b)(3)に、同様趣
旨の規定があり、同規定によれば、「国防長官
は、O B剤を廃棄のため輸送する場合は、これ
を無毒化することを含め、なんらかの予防措置
を講じなければ、輸送に要する費用は支出でき
ない。」とされている。これは「国防省は、廃
棄のために輸送する前に、O B剤を無毒化しな
ければならない。」とする前記上院案とは表現
において若干の差異がある。

この間の経緯については、上下両院において、
それぞれ別個に審議、承認された軍事調達法案
（O B兵器規制案は、同法案の修正案として追
加された。）には、O B兵器規制に関する諸規定
を含めかなりの相違がみられたので、議事規則に
基づき、上下両院協議会に付され、最終的に前記
の形で両院の妥協が成立したものである。

ただし、最終的には、上院案と若干異なるもの
となつたにせよ、毒ガスの移送前の無毒化は、あ
くまで「廃棄のため」（for disposal）の輸送の
前に行なわれるべきことと規定していることにつ
いては変るところはない。