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86/3/76

APPROVED  
JUN 3 1976

*Signed in Ceremony - Oval Office  
(private ceremony - no release)*

THE WHITE HOUSE  
WASHINGTON  
June 2, 1976

ACTION

Last Day: June 5

*To Archives  
6/3/76*

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *JC*

SUBJECT:

S. 2679 - Commission on Security and Cooperation in Europe

Attached for your consideration is S. 2679, sponsored by Senator Case, which establishes a Commission on Security and Cooperation in Europe to monitor implementation of Final Act of the Conference on Security and Cooperation in Europe.

A detailed discussion of the provisions of the enrolled bill is provided in OMB's bill report at Tab A.

OMB, NSC, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2679 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

MAY 28 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2679 - Commission on Security  
and Cooperation in Europe  
Sponsor - Sen. Case (R) New Jersey

Last Day for Action

June 5, 1976 - Saturday

Purpose

Establishes a Commission on Security and Cooperation in Europe to monitor implementation of Final Act of the Conference on Security and Cooperation in Europe.

Agency Recommendations

Office of Management and Budget	Approval
Department of State	Approval (or permit bill to become law without signature)
Department of Defense	Approval
Civil Service Commission	Approval
Department of Commerce	No objection
National Security Council	No objection (Informally)
Arms Control and Disarmament Agency	No objection
Department of Justice	Defers to State

Discussion

S. 2679 would establish the Commission on Security and Cooperation in Europe, composed of twelve congressional and three executive representatives, to monitor actions of the signatories "which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, "signed at Helsinki, Finland on August 1, 1975. The bill directs the Commission to monitor particularly the provisions of the Final Act



relating to Cooperation in Humanitarian Fields (these include sections on human contacts, information, cultural and educational cooperation). It further directs the Commission to monitor and encourage the development of Federal and private programs to take advantage of provisions in the Final Act to expand East-West economic cooperation and interchange of people and ideas.

The fifteen-member Commission would be comprised of three Presidential appointees (one each from State, Defense and Commerce), six members from the House appointed by the Speaker (with one such member designated by the Speaker to serve as chairman), and six senators appointed by the President of the Senate. The six members from each House would include four from the majority party and two from the minority. S. 2679 requires the Commission to report periodically to the House and Senate and to provide information to Members of Congress as requested.

To assist the Commission in carrying out its responsibilities, the bill requires the President to submit semiannual reports to the Commission (the first six months after enactment) which shall include (1) a detailed survey of actions by signatories to the Final Act reflecting compliance with or violation of the provisions of the Final Act and (2) a listing and description of present or planned programs and activities of Federal agencies and private organizations to take advantage of provisions in the Final Act to expand East-West economic cooperation and interchange of people and ideas. Further, the bill grants the Commission subpoena power and authorizes the chairman, or any member he designates, to administer oaths to witnesses. It also authorizes appropriations of \$350,000 for each fiscal year for the Commission.

In discussing the purpose of this legislation, the report of the Senate Foreign Relations Committee states:

"The Foreign Relations Committee agrees that while the State Department and the Defense Department are keeping an eye on compliance with the Final Act of the Conference on Security and Cooperation, public attention must also be given to evaluating the degree of compliance, particularly in the all important area of human rights. The Committee believes that a Commission which would reflect the combined views of the Congress and of the executive branch would be an effective voice for the collective concerns of all Americans about the





observance of human rights concerns abroad, and particularly in the Soviet Union and Warsaw Pact countries. It would help to make clear once again to the Soviet Union and to the other signatories American interest in the furtherance of basic human rights as well as interest in economic and security cooperation."

The State Department, on behalf of the Administration, opposed enactment of this legislation in reports to appropriate congressional committees. It cited steps already being taken by the executive branch to implement and monitor the provisions of the Final Act and noted the Administration's willingness to consult with Congress through established procedures. In view of the overwhelming congressional support for the bill, however, State's enrolled bill letter recommends that you approve S. 2679 or, alternatively, permit it to become law without signature.

Justice's letter on S. 2679 states:

"We note at the outset that 12 of the 15 members of the Commission are to be appointed by officers of the Congress. This raises the question as to whether the Appointment Clause of the Constitution, Art. II, § 2, cl. 2, has been violated. In general, that clause requires the President to appoint all officers of the United States. In view of the fact, however, that the powers of the Commission are restricted to collecting information and providing it to Congress, much as a congressional committee might, we believe that its members would not be officers of the United States and that no constitutional problem is presented."

The Senate debate on S. 2679 tends to support the Justice view. The House did not discuss this constitutional question in its consideration of the bill.

The Office of Management and Budget agrees with State that the organization S. 2679 would establish is duplicative of existing executive and congressional activities and functions. Moreover, it is a hybrid



creation -- a statutory body composed predominantly of congressional officers but with representatives of three executive departments -- which would have oversight functions similar to those of a congressional committee. Further, the requirement that the President must submit reports to such a body is undesirable. Another serious consideration is that this single-purpose organization, outside the President's effective control, armed with appropriations, staff, and the power of subpoena, and with unlimited duration of existence, could become a forum for criticizing the actions of foreign governments, with attendant foreign relations embarrassment.

Despite these objections, the Office of Management and Budget recommends approval in view of Justice's opinion that the bill does not raise a constitutional question and the strong congressional support for this measure.

Finally, State anticipates that enactment of S. 2679 could increase the workload of the Department, resulting in the need to increase staff and related expenses. The Office of Management and Budget will review carefully any requests for such increases.

*James M. Frey*  
Assistant Director for  
Legislative Reference

Enclosures



Reg -

Signed 6/3

Ceremony

Kate



DEPARTMENT OF STATE

Washington, D.C. 20520

**MAY 26 1976**

Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D. C.

Dear Dr. Lynn:

I refer to Mr. James M. Frey's communication of May 24, 1976, concerning the Senate-House bill (S.2679) to establish a Commission on Security and Cooperation in Europe.

S.2679 calls for the creation of a joint Congressional-executive branch Commission to monitor implementation by signatory states of the provisions of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), and to encourage the development of programs and activities of the US Government in connection with the CSCE. The Commission would be comprised of six members each from the Senate and the House of Representatives and of one Presidentially-appointed representative each from the Departments of State, Defense and Commerce. The Commission would have the power to subpoena witnesses and documents. The President would be required to submit to the Commission a semiannual report, the first to be submitted six months after the bill's enactment, giving a detailed summary of implementation actions by CSCE states, and a listing and description of present or planned programs by the executive branch and private organizations. The bill authorizes \$350,000 to be appropriated to the Commission for each fiscal year.

On January 19, 1976, the Department of State sent identical letters outlining its position on the CSCE Commission to Senator Sparkman, Chairman of the Senate Foreign Relations Committee, and to Congressman Morgan, Chairman of the House International Relations Committee. The Department explained in detail the steps being taken by the US to implement and to monitor the provisions of the CSCE Final Act, and to compile and analyze monitoring



information. The Department further stated that it stood ready to cooperate with the Congress on CSCE matters within the established committee system, and to consult with individual members of Congress with an interest in CSCE. Finally, the Department noted that while it shared the interest of the bill's sponsors in CSCE, it did not believe the Commission would add to efforts and procedures already established.

As stated to the Congress in its letters of January 19, in view of steps already taken within the government regarding CSCE implementation and monitoring, the Department of State questions the need for a Commission on Security and Cooperation in Europe. Nevertheless, the legislation has overwhelming Congressional support. The Department therefore recommends that the President approve S.2679, or, alternatively, allow it to become law without signature.

Should a Commission on Security and Cooperation in Europe be established, the Department anticipates that the activities of its large staff, together with the requirement to prepare a detailed semiannual CSCE report, will significantly increase the CSCE workload of the Department of State. This would result in the need to increase staff and related expenses.

Sincerely yours,



Robert J. McCloskey  
Assistant Secretary for  
Congressional Relations





GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

May 26, 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

We refer to your request for the views of the Department of Defense on the Enrolled Enactment of S. 2679, 94th Congress, the Act "To Establish a Commission on Security and Cooperation in Europe."

The objectives purposes and action to be taken under this bill are

- To establish a Commission empowered to monitor the action taken by signatories reflecting compliance or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular attention to the provisions in that Act relating to cooperation in humanitarian fields.
- To promote through this Commission programs of the United States Government and of private organizations which might take advantage of the Final Act to expand East-West economic cooperation and a greater exchange of people and ideas between East and West.
- To implement these objectives the Commission shall be composed of members appointed from both Houses of the Congress, said members appointed by the Speaker of the House of Representatives and President of the Senate, respectively, and members appointed by the President from the Departments of State, Defense and Commerce.




- To authorize the Commission to subpoena witnesses and the production of information, to require from the President a semi-annual report which show the results of the Commission's monitoring activities, and to require the Commission to report to the Congress on such matters on a periodic basis and provide information as requested by the Congress.

The Department of Defense has no objections to this bill or to its objectives and purposes. The activities of the proposed Commission will be advisory in nature. They do not appear to involve matters or activities inconsistent with defense interests.

The Department of Defense recommends that the President approve the Enrolled Enactment of S. 2679, 94th Congress.

Sincerely yours,

*for*   
Richard A. Wiley





UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

WASHINGTON, D.C. 20451

May 26, 1976

Dear Mr. Lynn:

By enrolled bill request dated May 24, 1976, your Legislative Reference Division asked for the views and recommendations of the U.S. Arms Control and Disarmament Agency on S. 2679, an act to establish a Commission on Security and Cooperation in Europe.

The Commission established by this bill would be composed of 12 members of Congress and three members appointed by the President to monitor compliance with or violation of the articles of The Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Cooperation in Humanitarian Fields. The Commission would submit periodic reports to the Congress and would receive semi-annual reports from the President in addition to having subpoena power. (In this regard we note an apparent error at the end of the second sentence of Section 4 where "of" has been substituted for "or" in a phrase which should read "by the Chairman or such member.")

A possible problem with the bill is that the authority of the Commission in Section 2 to "encourage the development of programs and activities" could be construed to encompass responsibilities more appropriately left to the Executive under our system of Government. However, since this authority is related to "The provisions of The Final Act to expand East-West economic cooperation and a greater interchange of people and ideas between East and West", it would have minimal impact

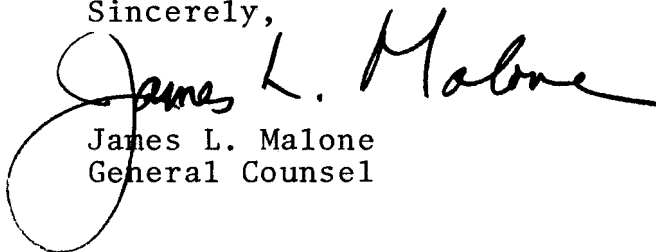
The Honorable  
James T. Lynn  
Director  
Office of Management and Budget





on the U.S. Arms Control and Disarmament Agency which is primarily interested in the provisions related to confidence-building measures. As a consequence, there is no objection from an arms control and disarmament point of view to approval of this bill by the President.

Sincerely,

A handwritten signature in cursive script that reads "James L. Malone". The signature is written in black ink and is positioned above the typed name and title.

James L. Malone  
General Counsel





UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D.C. 20503

May 26, 1976

Attention: Assistant Director for  
Legislative Reference

Dear Mr. Lynn:

This is in response to your request for the Commission's views on enrolled S. 2679, a bill "To establish a Commission on Security and Cooperation in Europe."

The purpose of this new Commission would be to monitor implementation of the Final Act of the Conference in Europe signed at Helsinki, Finland, on August 1, 1975, and to bring to the attention of world opinion any violations by any signatory state.

We are limiting our comments to the personnel provisions of this Act.

The new Commission would be composed of 15 members--6 Senators appointed by the President of the Senate, 6 Representatives appointed by the Speaker of the House, and 3 members of the executive branch appointed by the President. The Commission's staff would be excepted from the personnel provisions of title 5, United States Code.

Since the Commission's members are largely drawn from the legislative branch, and the Commission's function is to inform Congress concerning observance of an international agreement, exempting the staff from the provisions of title 5 is appropriate.

Accordingly, we have no objection to this legislation and, from the standpoint of the personnel provisions, recommend that the President sign it into law.

By direction of the Commission:

Sincerely yours,

*Georgina Sheldon*  
ACTING Chairman



Department of Justice  
Washington, D.C. 20530

May 26, 1976

Honorable James T. Lynn  
Director, Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Lynn:

This is in response to your request for the views of the Department of Justice on S. 2679, an enrolled bill which would establish a Commission on Security and Cooperation in Europe. The Commission would be authorized to monitor compliance with the articles of the Final Act of the Conference on Security and Cooperation in Europe (the Helsinki Declaration) with particular regard to the provisions relating to cooperation in humanitarian fields.

We note at the outset that 12 of the 15 members of the Commission are to be appointed by officers of the Congress. This raises the question as to whether the Appointment Clause of the Constitution, Art. II, § 2, cl. 2, has been violated. In general, that clause requires the President to appoint all officers of the United States. In view of the fact, however, that the powers of the Commission are restricted to collecting information and providing it to Congress, much as a congressional committee might, we believe that its members would not be officers of the United States and that no constitutional problem is presented. See Buckley v. Valeo, 96 S. Ct. 612 (1976).

It should be noted that the Helsinki Declaration is not a binding international agreement. Great care was taken to emphasize at the time of its negotiation that the declaration is a political statement and not



an agreement. The Legal Adviser's Office of the State Department indicates that it is not to be transmitted to Congress as an international agreement under the Case Act, 1 U.S.C. 112b, nor will it be registered as an international agreement under Article 102 of the U.N. Charter. See H.S. Russell, The Helsinki Declaration: Brobdingnag, or Lilliput, 70 Am. J. Int'l. L. 242, 246-49 (1976). Nevertheless, we see no legal obstacle to creating a commission to monitor compliance with a non-binding declaration. Under the circumstances, it seems somewhat anomalous, however, to provide for a statutory body to monitor compliance with this document to the exclusion of other international human rights arrangements with a firmer legal basis.

The Department of Justice defers to the Department of State and expresses no view as to whether the President should approve this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael M. Uhlmann". The signature is written in dark ink and is positioned above the typed name.

Michael M. Uhlmann  
Assistant Attorney General  
Office of Legislative Affairs



**GENERAL COUNSEL OF THE  
UNITED STATES DEPARTMENT OF COMMERCE**  
Washington, D.C. 20230

**MAY 27 1976**

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning S. 2679, an enrolled enactment

"To establish a Commission on Security and Cooperation in Europe."

S. 2679 would establish a Commission on Security and Cooperation in Europe composed of six members of the House of Representatives, six members of the Senate, and one member from each of the Departments of State, Defense, and Commerce. The Commission would monitor the acts of the signatories which reflect compliance with, or violation of, the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Cooperation in Humanitarian Fields. The Commission would also encourage and monitor the development of programs and activities of the U. S. Government and private organizations to expand East-West economic cooperation and interchange of people and ideas.

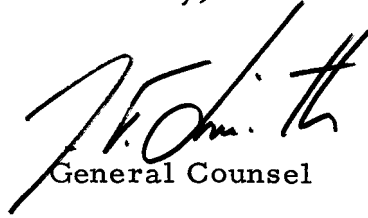
In carrying out these functions, the Commission would have the authority to subpoena necessary persons and documents, and would be authorized and directed to report periodically to the Congress, and to provide information to members of the Congress as requested.

The Administration has opposed legislation for this purpose on the grounds that the Commission it would create is superfluous to current Executive Branch functions. However, the Department of Commerce believes that Presidential disapproval of the legislation at this time might be construed by the public, albeit incorrectly, as evidence of a callous Administration attitude toward the question of human rights, the basic focus of S. 2679. Accordingly, this Department would have no objection to approval by the President of S. 2679.



Enactment of this legislation is not expected to involve any increase in the budgetary requirements of this Department.

Sincerely,



General Counsel

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

Time: 700pm

FOR ACTION: NSC/S *dh*  
 Max Friedersdorf *dh*  
 Ken Lazarus *dh*  
 David Lissy *dh*

cc (for information): Jack Marsh  
 Jim Cavanaugh  
 Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 1

Time: noon

SUBJECT:

s. 2679 - Commission on Security and  
 Cooperation in Europe

ACTION REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> For Necessary Action         | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief     | <input type="checkbox"/> Draft Reply              |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks            |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
 For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

Time: 700pm

FOR ACTION: NSC/S  
Max Friedersdorf  
Ken Lazarus  
David Lissy

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 1

Time: noon

SUBJECT:

S. 2679 - Commission on Security and  
Cooperation in Europe

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

1. Recommend signature <sup>5.29</sup>
2. Suggest you also alert Bill Bradley
3. Assuming signature, Bradley and I should be alerted before public announcement. We can then make some calls advising people of the President's decision.

*David Lissy*



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

Time: 700pm

FOR ACTION: NSC/S  
Max Friedersdorf  
Ken Lazarus  
David Lissy

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 1

Time: noon

SUBJECT:

S. 2679 - Commission on Security and  
Cooperation in Europe

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 6/1/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President




EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

MAY 28 1976

To -  
J. Casper  
5-28-76  
6:30 P.M.



MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2679 - Commission on Security  
and Cooperation in Europe  
Sponsor - Sen. Case (R) New Jersey

Last Day for Action

June 5, 1976 - Saturday

Purpose

Establishes a Commission on Security and Cooperation in Europe to monitor implementation of Final Act of the Conference on Security and Cooperation in Europe.

Agency Recommendations

Office of Management and Budget	Approval
Department of State	Approval (or permit bill to become law without signature)
Department of Defense	Approval
Civil Service Commission	Approval
Department of Commerce	No objection
National Security Council	No objection (Informally)
Arms Control and Disarmament Agency	No objection
Department of Justice	Defers to State

Discussion

S. 2679 would establish the Commission on Security and Cooperation in Europe, composed of twelve congressional and three executive representatives, to monitor actions of the signatories "which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, "signed at Helsinki, Finland on August 1, 1975. The bill directs the Commission to monitor particularly the provisions of the Final Act.



relating to Cooperation in Humanitarian Fields (these include sections on human contacts, information, cultural and educational cooperation). It further directs the Commission to monitor and encourage the development of Federal and private programs to take advantage of provisions in the Final Act to expand East-West economic cooperation and interchange of people and ideas.

The fifteen-member Commission would be comprised of three Presidential appointees (one each from State, Defense and Commerce), six members from the House appointed by the Speaker (with one such member designated by the Speaker to serve as chairman), and six senators appointed by the President of the Senate. The six members from each House would include four from the majority party and two from the minority. S. 2679 requires the Commission to report periodically to the House and Senate and to provide information to Members of Congress as requested.

To assist the Commission in carrying out its responsibilities, the bill requires the President to submit semiannual reports to the Commission (the first six months after enactment) which shall include (1) a detailed survey of actions by signatories to the Final Act reflecting compliance with or violation of the provisions of the Final Act and (2) a listing and description of present or planned programs and activities of Federal agencies and private organizations to take advantage of provisions in the Final Act to expand East-West economic cooperation and interchange of people and ideas. Further, the bill grants the Commission subpoena power and authorizes the chairman, or any member he designates, to administer oaths to witnesses. It also authorizes appropriations of \$350,000 for each fiscal year for the Commission.

In discussing the purpose of this legislation, the report of the Senate Foreign Relations Committee states:

"The Foreign Relations Committee agrees that while the State Department and the Defense Department are keeping an eye on compliance with the Final Act of the Conference on Security and Cooperation, public attention must also be given to evaluating the degree of compliance, particularly in the all important area of human rights. The Committee believes that a Commission which would reflect the combined views of the Congress and of the executive branch would be an effective voice for the collective concerns of all Americans about the



observance of human rights concerns abroad, and particularly in the Soviet Union and Warsaw Pact countries. It would help to make clear once again to the Soviet Union and to the other signatories American interest in the furtherance of basic human rights as well as interest in economic and security cooperation."

The State Department, on behalf of the Administration, opposed enactment of this legislation in reports to appropriate congressional committees. It cited steps already being taken by the executive branch to implement and monitor the provisions of the Final Act and noted the Administration's willingness to consult with Congress through established procedures. In view of the overwhelming congressional support for the bill, however, State's enrolled bill letter recommends that you approve S. 2679 or, alternatively, permit it to become law without signature.

Justice's letter on S. 2679 states:

"We note at the outset that 12 of the 15 members of the Commission are to be appointed by officers of the Congress. This raises the question as to whether the Appointment Clause of the Constitution, Art. II, § 2, cl. 2, has been violated. In general, that clause requires the President to appoint all officers of the United States. In view of the fact, however, that the powers of the Commission are restricted to collecting information and providing it to Congress, much as a congressional committee might, we believe that its members would not be officers of the United States and that no constitutional problem is presented."

The Senate debate on S. 2679 tends to support the Justice view. The House did not discuss this constitutional question in its consideration of the bill.

The Office of Management and Budget agrees with State that the organization S. 2679 would establish is duplicative of existing executive and congressional activities and functions. Moreover, it is a hybrid



creation -- a statutory body composed predominantly of congressional officers but with representatives of three executive departments -- which would have oversight functions similar to those of a congressional committee. Further, the requirement that the President must submit reports to such a body is undesirable. Another serious consideration is that this single-purpose organization, outside the President's effective control, armed with appropriations, staff, and the power of subpoena, and with unlimited duration of existence, could become a forum for criticizing the actions of foreign governments, with attendant foreign relations embarrassment.

Despite these objections, the Office of Management and Budget recommends approval in view of Justice's opinion that the bill does not raise a constitutional question and the strong congressional support for this measure.

Finally, State anticipates that enactment of S. 2679 could increase the workload of the Department, resulting in the need to increase staff and related expenses. The Office of Management and Budget will review carefully any requests for such increases.

*James M. Frey*  
Assistant Director for  
Legislative Reference

Enclosures



MEMORANDUM

NATIONAL SECURITY COUNCIL

3154

June 1, 1976

MEMORANDUM FOR: JAMES M. CANNON

FROM: JEANNE W. DAVIS *JWD*

SUBJECT: S. 2679

The NSC Staff has no objection to the proposed enrolled bill  
S. 2679 - Commission on Security and Cooperation in Europe.



THE WHITE HOUSE  
WASHINGTON

Bob: Please note Max's note  
and David Lissy's which are  
attached.

Judy 6/2

THE WHITE HOUSE

WASHINGTON

June 1, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M.L.F.*  
SUBJECT: S. 2679 - Commission on Security and  
Cooperation in Europe

The Office of Legislative Affairs concurs with the agencies that the subject bill be signed. ( Recommend that Senator Case and Congresswoman Fenwick be present. )

Attachments





THE WHITE HOUSE

ACTION

WASHINGTON  
June 1, 1976

MEMORANDUM FOR

BILL BAROODY

FROM:

JUDY JOHNSTON *judy*

SUBJECT:

S. 2679 - Commission on Security and  
Cooperation in Europe

Attached is a copy of the enrolled bill report on S. 2679.  
David Lissy made the following comments with respect to  
the bill:

1. Recommend signature.
2. Suggest you also alert Bill Baroody
3. Assuming signature, Bill Baroody and I should be alerted  
before public announcement. We can then make some  
calls advising people of the President's decision.

cc: David Lissy



## ESTABLISHING A COMMISSION ON SECURITY AND COOPERATION IN EUROPE

APRIL 23, 1976.—Ordered to be printed

Filed under authority of the order of the Senate of April 14, 1976

Mr. SPARKMAN, from the Committee on Foreign Relations,  
submitted the following

### REPORT

[To accompany S. 2679]

The Committee on Foreign Relations, to which was referred the bill (S. 2679) to establish a Commission on Security and Cooperation in Europe, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

#### PURPOSE

The purpose of S. 2679 is to establish a Commission on Security and Cooperation in Europe to monitor the acts of the signatories of the Final Act of the Conference on Security and Cooperation in Europe with particular regard to the provisions relating to Cooperation in Humanitarian Fields. The Commission is also to encourage the development of programs to expand East-West economic cooperation and cultural interchange.

#### BACKGROUND

The Soviet Union proposed a European Security Conference in 1954, and periodically repeated its request in subsequent years. In line with the progress made in the first SALT talks, the 1971 Berlin Four Power Agreement, and the Soviet agreement to negotiate mutual and balanced force reductions in Europe (MBFR), the United States agreed to the Soviet proposal for a conference on security, and initial preparatory talks began in November 1972. In addition to the Soviet request for discussions on European frontiers and on economic and technological cooperation, the United States and its NATO allies insisted that the Conference also address itself to human rights and humanitarian questions. The Soviet Union reluctantly acquiesced.



The Conference met in Helsinki in July 1973 to formulate and approve an agenda, resumed in September 1973, and continued in session in Geneva for nearly two years. It concluded on August 1, 1975, with the signing of the Declaration at a summit meeting in Helsinki. The 35 participants included all the European states, both Communist (except Albania) and non-Communist, the U.S. and Canada. Several non-participating Mediterranean states—Algeria, Egypt, Israel, Morocco, Syria, and Tunisia—were permitted to make statements. The nine members of the European Economic Community signed the Declaration individually and as a unit.

The Helsinki Declaration comprises four main parts, the first three of which have been popularly labeled "baskets": the first, on security in Europe, includes the Declaration of Principles Guiding Relations between Participating States and the Document on Confidence Building Measures; the second deals with cooperation in the fields of economics, science, technology, and the environment; and the third deals with cooperation in humanitarian and other areas. The fourth part concerns follow-up to the Conference and possible steps to encourage compliance with its principles and undertakings.

Basket three has four separate sections: human contacts, information, cultural cooperation, and educational cooperation. The first pertains most directly to governmental policies governing the states' own citizens. Its provisions are therefore more relevant to rights than are the other sections, which largely concern exchange of privileges or benefits among the participating states.

On November 17, 1975, Senator Case introduced S. 2679 providing for the creation of a Commission on Security and Cooperation in Europe to monitor the acts of the signatories to the Conference on Security and Cooperation. This was just after the Soviet Union refused to let one of its most distinguished citizens, Andrei Sakharov, travel to Oslo, Norway, to receive his Nobel Peace Prize in person.

In a statement on the same day when introducing S. 2679, Senator Case said:

Part of the agreement, known as the final Act of the Conference on Security and Cooperation, pledges the signatories to respect human rights. The agreement contains a pledge to allow freer movements and contacts and to respect such basic human rights as freedom of thought, conscience, religion and belief.

As the Washington Post pointed out in a recent editorial on Mr. Sakharov, "on both these counts, the Kremlin is now defaulting on its Helsinki pledge."

There are other reasons for concern about Moscow's intention to abide by the agreement. We have received disquieting reports that obstacles are still being raised in the way of family reunions. Also, there have been continuing reports of harassment of Russian Jews and political dissidents.

The attitude of the Soviet government on the general issue of human rights was made clear in its strong reaction against the American resolution introduced in the United Nations last week calling upon all governments to release their political prisoners.

Because of the questions these other reports have raised about Moscow's willingness to abide by the Helsinki agreement, I think there is an increasing need to monitor the extent of compliance with the agreement which Moscow so badly desired.

To be sure, a monitoring procedure would not necessarily assure compliance. But it would have the effect of providing at least a mechanism to evaluate the degree of compliance and to focus international attention on possible violations.

Although the State Department and Defense Department will keep an eye on the degree of compliance in their immediate areas of interest, Congress should be able to play an important role in the all-important area of human rights which all too often appear to be of only secondary concern to the executive branch.

Congress has shown its concern for human rights in a variety of ways—most recently in the passage of amendments earlier this month to H.R. 9005, the Economic Aid Bill.

It is only fitting that we follow up our concerns by making an effort to monitor the actions of the Soviet Union—which, as the recent grain agreement shows, is becoming an increasingly important consumer of American products to improve her standard of living.

One mechanism to monitor the Helsinki accord has been proposed in the House of Representatives by Mrs. Fenwick of New Jersey and a number of her colleagues. I think her proposed Commission is a good step in the right direction and today I am introducing her bill, H.R. 9466, for consideration by the Senate.

The bill would establish an 11-member Commission, including members of the Congressional and Executive Branches of Government. The proposed Commission on Security and Cooperation in Europe will show that we are just as concerned about the human rights aspects of the Helsinki agreement as the military and trade sections.

#### ADMINISTRATION VIEWS

In a letter to the Chairman of the Foreign Relations Committee, dated January 19, 1976, the Department of State indicated its opposition to the establishment of a Commission on Security and Cooperation in Europe. The full text of the Department of State's letter follows:

DEPARTMENT OF STATE,  
Washington, D.C., January 19, 1976.

HON. JOHN SPARKMAN,  
Chairman, Committee on Foreign Relations,  
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of November 21 requesting the Department's comments on the bill S. 2679 to establish a Commission on Security and Cooperation in Europe.

President Ford stated at Helsinki that the proof of CSCE will be in how it is implemented in the future. In the five months since the signing ceremony, the United States has scrupulously fulfilled its own obligations under the Final Act, notably by giving advance notification, with our Allies, of several military maneuvers which took place in Europe this fall. In future, we will continue to live up to the letter and spirit of CSCE, and to expect all other signatories to do the same.

In addition, we have taken the necessary steps for monitoring the implementation and compliance with CSCE by the other signatory states, in order that we may approach the follow-up meetings in Belgrade in 1977 with the fullest possible information. The Department of State has instructed our embassies in the Soviet Union and Eastern Europe to report regularly on implementation and compliance with the freer movement provisions and other aspects of CSCE. Regular procedures have also been established here in Washington to compile and analyze all relevant information on CSCE compliance. The CSCE action office within the European Bureau of the State Department has established contact with all U.S. Government agencies concerned with any aspect of CSCE, including the Departments of Defense and Commerce.

In addition, we have agreed with our Allies on the regular exchange within the NATO framework of information with regard to CSCE implementation and compliance, so that we can all proceed from the best available information in our contacts with the Soviet Union and other CSCE participants, as well as in our preparations for the 1977 follow-up meetings.

Furthermore, we have already taken up with the Soviet Union several specific provisions of the Final Act which relate to long standing U.S.-Soviet problems, including multiple entry/exit visas for American journalists and reunification of divided families. With regard to visas for journalists, an exchange of notes on September 29 provided for issuance of multiple entry/exit visas for American journalists and their families resident in the USSR. With regard to divided families we cited the commitments contained in the Final Act in presenting our latest Representation List of individuals and family groups who wish to join close relatives in the United States, and urged the Soviet authorities to take early positive action in accordance with their undertakings in the CSCE. We will continue to seek Soviet observance of CSCE provisions of interest to us.

We believe that we have taken all appropriate steps to encourage observance of CSCE provisions, to ensure the collection of the maximum information on CSCE compliance, and the regular compilation and analysis of such information. We welcome Congressional interest in this process and stand ready to cooperate with your committee and other committees of the Congress with an interest in CSCE, and to consult closely with all members of Congress who express such an interest.

The commission envisaged in S. 2679 would not appear to be equipped to add significantly to the action already being taken or the information being compiled; nor would it appear able to exercise a more effective monitoring role than existing committees or subcommittees of the Congress. Furthermore, its extraordinary composition

would not seem to provide an appropriate or effective means for coordinating or guiding our efforts.

In sum, we share the interest of the sponsors of these bills in effective monitoring of CSCE implementation, but do not believe the proposed commission would add to the efforts and procedures already established. Therefore, the Department of State recommends against enactment of this legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of the report.

Sincerely,

ROBERT J. McCLOSKEY,  
*Assistant Secretary for  
Congressional Relations.*

#### COMMITTEE COMMENTS

The Foreign Relations Committee agrees that while the State Department and the Defense Department are keeping an eye on compliance with the Final Act of the Conference on Security and Cooperation, public attention must also be given to evaluating the degree of compliance, particularly in the all important area of human rights. The Committee believes that a Commission which would reflect the combined views of the Congress and of the executive branch would be an effective voice for the collective concerns of all Americans about the observance of human rights concerns abroad, and particularly in the Soviet Union and Warsaw Pact countries. It would help to make clear once again to the Soviet Union and to the other signatories American interest in the furtherance of basic human rights as well as interest in economic and security cooperation.

#### COMMITTEE ACTION

On April 13, 1976, the Foreign Relations Committee met in open session and voted, by voice vote without dissent, to report the bill favorably with an amendment by Senator Pell.

The Pell amendment gives the Commission the added task of monitoring and encouraging programs of the U.S. government and private organizations relating to the provisions of the Final Act on expanding East-West economic cooperation and the interchange of people and ideas between East and West.

The Committee agreed to another part of Senator Pell's proposal that the President submit a semi-annual report to the Commission providing information on actions reflecting compliance with or violation of the provisions of the Final Act, and giving a description of present or planned programs of the U.S. government and private organizations aimed at taking advantage of the provisions of the Final Act "to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West."

Senator Pell's amendment was designed to help insure that the Commission will play a more central role in the carrying out of the Helsinki Final Act, particularly those aspects of it relating to cooperation in humanitarian fields.



## SECTION-BY-SECTION ANALYSIS

S. 2679 as amended provides for the establishment of a Commission on Security and Cooperation in Europe.

Section 2 authorizes and directs the Commission to monitor the acts of the signatories which reflect compliance with, or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe with particular regard to the provisions relating to cooperation in humanitarian fields. The Commission is also "to monitor and encourage the development of programs and activities of the U.S. Government and private organizations with a view to taking advantage of the provisions of the Final Act to expand East-West cooperation and a greater interchange of people and ideas between East and West."

Section 3 deals with the composition of the Commission which will consist of 11 members: four members from the House of Representatives of which two will be from the majority party and two from the minority with one of the four serving as Chairman and so designated by the Speaker of the House of Representatives; four from the Senate of which two will be from each party; one from the Department of State, appointed by the President; one from the Department of Defense, appointed by the President; and one from the Commerce Department, appointed by the President.

Section 4 bestows on the Commission authority to carry out its mandate including the power of subpoena.

Section 5 requires the President to submit a semiannual report to assist the Commission in carrying out its duties. The report shall include a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act and a description of the planned programs and activities of the appropriate agencies of the Executive branch relating to East-West cooperation and to promoting a greater interchange of ideas and people between East and West.

Section 6 authorizes and directs the Commission to report to the House of Representatives and the Senate on a periodic basis and to provide information to members of the House and Senate as requested.

## COST ESTIMATE

The bill does not authorize appropriations.

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## COMMISSION ON SECURITY AND COOPERATION IN EUROPE

MAY 14, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. FASCELL, from the Committee on International Relations, submitted the following

### REPORT

[To accompany S. 2679]

The Committee on International Relations, to whom was referred the bill (S. 2679) to establish a Commission on Security and Cooperation in Europe, having considered the same, report favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That there is established the Commission on Security and Cooperation in Europe (hereafter in this Act referred to as the "Commission").

SEC. 2. The Commission is authorized and directed to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Cooperation in Humanitarian Fields. The Commission is further authorized and directed to monitor and encourage the development of programs and activities of the United States Government and private organizations with a view toward taking advantage of the provisions of the Final Act to expand East-West economic cooperation and a greater interchange of people and ideas between East and West.

SEC. 3. The Commission shall be composed of fifteen members as follows:

(1) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the House, from the minority party. The Speaker shall designate one of the House members as chairman.

(2) Six Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One member of the Department of State appointed by the President of the United States.

(4) One member of the Defense Department appointed by the President of the United States.

(5) One member of the Commerce Department appointed by the President of the United States.

SEC. 4. In carrying out this Act, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman of such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

SEC. 5. In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report, the first one to be submitted six months after the date of enactment of this Act, which shall include (1) a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act, and (2) a listing and description of present or planned programs and activities of the appropriate agencies of the executive branch and private organizations aimed at taking advantage of the provisions of the Final Act to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West.

SEC. 6. The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this Act on a periodic basis and to provide information to Members of the House and Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to Congress a report on its expenditures under such appropriation.

SEC. 7. There is authorized to be appropriated to the Commission for each fiscal year and to remain available until expended \$350,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this Act, such appropriation to be disbursed on voucher to be approved by the Chairman of the Commission.

SEC. 8. The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

#### PURPOSE OF THE BILL

The purpose of S. 2679 is to establish a Commission on Security and Cooperation in Europe to monitor implementation of the Final Act of the Conference on Security and Cooperation in Europe signed at Helsinki, Finland on August 1, 1975 and to authorize \$350,000 to assist the Commission in carrying out its responsibilities.

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#### COMMITTEE ACTION

On September 9, 1975 H.R. 9466, sponsored by the Hon. Millicent Fenwick, was introduced in the House of Representatives and referred to the Committee on International Relations. The purpose of that bill was to establish a Commission on Security and Cooperation in Europe to monitor provisions of the Final Act of the Conference on Security and Cooperation in Europe. Subsequently, 96 Members of Congress joined in sponsoring 13 identical bills which were referred to the Committee.

The bills were referred to the Subcommittee on International Political and Military Affairs which held a hearing May 4, 1976 on all the bills. Testimony was received from Representatives Millicent Fenwick of New Jersey; Edward J. Derwinski of Illinois; Joshua Eilberg of Pennsylvania; Larry P. McDonald of Georgia; Senator James Buckley of New York; Mr. Jerry Goodman, Executive Director, National Conference on Soviet Jewry; Dr. Z. Michael Szaz, National Director, American Hungarian Federation; Col. J. J. Sustar, Executive Vice-President, National Confederation of American Ethnic Groups; Dr. Jeremy J. Stone, Director, Federation of American Scientists; Mr. Edward J. Sumanas, Public Relations Director, Joint Baltic American Committee, and Dr. Charles Baroch.

On May 5, 1976 the Senate passed and sent to the House a measure, S. 2679, similar to H.R. 9466 which was referred to the Committee on International Relations on May 6.

On May 11, 1976 the Committee held an open markup session on S. 2679, H.R. 9466 and related bills, and by voice vote, ordered reported S. 2679 with an amendment in the nature of a substitute.

#### PROVISIONS OF THE BILL

The purpose of the bill as reported by the Committee is to establish a Commission, composed of representatives of both the Executive branch and Congress, to monitor implementation of the Final Act of the Conference on Security and Cooperation in Europe signed at Helsinki, Finland on August 1, 1975.

The Commission would be composed of fifteen members. Six members would be Senators appointed by the President of the Senate. Six members would be Representatives appointed by the Speaker of the House. In both the House and Senate, four members of the Commission would be from the majority party and two from the minority party. In addition, the President would appoint three members, one each from the Departments of State, Defense and Commerce. The Chairman of the Commission would be appointed by the Speaker of the House of Representatives from the Representatives he appoints to the Commission.

The bill authorizes the Commission to monitor acts of the signatories which reflect compliance with or violation of the Final Act of the Conference on Security and Cooperation in Europe and to monitor and encourage United States efforts to expand economic cooperation and cultural exchanges as envisioned by the Final Act. To accomplish these purposes the Commission is authorized to receive testimony, voluntarily or by subpoena, and to submit its findings periodically to Congress.

H.R. 1149



To assist the Commission in carrying out its responsibilities the bill directs the President to furnish to the Commission every six months reports on: (1) actions by signatories which reflect compliance with or violation of the Final Act, and (2) a listing of all United States programs to implement those sections of the Final Act relating to East-West economic cooperation and greater interchange of peoples and ideas.

The bill also authorizes \$350,000 for each fiscal year to assist the Commission and provides that the staff of the Commission will be exempt from certain provisions of title 5 of the United States Code relating to appointments in the competitive service.

#### BACKGROUND

On August 1, 1975 the United States, Canada, the Soviet Union and 32 nations of Western and Eastern Europe signed the Final Act of the Conference on Security and Cooperation in Europe. The Final Act, signed at Helsinki, Finland, concluded the Conference which had opened in Helsinki on July 3, 1973.

The Conference had its origins in a proposal by the Soviet Union in 1954 for a European Security Conference which was periodically reiterated. The idea was finally agreed to by the United States and its allies following substantive progress in the first Strategic Arms Limitation Talks, the 1971 Berlin Four Power Agreement, and the Soviet agreement to enter negotiations on a mutual and balanced force reduction in Europe. Initial exploratory talks on the agenda for a security conference began in November 1972. The United States and other NATO countries insisted on inclusion in the agenda of human rights issues and upon the reluctant agreement of the Soviet Union and its allies, agreed to proposed Soviet agenda items relating to European frontiers and technological and economic cooperation.

The Conference on Security and Cooperation in Europe formally opened in July 1973 and continued intermittently until August 1975 when final agreement was reached by all the 35 participants, which included all nations of Western and Eastern Europe with the exception of Albania.

The Final Act of the Conference is divided into four main parts reflecting the "baskets" of issues around which discussions centered during the Conference. The first part of the Final Act is concerned with questions relating to security in Europe and includes a Declaration on Principles Guiding Relations between Participating States and a Document on Confidence Building Measures and Certain Aspects of Security and Disarmament. It is this part which includes statements on such diverse and important issues as: refraining from the use of force, the inviolability of frontiers, peaceful settlement of disputes, respect for fundamental human rights, fulfillment of international legal obligations, and prior notification of military maneuvers.

The second part of the Final Act related to cooperation in the fields of economics, of science and technology, and of the environment. It contains provisions concerning commercial exchanges, industrial cooperation, trade, science and technology, air and water pollution, tourism, and migrant labor.

The third major part of the Final Act is concerned with cooperation in humanitarian fields and contains those provisions in the so-called

"basket three" for which the United States and its NATO allies worked so diligently. The major subdivisions of this part relate to human contacts, information, cultural cooperation and exchanges, and cooperation and exchanges in the education field. Included in this part are important statements on reunification of families, freedom of travel, sports, freedom of exchange of and access to information, improved working conditions for journalists, and increased exchanges and dissemination of cultural, scientific and educational ideas and peoples.

In addition to the three major parts, the Final Act contains two other parts, one relating to security and cooperation in the Mediterranean area and a final section committing the signatories to a follow-up conference in 1977 to review implementation of the Final Act.

Both before and after the Final Act was agreed to at Helsinki considerable concern was expressed in Congress and elsewhere over various issues dealt with by the Conference. Much of this concern centered on the possibility that the United States would be giving in to Soviet demands in some areas while the Soviets would ignore the very positive statements on human rights embodied in the Final Act.

In response to concern over one of these issues—the Baltic States—the International Relations Committee and the House of Representatives acted last year—through passage of House Resolution 864—to express the conviction of the House that the Helsinki Agreement did not change in any way the longstanding policy of the United States on nonrecognition of the Soviet Union's illegal annexation of Estonia, Latvia and Lithuania.

Since the Final Act was signed, reports of actions by the Soviet government and others which are completely inconsistent with the principles set forth at Helsinki continue to be brought to the attention of the International Relations Committee and many Members of Congress, both directly by persons who have fled their native lands and indirectly by press reports and many interested private organizations and individuals. These reports, coupled with past Soviet actions, have prompted many Members of Congress and interested citizens to forcefully bring to the attention of the Committee the need for a specific government unit to monitor the implementation on the Final Act and to bring to the attention of world opinion any violations by any signatory state. The specific recommendation of 96 Representatives is the establishment of the type of Commission which would be established by S. 2679.

In addition to widespread support for creation of a Commission on Security and Cooperation in Europe among Members of Congress, the Committee has received expressions of support for the Commission concept from numerous state and local organizations, hundreds of individuals, and a host of national organizations including: American Hungarian Federation; Assembly of Captive European Nations; Association of American Publishers; Association of American Ukrainians; Baltic Women's Council; Czechoslovak National Council of America; Estonian American National Council; Federation of American Scientists; Freedom House; Hungarian Freedom Fighters' Federation; Lithuanian-American Community of the U.S.A., Inc.; Lithuanian Affairs Committee; Lithuanian Catholic Religious Aid, Inc.; Lithuanian World Review Radio, New York; National Confederation



of American Ethnic Groups; National Conference on Soviet Jewry; Polish American Congress, Inc.; The American Latvian Association in the United States, Inc.; The Joint Baltic American Committee; The Lithuanian American Council, Inc.; Ukranian American Freedom Foundation; Ukranian National Women's League; Union of Councils for Soviet Jews; United States Advisory Commission on International Educational and Cultural Affairs; and Veterans of Foreign Wars of the United States.

#### COMMITTEE COMMENTS

The Committee believes that the joint Congressional-Executive makeup of the Commission is the best way to create an effective mechanism for monitoring implementation of the noble principles of the Final Act of the Conference on Security and Cooperation in Europe. It would combine the vast information gathering resources of the Executive branch with the independence of an autonomous government organization composed in large measure of Senators and Representatives and chaired by a Member of Congress.

It is the intention of the Committee that the Commission receive the maximum in support from both the Executive and from the Congress whose Members will comprise 80% of the total membership of the Commission. The Committee hopes that the Congress will be able to provide suitable administrative support to the Commission and that the Commission will work closely with the Senate Committee on Foreign Relations and the House Committee on International Relations. The Committee expects the Executive branch to cooperate in carrying out the Commission's mandate.

The Committee recognizes the need for the Commission to cooperate with similar organizations in other countries and to gain all necessary information relating to the purposes of S. 2679 and therefore finds that the Commission should be considered as an appropriate Committee of the Congress for purposes of section 502 (b) of the Mutual Security Act of 1954.

#### ADMINISTRATION VIEWS

In a letter to the Chairman of the Committee on International Relations dated January 19, 1976, the Department of State indicated its opposition to the establishment of a Commission on Security and Cooperation in Europe. The text of the Department's letter follows:

DEPARTMENT OF STATE,  
Washington, D.C., January 19, 1976.

HON. THOMAS E. MORGAN,  
Chairman, Committee on International Relations,  
House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of October 20 requesting the Department's comments on the identical bills H.R. 9466 and H.R. 10193, to establish a Commission on Security and Cooperation in Europe.

President Ford stated at Helsinki that the proof of CSCE will be in how it is implemented in the future. In the five months since the signing ceremony, the United States has scrupulously fulfilled its own obligations under the Final Act, notably by giving advance

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notification, with our Allies, of several military maneuvers which took place in Europe this fall. In future, we will continue to live up to the letter and spirit of CSCE, and to expect all other signatories to do the same.

In addition, we have taken the necessary steps for monitoring the implementation and compliance with CSCE by the other signatory states, in order that we may approach the follow-up meetings in Belgrade in 1977 with the fullest possible information. The Department of State has instructed our embassies in the Soviet Union and Eastern Europe to report regularly on implementation and compliance with the freer movement provisions and other aspects of CSCE. Regular procedures have also been established here in Washington to compile and analyze all relevant information on CSCE compliance. The CSCE action office within the European Bureau of the State Department has established contact with all US Government agencies concerned with any aspect of CSCE, including the Departments of Defense and Commerce.

In addition, we have agreed with our Allies on the regular exchange within the NATO framework of information with regard to CSCE implementation and compliance, so that we can all proceed from the best available information in our contacts with the Soviet Union and other CSCE participants, as well as in our preparations for the 1977 follow-up meetings.

Furthermore, we have already taken up with the Soviet Union several specific provisions of the Final Act which relate to long standing US-Soviet problems, including multiple entry/exit visas for American journalists and reunification of divided families. With regard to visas for journalists, an exchange of notes on September 29 provided for issuance of multiple entry/exit visas for American journalists and their families resident in the USSR. With regard to divided families we cited the commitments contained in the Final Act in presenting our latest Representation List of individuals and family groups who wish to join close relatives in the United States, and urged the Soviet authorities to take early positive action in accordance with their undertakings in the CSCE. We will continue to seek Soviet observance of CSCE provisions of interest to us.

We believe that we have taken all appropriate steps to encourage observance of CSCE provisions, to ensure the collection of the maximum information on CSCE compliance, and the regular compilation and analysis of such information. We welcome Congressional interest in this process and stand ready to cooperate with your committee and other committees of the Congress with an interest in CSCE, and to consult closely with all members of Congress who express such an interest.

The commission envisaged in H.R. 9466 and H.R. 10193 would not appear to be equipped to add significantly to the action already being taken or the information being compiled; nor would it appear able to exercise a more effective monitoring role than existing committees or subcommittees of the Congress. Furthermore, its extraordinary composition would not seem to provide an appropriate or effective means for coordinating or guiding our efforts.

In sum, we share the interest of the sponsors of these bills in effective monitoring of CSCE implementation, but do not believe the pro-

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posed commission would add to the efforts and procedures already established. Therefore, the Department of State recommends against enactment of this legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of the report.

Sincerely,

ROBERT J. McCLOSKEY,  
*Assistant Secretary for Congressional Relations.*

#### COST ESTIMATES

In accordance with clause 7 of Rule XIII of the House, the Committee finds that it has received no cost estimates from any government agency.

The Committee estimates the cost of the Commission for each full fiscal year in which it operates to be \$350,000. The continuance of the Commission beyond fiscal year 1977 will depend on both international events and the Commission's own findings with respect to its ability to discharge its responsibilities. The Committee is thus not able to reliably estimate anticipated costs over a five year period but would not expect costs to exceed \$350,000 annually.

#### STATEMENT REQUIRED BY RULE XI(1)(3) OF THE RULES OF THE HOUSE

Pursuant to requirements of rule XI(1)(3) of the Rules of the House the following statements are made:

(A) Oversight findings and recommendations.—The Committee's hearings reveal a conviction by many Members of Congress and knowledgeable outside witnesses that the Executive branch's provisions for monitoring the Final Act of the Conference on Security and Cooperation in Europe are inadequate. Based on the Committee's finding that further oversight of the Final Act is essential the Committee recommends establishment of a Commission on Security and Cooperation in Europe.

(B) Congressional Budget Act section 308(a) requirement.—This measure provides no budget authority or increased tax expenditures outside of the regular authorization and appropriation process.

(C) Congressional Budget Office estimate and comparisons.—No estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been received by the Committee.

(D) Committee on Government Operations summary.—No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under clause 2(b)(2) of rule X.

#### INFLATIONARY IMPACT STATEMENT

This measure would not have any specifically identifiable inflationary impact.

# Ninety-fourth Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

### An Act

To establish a Commission on Security and Cooperation in Europe.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is established the Commission on Security and Cooperation in Europe (hereafter in this Act referred to as the "Commission").

SEC. 2. The Commission is authorized and directed to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Cooperation in Humanitarian Fields. The Commission is further authorized and directed to monitor and encourage the development of programs and activities of the United States Government and private organizations with a view toward taking advantage of the provisions of the Final Act to expand East-West economic cooperation and a greater interchange of people and ideas between East and West.

SEC. 3. The Commission shall be composed of fifteen members as follows:

(1) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the House, from the minority party. The Speaker shall designate one of the House Members as chairman.

(2) Six Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One member of the Department of State appointed by the President of the United States.

(4) One member of the Defense Department appointed by the President of the United States.

(5) One member of the Commerce Department appointed by the President of the United States.

SEC. 4. In carrying out this Act, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

SEC. 5. In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report, the first one to be submitted six months after the date of enactment of this Act, which shall include (1) a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act, and (2) a listing and description of



present or planned programs and activities of the appropriate agencies of the executive branch and private organizations aimed at taking advantage of the provisions of the Final Act to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West.

SEC. 6. The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this Act on a periodic basis and to provide information to Members of the House and Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to Congress a report on its expenditures under such appropriation.

SEC. 7. There is authorized to be appropriated to the Commission for each fiscal year and to remain available until expended \$350,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this Act, such appropriation to be disbursed on voucher to be approved by the Chairman of the Commission.

SEC. 8. The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

May 25, 1976

Dear Mr. Director:

The following bills were received at the White House on May 25th:

S. 2679 ✓  
H.R. 12132 ✓  
H.R. 12527 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D. C.

