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FILE

STATE AND PARTY REPORT

28 APR. 1976 1:45 PM PAGE 1

ROLL NO. 202

S 2662

YEA-AND-NAY

CLOSED 28 APR. 1976 1:35 PM

AUTHOR(S) *DERWINSKI*

RECONMIT THE CONFERENCE REPORT

INTERNATIONAL SECURITY ASSISTANCE

	YEA	NAY	PRES	NV
DEMOCRATIC	67	195		24
REPUBLICAN	118	18		9
OTHER				
TOTAL	185	214		33



ROLL NO. 282

DEMOCRATIC

OTHER

REPUBLICAN

DEMOCRATIC	**OTHER**	REPUBLICAN
ALABAMA		
DEVILL	NY	BUCHANAN
FLOWERS	YEA	DICKINSON
JONES (AL)	NAY	EDWARDS (AL)
NICHOLS	YEA	
ALASKA		
		YOUNG (AK)
ARIZONA		
UDALL	NY	CONLAN
		RHODES
		STEIGER (AZ)
ARKANSAS		
ALEXANDER	NAY	HANNERSCHMIDT
HILLS	YEA	
INGERTON	YEA	
CALIFORNIA		
ANDERSON (CA)	NAY	BELL
BROWN (CA)	NAY	BURGENER
BURKE (CA)	NAY	CLAUSEN, DON H.
BURTON, JOHN	NAY	CLAUSON, DEL
BURTON, PHILLIP	NAY	GOLDBATER
CORNAN	NAY	HINSHAW
DANIELSON	NAY	KETCHUM
DELUHS	NAY	LACOMARINO
EDWARDS (CA)	NAY	MC CLOSKEY
HANNAFORD	NAY	MOORHEAD (CA)
HANKINS	NAY	PETTIS
JOHNSON (CA)	NAY	ROUSSELOT
KREBS	NAY	TALCOTT
LEGGETT	NAY	WIGGINS
LLOYD (CA)	NAY	WILSON, BOB
MC FALL	NAY	
MILLER (CA)	NAY	
MINETA	NAY	
MOSS	NAY	
PATTERSON (CA)	NY	
REES	NY	
ROYBAL	NAY	
RYAN	NAY	
SISK	NAY	
STARK	NAY	
VAN DEERLIN	NAY	
WAXMAN	NY	
WILSON, C. H.	NAY	
COLORADO		
EVANS (CO)	NAY	ARMSTRONG
SCHROEDER	NAY	JOHNSON (CO)
WIRTH	NAY	



ROLL NO. 202

DEMOCRATIC

OTHER

REPUBLICAN

ILLINOIS

ANNUNZIO NAY
 COLLINS (IL) NAY
 FARY NAY
 HALL NAY
 HETCALFE NAY
 HIKVA NAY
 MURPHY (IL) NAY
 PRICE NAY
 ROSTENKOWSKI NAY
 RUSSO YEA
 SHIPLEY YEA
 SIMON NAY
 YATES NAY

ANDERSON (IL) YEA
 CRANE YEA
 DERWINSKI YEA
 ERLBORN YEA
 FINDLEY NAY
 HYDE YEA
 MADIGAN YEA
 MC CLORY YEA
 MICHEL YEA
 O'BRIEN YEA
 RAILSBACK YEA

INDIANA

BRADENAS NAY
 EVANS (IN) YEA
 FITZGERALD NAY
 HAMILTON NAY
 HAYES (IN) NY
 JACOBS YEA
 MADDER NY
 ROUSH YEA
 SHARP NAY

HILLIS YEA
 MYERS (IN) YEA

IOWA

BEDELL NAY
 BLOUIN NAY
 HARKIN NAY
 MEZVINSKY NAY
 SMITH (IA) NAY

GRASSLEY YEA

KANSAS

KEYS YEA

SEBELIUS YEA
 SHRIVER YEA
 SKUBITZ YEA
 WINN YEA

KENTUCKY

BRECKINRIDGE YEA
 HUBBARD YEA
 MAZZOLI NAY
 NATCHER NAY
 PERKINS NAY

CARTER YEA
 SNYDER YEA

LOUISIANA

DOGGS NY
 BREAUX YEA
 NEBERT YEA
 LONG (LA) NAY
 PASSMAN YEA
 WAGGONER YEA

MOORE YEA
 TREECE YEA



ROLL NO. 202

DEMOCRATIC

OTHER

REPUBLICAN

STATE	NAME	DEMOCRATIC	REPUBLICAN
MAINE			COHEN YEA
			ENERY YEA
MARYLAND	BYRON	YEA	BAUMAN YEA
	LONG (MD)	NAY	GUDE NV
	HITCHELL (MD)	NAY	HOLT YEA
	SARBANES	NAY	
	SPELLMAN	NAY	
MASSACHUSETTS	BOLAND	NAY	CONTE NAY
	BURKE (MA)	NAY	HECKLER (MA) NAY
	BRINAN	NAY	
	EARLY	NAY	
	HARRINGTON	NAY	
	MACDONALD	NV	
	MOAKLEY	NAY	
	O'NEILL	NV	
	STUDDS	NAY	
TSONGAS	NAY		
MICHIGAN	BLANCHARD	NAY	DROOBFELD NAY
	BRODHEAD	NAY	BROWN (MI) YEA
	CARR	NAY	CEDEBERG YEA
	CONYERS	NAY	ESCH NV
	DIGGS	NAY	HUTCHINSON YEA
	DINGELL	NAY	RUPPE YEA
	FORD (MI)	NAY	VANDER JAGT YEA
	HEDZI	NAY	
	O'HARA	NAY	
	RIEGLE	NAY	
	TRAXLER	NAY	
	VANDER VEEN	NAY	
	MINNESOTA	BERCLAND	NV
FRASER		NAY	HAGEDORN YEA
KARTH		NAY	QUIE YEA
HOLAN		NAY	
OPERSTAR		NAY	
MISSISSIPPI	BOWEN	YEA	COCHRAN YEA
	MONTGOMERY	YEA	LOTT YEA
	WHITTEN	YEA	



ROLL NO. 282

DEMOCRATIC

OTHER

REPUBLICAN

SOUTH CAROLINA

DAVIS NAY
 DERRICK YEA
 HOLLAND NAY
 JENNETTE YEA
 NANN YEA

SPENDE YEA

SOUTH DAKOTA

ABDOR YEA
 PRESSLER YEA

TENNESSEE

ALLEN YEA
 EVINS (TN) NAY
 FORD (TN) NAY
 JONES (TN) YEA
 LLOYD (TN) YEA

BEARD (TN) YEA
 DUNCAN (TN) YEA
 GUILLEN YEA

TEXAS

BROOKS NAY
 BURLESON (TX) YEA
 DE LA GARZA NY
 ECKHARDT NAY
 GONZALEZ NAY
 NIGHTOWER YEA
 JORDAN NAY
 KAZEN YEA
 KRUEGER NAY
 HANOH YEA
 MILFORD YEA
 FICKLE NAY
 PORGE YEA
 ROBERTS YEA
 TEAGUE YEA
 WHITE YEA
 WILSON, (TX) NY
 WRIGHT NAY
 YOUNG (TX) NY

ARCHER YEA
 COLLINS (TX) YEA
 PAUL YEA
 STEELMAN NY

UTAH

HOME NAY
 MC KAY NAY

VERMONT

JEFFORDS YEA

VIRGINIA

DANIEL, DAN YEA
 DOWNING (VA) YEA
 FISHER NAY
 HARRIS NAY
 SATTERFIELD YEA

BUTLER YEA
 DANIEL, R. W. YEA
 ROBINSON YEA
 HAMPLER YEA
 WHITEHURST YEA



ROLL NO. 202

DEMOCRATIC

OTHER

REPUBLICAN

WASHINGTON

ADAMS NAY
 BONKER NAY
 FOLEY NAY
 HICKS NAY
 MC CORMACK NAY
 NEEDS NAY

PRITCHARD

YEA

WEST VIRGINIA

HECHLER (WV) NAY
 HOLLOWAN NAY
 SLACK NAY
 STAGGERS NAY

WISCONSIN

ASPIN NAY
 BALBUS NAY
 CORNELL NAY
 KASTENMEIER YEA
 OSEY NAY
 REUSS NAY
 ZABLOCKI NAY

KASTEN

STEIGER (WI)

YEA

YEA

WYOMING

RONCALDO NAY

* * * * * END OF REPORT * * * * *



FILE

STATE AND PARTY REPORT

28 APR. 1976 2:06 PM PAGE 1

ROLL NO. 203

S 2662

YEA-AND-NAY

CLOSED 28 APR. 1976 1:54 PM

AUTHOR(S):

AGREEING TO CONFERENCE REPORT

INTERNATIONAL SECURITY ASSISTANCE

	YEA	NAY	PRES	NY
DEMOCRATIC	177	87		23
REPUBLICAN	38	98		9
OTHER				
TOTAL	215	185		32



ROLL NO. 203

DEMOCRATIC

OTHER

REPUBLICAN

DEMOCRATIC	**OTHER**	REPUBLICAN
ALABAMA		
BEVILL	NY	BUCHANAN
FLOWERS	NAY	DICKINSON
JONES (AL)	YEA	EDWARDS (AL)
NICHOLS	NAY	
ALASKA		
		YOUNG (AK)
ARIZONA		
UDALL	NY	CONLAN
		RHODES
		STEIGER (AZ)
ARKANSAS		
ALEXANDER	YEA	HAMMERSCHMIDT
MILLS	NAY	
THORNTON	NAY	
CALIFORNIA		
ANDERSON (CA)	YEA	BELL
BROWN (CA)	YEA	BURGENER
BURKE (CA)	YEA	CLAUSEN, DON H.
BURTON, JOHN	NY	CLAWSON, DEL
BURTON, PHILLIP	YEA	GOLDWATER
CORMAN	YEA	HINSHAW
DANIELSON	YEA	KETCHUM
BELLUMS	NAY	LAGOMARSINO
EDWARDS (CA)	YEA	MC CLOSKEY
HANNAFORD	YEA	MOORHEAD (CA)
HAWKINS	YEA	PETTIS
JOHNSON (CA)	YEA	ROUSSELOT
KREBS	YEA	TALCOTT
LEGGETT	YEA	WIGGINS
LLOYD (CA)	YEA	WILSON, BOB
MC FALL	YEA	
MILLER (CA)	NAY	
MINETA	YEA	
ROSS	YEA	
PATTERSON (CA)	NY	
REES	NY	
ROYBAL	YEA	
RYAN	YEA	
SISK	YEA	
STARK	YEA	
VAN DEERLIN	YEA	
WAXMAN	NY	
WILSON, C. H.	YEA	
COLORADO		
EVANS (CO)	YEA	ARMSTRONG
SCHROEDER	YEA	JOHNSON (CO)
WIRTH	YEA	



ROLL NO. 203

DEMOCRATIC

OTHER

REPUBLICAN

CONNECTICUT

COTTER YEA
 DODD YEA
 GIARDINO YEA
 MOFFETT NAY

MC KINNEY YEA
 SARASIN YEA

DELAWARE

DU PONT NAY

FLORIDA

BENNETT NAY
 CHAPPELL NAY
 FASCELL YEA
 FUQUA NAY
 GIBBONS YEA
 HALEY NAY
 LEHMAN YEA
 PEPPER NY
 ROGERS YEA
 SIKES NAY

BAFALIS NAY
 BURKE (FL) YEA
 FREY NAY
 KELLY NAY
 YOUNG (FL) NAY

GEORGIA

BRINKLEY NAY
 FLYNT NAY
 GINN NAY
 LANDRUM NAY
 LEVITAS YEA
 MATHIS NAY
 MC DONALD NAY
 STEPHENS NAY
 STUCKEY NY
 YOUNG (GA) YEA

HAWAII

MATSUNAGA YEA
 MINK YEA

IDAHO

HANSEN NAY
 SYHMS NAY



ROLL NO. 203

DEMOCRATIC

OTHER

REPUBLICAN

ILLINOIS

ANNUNZIO YEA
 COLLINS (IL) YEA
 FARY YEA
 HALL YEA
 METCALFE YEA
 NIKVA YEA
 MURPHY (IL) YEA
 PRICE YEA
 ROSTENKOWSKI YEA
 RUSSO NAY
 SHIPLEY NAY
 SIMON YEA
 YATES YEA

ANDERSON (IL) YEA
 CRANE NAY
 DERWINSKI NAY
 ERLENBORN NAY
 FINDLEY YEA
 HYDE NAY
 MADIGAN YEA
 MC CLORY NAY
 MICHEL NAY
 O'BRIEN YEA
 RAILSBACK NAY

INDIANA

BRADENAS YEA
 EVANS (IN) NAY
 FITHIAN YEA
 HAMILTON YEA
 HAYES (IN) NY
 JACOBS NAY
 MADDEN NY
 ROUSH NAY
 SHARP YEA

HILLIS NAY
 MYERS (IN) NAY

IOWA

BEDELL YEA
 BLOUIN NAY
 HARKIN YEA
 MEZVINSKY YEA
 SMITH (IA) YEA

GRASSLEY NAY

KANSAS

KEYS NAY

SEBELIUS NAY
 SHRIVER YEA
 SKUBITZ NAY
 WINN YEA

KENTUCKY

BRECKINRIDGE NAY
 HUBBARD NAY
 NAZZOLI YEA
 HATCHER NAY
 PERKINS YEA

CARTER NAY
 SNYDER NAY

LOUISIANA

BOGGS NY
 BREAUX NAY
 HEBERT NAY
 LONG (LA) NAY
 PASSMAN NAY
 UAGGONNER NAY

MOORE NAY
 TREEN NAY



ROLL NO. 203

DEMOCRATIC

OTHER

REPUBLICAN

MAINE

COHEN	YEA
EMERY	NAY

MARYLAND

BYRON	NAY
LONG (MD)	YEA
MITCHELL (MD)	YEA
SARBANES	YEA
SPELLMAN	YEA

BAUMAN	NAY
GUDE	NV
HOLT	NAY

MASSACHUSETTS

BOLAND	YEA
BURKE (MA)	YEA
BRINAN	YEA
EARLY	YEA
HARRINGTON	YEA
MACDONALD	NV
NOAKLEY	YEA
O'HEILL	NV
STUDDS	YEA
TSONGAS	YEA

CONTE	YEA
HECKLER (MA)	YEA

MICHIGAN

BLANCHARD	YEA
BRODHEAD	YEA
CARR	YEA
CONYERS	NAY
DIGGS	YEA
DINGELL	YEA
FORD (MI)	YEA
NEDZI	YEA
O'HARA	YEA
RIEGLE	YEA
TRAXLER	YEA
VANDER YEEH	YEA

BROOKFIELD	YEA
BROWN (MI)	NAY
CEDERBERG	NAY
ESCH	NV
HUTCHINSON	NAY
RUPPE	NAY
VANDER JAGT	YEA

MINNESOTA

BERGLAND	NV
FRASER	YEA
KARTH	YEA
HOLAN	NAY
DBERSTAR	YEA

FRENZEL	YEA
HAGEDORN	NAY
QUIE	NAY

MISSISSIPPI

BOVEN	NAY
MONTGOMERY	NAY
WHITTEN	NAY

COCHRAN	NAY
LOTT	NAY



ROLL NO. 203

DEMOCRATIC

OTHER

REPUBLICAN

STATE	DEMOCRATIC	**OTHER**	REPUBLICAN
MISSOURI			
	BOLLING	YEA	TAYLOR (MO) NAY
	BURLISON (MO)	NAY	
	CLAY	NV	
	HUNGATE	NAY	
	ICHORD	NAY	
	LITTON	YEA	
	RANDALL	NAY	
	SULLIVAN	NAY	
	SYNINGTON	YEA	
MONTANA			
	BAUCUS	NAY	
	MELCHER	NAY	
NEBRASKA			
			MC COLLISTER YEA
			SMITH (NB) NAY
			THONE NAY
NEVADA			
	SANTINI	YEA	
NEW HAMPSHIRE			
	D'AMOURS	YEA	CLEVELAND NAY
NEW JERSEY			
	DANIELS (NJ)	YEA	FENWICK NAY
	FLORIO	YEA	FORSYTHE NAY
	HELSTOSKI	YEA	RINALDO YEA
	HOWARD	YEA	
	HUGHES	YEA	
	MAGUIRE	YEA	
	MEYNER	YEA	
	MINISH	YEA	
	PATTEN (NJ)	YEA	
	RODINO	YEA	
	RDE	YEA	
	THOMPSON	NV	
NEW MEXICO			
	RUNNELS	NAY	LUJAN NAY



ROLL NO. 203

DEMOCRATIC

OTHER

REPUBLICAN

NEW YORK

ABZUG YEA
 ADDABBO YEA
 AMBRO YEA
 BADILLO YEA
 BIAGGI YEA
 BINGHAM YEA
 CHISHOLM YEA
 DELANEY YEA
 DOWNEY (NY) YEA
 HANLEY YEA
 HOLTZMAN YEA
 KOCH YEA
 LAFALCE YEA
 LUNDINE YEA
 MC HUGH YEA
 MURPHY (NY) YEA
 NOUAK YEA
 OTTINGER YEA
 PATTISON (NY) YEA
 PIKE NAY
 RANGEL YEA
 RICHMOND YEA
 ROSENTHAL YEA
 SCHEUER YEA
 SOLARZ YEA
 STRATTON NAY
 WOLFF YEA
 ZEPERETTI YEA

CONABLE NAY
 FISH YEA
 GILMAN YEA
 HORTON YEA
 KEMP NY
 LENT YEA
 MC EHEN NAY
 MITCHELL (NY) NAY
 PEYSER YEA
 WALSH YEA
 WYDLER YEA

NORTH CAROLINA

ANDREWS (NC) NAY
 FOUNTAIN NAY
 HEFNER NAY
 HENDERSON NAY
 JONES (NC) NY
 NEAL NAY
 PREYER YEA
 ROSE NAY
 TAYLOR (NC) NAY

BROYHILL NAY
 MARTIN NAY

NORTH DAKOTA

ANDREWS (ND) NAY



ROLL NO. 203

DEMOCRATIC

OTHER

REPUBLICAN

OHIO

ASHLEY NV
 CARNEY YEA
 HAYS (OH) YEA
 MOTT NAY
 SEIBERLING YEA
 STANTON, JAMES V. YEA
 STOKES YEA
 VAHIK YEA

ASHEROOK NAY
 BROWN (OH) NAY
 CLANCY NAY
 DEVINE NAY
 GRADISON YEA
 GUYER YEA
 HARSHA NAY
 KINDNESS NAY
 LATTA NAY
 MILLER (OH) NAY
 MOSHER NAY
 REGULA NAY
 STANTON, J. WILLIAM NAY
 WHALEN YEA
 WYLIE NAY

OKLAHOMA

ALBERT
 ENGLISH NAY
 JONES (OK) NAY
 RISENHOOVER NAY
 STEED NV

JARMAN NAY

OREGON

AUCOIN YEA
 DUNCAN (OR) YEA
 ULLMAN YEA
 WEAVER NAY

PENNSYLVANIA

DENT YEA
 EDGAR YEA
 EILBERG YEA
 FLOOD YEA
 GRAYBOS YEA
 GREEN YEA
 HOORHEAD (PA) YEA
 MORGAN YEA
 MURTHA YEA
 NIX NV
 ROONEY YEA
 VIGORITO YEA
 VATRON YEA

BIESTER YEA
 COUGHLIN YEA
 ESHLEMAN NV
 GOODLING NAY
 HEINZ YEA
 JOHNSON (PA) NV
 MC DADE YEA
 MYERS (PA) YEA
 SCHNEEBELI NAY
 SCHULZE YEA
 SHUSTER NAY

RHODE ISLAND

BEARD (RI) YEA
 ST GERMAIN YEA



ROLL NO. 203

DEMOCRATIC

OTHER

REPUBLICAN

SOUTH CAROLINA

DAVIS YEA
 DERRICK YEA
 HOLLAND YEA
 JENRETTE NAY
 HANN NAY

SPENCE NAY

SOUTH DAKOTA

ABDOR NAY
 PRESSLER NAY

TENNESSEE

ALLEN NAY
 EVINS (TN) NAY
 FORD (TN) YEA
 JONES (TN) NAY
 LLOYD (TN) NAY

BEARD (TN) NAY
 DUNCAN (TN) NAY
 QUILLEN NAY

TEXAS

BROOKS YEA
 BURLESON (TX) NAY
 DE LA GARZA NV
 ECKHARDT YEA
 GONZALEZ YEA
 HIGHTOWER NAY
 JORDAN YEA
 KAZEN NAY
 KRUEGER YEA
 MAHON NAY
 MILFORD NAY
 PICKLE YEA
 POAGE NAY
 ROBERTS NAY
 TEAGUE NAY
 WHITE NAY
 WILSON, (TX) NV
 WRIGHT YEA
 YOUNG (TX) NV

ARCHER NAY
 COLLINS (TX) NAY
 PAUL NAY
 STEELMAN NV

UTAH

HOME YEA
 MC KAY YEA

VERMONT

JEFFORDS NAY

VIRGINIA

DANIEL, DAN NAY
 DOWNING (VA) NAY
 FISHER YEA
 HARRIS YEA
 SATTERFIELD NAY

BUTLER NAY
 DANIEL, R. W. NAY
 ROBINSON NAY
 WAMPLER NAY
 WHITEHURST YEA



ROLL NO. 203

DEMOCRATIC

OTHER

REPUBLICAN

WASHINGTON

ADAMS	YEA
BONKER	YEA
FOLEY	YEA
HICKS	YEA
MC CORNACK	YEA
NEEDS	YEA

PRITCHARD

NAY

WEST VIRGINIA

HECHLER (WV)	NAY
MOLLOHAN	YEA
SLACK	NAY
STAGGERS	NAY

WISCONSIN

ASPIN	YEA
BALDUS	NAY
CORNELL	NAY
KASTENMEIER	NAY
OBEY	YEA
REUSS	YEA
ZAPLOCKI	NAY

KASTEN

YEA

STEIGER (WI)

NAY

WYOMING

RONCALIO	YEA
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* * * * * E N D O F R E P O R T * * * * *



MAY 7, 1976

Office of the White House Press Secretary

FWS

THE WHITE HOUSE

TO THE SENATE OF THE UNITED STATES:

I am returning, without my approval, S. 2662, a bill that would seriously obstruct the exercise of the President's constitutional responsibilities for the conduct of foreign affairs. In addition to raising fundamental constitutional problems, this bill includes a number of unwise restrictions that would seriously inhibit my ability to implement a coherent and consistent foreign policy:

- ° By imposing an arbitrary arms sale ceiling, it limits our ability to respond to the legitimate defense needs of our friends and obstructs U.S. industry from competing fairly with foreign suppliers.
- ° By requiring compliance by recipient countries with visa practices or human rights standards set by our Congress as a condition for continued U.S. assistance, the bill ignores the many other complex factors which should govern our relationships with those countries; and it impairs our ability to deal by more appropriate means with objectionable practices of other nations.
- ° By removing my restrictions on trade with North and South Vietnam, S. 2662 undercuts any incentive the North Vietnamese may have to provide an accounting for our MIAs.
- ° By mandating a termination of grant military assistance and military assistance advisory groups after fiscal year 1977 unless specifically authorized by Congress, the bill vitiates two important tools which enable us to respond to the needs of many countries and maintain vital controls over military sales programs.

The bill also contains several provisions which violate the constitutional separation of executive and legislative powers. By a concurrent resolution passed by a majority of both Houses, programs authorized by the Congress can be later reviewed, further restricted, or even terminated. Such frustration of the ability of the Executive to make operational decisions violates the President's constitutional authority to conduct our relations with other nations.

While I encourage increased Congressional involvement in the formulation of foreign policy, the pattern of unprecedented restrictions contained in this bill requires that I reject such Congressional encroachment on the Executive Branch's constitutional authority to implement that policy.

more

Constitutional Objections

With regard to the Constitutional issues posed by S.2662, this bill contains an array of objectionable requirements whereby virtually all significant arms transfer decisions would be subjected on a case-by-case basis to a period of delay for Congressional review and possible disapproval by concurrent resolution of the Congress. These provisions are incompatible with the express provision in the Constitution that a resolution having the force and effect of law must be presented to the President and, if disapproved, repassed by a two-thirds majority in the Senate and the House of Representatives. They extend to the Congress the power to prohibit specific transactions authorized by law without changing the law -- and without following the constitutional process such a change would require. Moreover, they would involve the Congress directly in the performance of Executive functions in disregard of the fundamental principle of separation of powers. Congress can, by duly adopted legislation, authorize or prohibit such actions as the execution of contracts or the issuance of export licenses, but Congress cannot itself participate in the Executive functions of deciding whether to enter into a lawful contract or issue a lawful license, either directly or through the disapproval procedures contemplated in this bill.

The erosion of the basic distinction between legislative and Executive functions which would result from the enactment of S. 2662, displays itself in an increasing volume of similar legislation which this Congress has passed or is considering. Such legislation would pose a serious threat to our system of government, and would forge impermissible shackles on the President's ability to carry out the laws and conduct the foreign relations of the United States. The President cannot function effectively in domestic matters, and speak for the nation authoritatively in foreign affairs, if his decisions under authority previously conferred can be reversed by a bare majority of the Congress. Also, the attempt of Congress to become a virtual co-administrator in operational decisions would seriously distract it from its proper legislative role. Inefficiency, delay, and uncertainty in the management of our nation's foreign affairs would eventually follow.

Apart from these basic constitutional deficiencies which appear in six sections of the bill, S. 2662 is faulty legislation, containing numerous unwise restrictions.

Annual Ceiling on Arms Sales

A further objectionable feature of S. 2662 is an annual ceiling of \$9.0 billion on the total of government sales and commercial exports of military equipment and services. In our search to negotiate mutual restraints in the proliferation of conventional weapons, this self-imposed ceiling would be an impediment to our efforts to obtain the cooperation of other arms-supplying nations. Such an arbitrary ceiling would also require individual transactions to be evaluated, not on their own merits, but on the basis of their relationship to the volume of other, unrelated transactions. This provision would establish an arbitrary, overall limitation as a substitute for case-by-case analyses and decisions based on foreign policy priorities and the legitimate security needs of our allies and friends.

Discrimination and Human Rights

This bill also contains well-intended but misguided provisions to require the termination of military cooperation with countries which engage in practices that discriminate against United States citizens or practices constituting a consistent pattern of gross human rights violations. This Administration is fully committed to a policy of not only actively opposing but also seeking the elimination of discrimination by foreign governments against United States citizens on the basis of their race, religion, national origin or sex, just as the Administration is fully supportive of internationally recognized human rights as a standard for all nations to respect. The use of the proposed sanctions against sovereign nations is, however, an awkward and ineffective device for the promotion of those policies. These provisions of the bill represent further attempts to ignore important and complex policy considerations by requiring simple legalistic tests to measure the conduct of sovereign foreign governments. If Congress finds such conduct deficient, specific actions by the United States to terminate or limit our cooperation with the government concerned would be mandated. By making any single factor the effective determinant of relationships which must take into account other considerations, such provisions would add a new element of uncertainty to our security assistance programs and would cast doubt upon the reliability of the United States in its dealings with other countries. Moreover, such restrictions would most likely be counterproductive as a means for eliminating discriminatory practices and promoting human rights. The likely result would be a selective disassociation of the United States from governments unpopular with the Congress, thereby diminishing our ability to advance the cause of human rights through diplomatic means.

Trade with Vietnam

The bill would suspend for 180 days the President's authority to control certain trade with North and South Vietnam, thereby removing a vital bargaining instrument for the settlement of a number of differences between the United States and these countries. I have the deepest sympathy for the intent of this provision, which is to obtain an accounting for Americans missing in action in Vietnam. However, the enactment of this legislation would not provide any real assurances that the Vietnamese would now fulfill their long-standing obligation to provide such an accounting. Indeed, the establishment of a direct linkage between trade and accounting for those missing in action might well only perpetuate Vietnamese demands for greater and greater concessions.

This Administration is prepared to be responsive to Vietnamese action on the question of Americans missing in action. Nevertheless, the delicate process of negotiations with the Vietnamese cannot be replaced by a legislative mandate that would open up trade for a specified number of days and then terminate that trade as a way to achieve our diplomatic objectives. This mandate represents an unacceptable attempt by Congress to manage the diplomatic relations of the United States.

more

Termination of Grant Military Assistance and
Advisory Groups

The legislation would terminate grant military assistance and military assistance advisory groups after fiscal year 1977 except where specifically authorized by Congress, thus creating a presumption against such programs and missions. Such a step would have a severe impact on our relations with other nations whose security and well-being are important to our own national interests. In the case of grant assistance, it would limit our flexibility to assist countries whose national security is important to us but which are not themselves able to bear the full cost of their own defense. In the case of advisory groups, termination of missions by legislative fiat would impair close and long-standing military relationships with important allies. Moreover, such termination is inconsistent with increasing Congressional demands for the kind of information about and control over arms sales which these groups now provide. Such provisions would insert Congress deeply into the details of specific country programs, a role which Congress has neither the information nor the organizational structure to play.

* * * * *

I particularly regret that, notwithstanding the spirit of genuine cooperation between the Legislative and Executive Branches that has characterized the deliberations on this legislation, we have been unable to overcome the major policy differences that exist.

In disapproving this bill, I act as any President would, and must, to retain the ability to function as the foreign policy leader and spokesman of the Nation. In world affairs today, America can have only one foreign policy. Moreover, that foreign policy must be certain, clear and consistent. Foreign governments must know that they can treat with the President on foreign policy matters, and that when he speaks within his authority, they can rely upon his words.

Accordingly, I must veto the bill.

GERALD R. FORD

THE WHITE HOUSE,

May 7, 1976.

#

REPUBLICAN WHIP—ROBERT H. MICHEL

Date: 7 May 1976

94th Congress
Tally Sheet

Question: Will you support the President's veto of the International

Security Assistance Act? (S. 2662)
Western and Plains (Talcott)

Midwestern States (Myers)

	Yes	No	Und.	N/R		Yes	No	Und.	N/R
California					Indiana				
Bell	/		/		Hillis	/			
Burgener	/				Myers	/			
Clausen	/				Iowa				
Clawson	/				Grassley	/			
Goldwater	/				Michigan				
Hinshaw	/				Broomfield	/			
Ketchum	/				Brown	/			
Lagomarsino (ARW)	/				Cederberg	/			
McCloskey	/	/			Esch	/			/
Moorhead	/				Hutchinson	/			
Rousselot	/				Ruppe	/			/
Talcott	/				Vander Jagt	/			/
Wiggins	/				Minnesota				
Wilson	/				Frenzel (ARW)	/	/		
Pettis	/				Hagedorn	/			/
Alaska					Quie	/			/
Young	/				Wisconsin				
Arizona					Kasten	/			/
Conlan <i>probably</i>	/				Steiger	/			/
Rhodes	/				Ohio				
Steiger	/				Ashbrook	/			
Colorado					Brown (ARW)	/			
Armstrong (ARW)	/				Clancy	/			/
Johnson	/				Devine	/			/
Idaho					Gradison	/			
Hansen	/				Guyer	/			/
Symms	/				Harsha	/			/
New Mexico					Kindness	/			/
Lujan	/				Latta	/			
Washington					Miller	/			
Pritchard <i>probably</i>	/				Mosher	/			
Kansas					Regula	/			
Sebelius	/				Stanton	/			
Shriver	/				Whalen	/	/		
Skubitz	/				Wylie	/			
Winn	/				Illinois				
Nebraska					Anderson	/			
McCollister <i>O/T</i>	/				Crane	/			/
Smith	/				Derwinski	/			
Thone (ARW)	/				Erlenborn	/			
North Dakota					Findley (ARW)	/			/
Andrews	/				Hyde	/			/
Oklahoma					Madigan	/			/
Jarman	/				McClory	/			/
South Dakota					Michel	/			/
Abdnor	/				O'Brien	/			/
Pressler	/				Railsback	/			/
Total	23	2	3	8	Total	23	2	8	8
Total pages 1 and 2	74	8	34	29					

Date:
Question:

Border and Southern (Young)					New England and Mid-Atlantic (McDade)				
	Yes	No	Und.	N/R		Yes	No	Und.	N/R
<i>Maryland</i>					<i>Connecticut</i>				
Gude	/		/		McKinney			/	
Holt	/				Sarasin			/	
Bauman	/				<i>Delaware</i>				
<i>Missouri</i>					duPont			/	
Taylor (ARW)	/				<i>Maine</i>				
<i>Kentucky</i>					Cohen			/	
Carter	/				Emery <i>leaning yes</i>			/	
Snyder	/		/		<i>Massachusetts</i>				
<i>Tennessee</i>					Conte (ARW)			/	
Beard				/	Heckler			/	
Duncan	/				<i>New Hampshire</i>				
Quillen	/				Cleveland	/			
<i>Florida</i>					<i>New Jersey</i>				
Bafalis	/		/		Fenwick			/	
Burke	/		/		Forsythe			/	
Frey	/				Rinaldo			/	
Kelly	/				<i>Vermont</i>				
Young	/				Jeffords			/	
<i>North Carolina</i>					<i>New York</i>				
Broyhill	/		/		Conable	/			
Martin	/		/		Fish			/	
<i>South Carolina</i>					Gilman			/	
Spence	/		/		 				
<i>Virginia</i>					Horton			/	
Butler	/		/		Kemp	/			
Daniel	/		/		Lent <i>leaning no</i>			/	
Robinson	/		/		McEwen			/	
Wampler	/		/		Mitchell (ARW)			/	
Whitehurst (ARW)	/		/		Peysner			/	
<i>Alabama</i>					Walsh			/	
Buchanan	/		/		Wydler			/	
Dickinson (ARW)	/		/		<i>Pennsylvania</i>				
Edwards	/		/		Biester			/	
<i>Arkansas</i>					Coughlin			/	
Hammerschmidt	/		/		Eshleman			/	
<i>Louisiana</i>					Goodling <i>O/T-ques</i>	/			
Moore	/		/		Heinz			/	
Treen	/		/		Johnson (ARW)	/			
<i>Mississippi</i>					McDade <i>leaning no</i>			/	
Cochran	/		/		Myers			/	
Lott	/		/		Schneebeli	/			
<i>Texas</i>					Schulze			/	
Archer	/		/		Shuster			/	
Collins	/		/						
Steelman	/		/						
Paul	/		/						
Total	22	1	10	1	Total	6	3	13	12



OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
UPON VETOING
S. 2662

THE CABINET ROOM

11:24 A.M. EDT

I am returning herewith without my approval S. 2662, which authorizes foreign aid for the fiscal year because the bill would seriously obstruct the exercise of the President's constitutional responsibilities for the conduct of foreign affairs.

In addition to raising fundamental constitutional problems, this bill includes a number of unwise restrictions that would seriously inhibit my ability to implement a coherent and consistent foreign policy. While I encourage increased Congressional involvement in the formulation of foreign policy, the pattern of unprecedented restrictions contained in this bill requires that I reject such Congressional encroachment on the Executive Branch's constitutional authority to implement that policy.

Thank you very much.

END (AT 11:25 A.M. EDT)

THE WHITE HOUSE

WASHINGTON

May 19, 1976

Dear Chairman Morgan:

I am writing to express my strong opposition to Section 413 of H. R. 13680, limiting PL-480 and security assistance to the Republic of Korea.

This provision would impose a \$175 million ceiling on PL-480, Title I Assistance to Korea, for the period July 1, 1975 - September 30, 1977. This restriction, if Congress accepted it, would cut FY 1977 PL-480 Title I Assistance by 72 percent or \$104 million. Although Korea has made great progress in achieving self-sufficiency in food grains, it still must import in 1976 about 2.6 million metric tons of grain at a cost of about \$650 million. A cut in U. S. food assistance would seriously restrict Korea's economic growth potential and also its ability to finance its military self-sufficiency effort.


Korea is a major market for American farm products, with purchases in 1975 totaling \$880 million. These purchases include rice and significant amounts of American wheat, cotton, and corn. A drastic cut in PL-480 could also penalize American farmers who depend on a stable market for their crops.

Section 413 would also cut 40 percent, or \$200 million, from the Administration's FY 76-77 request of \$486.8 million for security assistance for Korea. We carefully designed our security assistance request to provide a framework in which we would terminate grant material assistance for Korea after FY 76 and substitute defense-guaranteed loans in future years. The funding levels in Section 413 seriously jeopardize this program and would preclude completion in FY 77 of our joint modernization program for the Republic of Korea. Major procurement programs, including acquisition of F-5E and F-4E aircraft and harpoon missiles, will also be seriously hindered. This equipment is essential for the Republic of Korea to maintain a military balance with the North. Consequently, Section 413 will not only undermine our efforts to support the Korean Government in achieving military self-sufficiency in the foreseeable future, but will also contribute to instability on the Korean Peninsula.

The U. S. has a strong national interest in preserving peace in Northeast Asia. The maintenance of a military balance on the Korean Peninsula and the achievement of South Korean self-sufficiency are essential elements in this policy.

I strongly urge the House of Representatives to strike Section 413 of H. R. 13680 and authorize assistance for Korea at the levels of my budget request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald R. Ford". The signature is written in a cursive, slightly slanted style.

The Honorable Thomas E. Morgan
Chairman
International Relations Committee
House of Representatives
Washington, D. C. 20515

May 18, 1976

MEMORANDUM

TO: Honorable Clement J. Zablocki
Honorable Paul Findley
Honorable Lester L. Wolff

FROM: Honorable Edward J. Derwinski

SUBJECT: Knocking Out the Fraser Amendment on Korea - H.R. 13680

The attached four amendments are designed to knock out Section 413 of H.R. 13680 - the Fraser Amendment - and to give the Congress something to vote for, i.e., an expression of concern and or request that the President communicate that concern to Korea.

The amendments are:

1. Derwinski amendment to delete from the bill the military aid limitation put in by Section 413.
2. Zablocki amendment to the amendment to delete from the bill the restriction on PL 480 in Section 413.
3. Findley substitute, knocking out the entire Section 413 and inserting in lieu thereof language directing President to communicate to Korean Government congressional concern over erosion of important civil liberties in Korea.
4. Wolff amendment to the substitute, requiring the President to communicate the concern within 60 days.

-Continued-



The simplicity of this approach is that --

- it would preempt the four options at the start;
- it would require only AYE votes on all four proposals; and
- it would provide two different roads to the elimination of Section 413, the Fraser amendment

The problem with a single amendment is that Fraser could step in and offer an amendment to the Derwinski amendment, making the military aid a separate issue: this would put him in the driver's seat.

The first vote would occur on the amendment to the amendment (No. 2) -- to eliminate the restriction on PL 480. If this is adopted, then the Derwinski amendment would be perfected to knock out all of Section 413, the entire Fraser amendment.

The second vote would occur on the amendment to the substitute -- a rather innocuous proposal. If this is adopted, the Findley substitute would then be ready - it would knock out the Fraser amendment and substitute expression of congressional concern over human rights violations in Korea and direct President to communicate it to ROK Government within 60 days.

The third vote would then occur on the Findley substitute: if adopted, it would achieve the desired objective; if defeated, it would leave the issue to be resolved in the final vote on the amended Derwinski amendment.

The final vote would be on the amended Derwinski amendment -- whether in the original form (Nos. 1 and 2), or as amended by the substitute.



DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D. C. 20523

ASSISTANT
ADMINISTRATOR

May 16, 1976

MAY 17 1976

MEMORANDUM

TO : Mr. Charles Leppert, White House
Mr. Kempton Jenkins, State
Mr. Don Floyd, DOD
Mr. Tom Kay, USDA
Mrs. Jean Lewis, AID

FROM : AA/LEG/AID, Denis M. Neill *Denis*

SUBJECT: Amendment to Delete Section 413 from H.R. 13680

This memorandum follows our May 14 meeting. Attached are the assignments we agreed upon to support an amendment to delete section 413 (the Fraser Korea Amendment) from H.R. 13680. An "r" indicates a rice district, a "w" a wheat district, and a "ww" a wheat district with exports to Korea.

We are seeking support for a combined amendment, to delete the limit on security assistance as well as P.L. 480. Members should be discouraged from trying to separate the issues. The principal sponsor will probably be Ed Derwinski, and the principal cosponsor (on P.L. 480) will be Tom Foley. While we cannot say that this provision would cause a veto, we can say that we expect the President to be very upset if the provision stays in the bill.

H.R. 13680 will probably be on the House floor Wednesday, or perhaps Thursday. We need to have a very firm vote count by Wednesday morning, as a loss on this amendment seriously impairs our Conference position.

Also attached is a copy of section 413 and our Executive Branch position paper supporting the amendment to delete section 413. This paper may be distributed to members, and it will be given to the wheat associations and the Rice Millers Association. Extra copies are enclosed.

Attachments - a/s

Rice Districts (28)

Alexander
Archer
Boggs
Bowen
BreauX
Brooks
Cochran
Hammerschmidt
Hebert
Johnson, Harold

Ketchum
Krebs
Leggett
Long, Gillis
Lott
McFall
Mills
Montgomery
Moore

Passman
Pickle
Sisk
Thornton
Treen
Waggoner
Whitten
Wilson, Chas. (Tex.)
Young, John

Wheat Districts (31)

Abdnor
Albert
Andrews, Mark
Armstrong
AuCoin*
Baucus
Bergland
Burleson
de la Garza
Duncan, Robert*
English
Evans, Frank
Foley*

Hagedorn
Hansen*
Hightower
Jarman
Johnson, Jim
Jones, James
Keys
McCollister
McCormack*
Mahon
Melcher
Nolan
Poage

Pressler
Risenhoover
Roncalio
Sebelius
Shriver
Skubitz
Smith, Virginia
Symms*
Thone
Ullman*
Weaver*
Winn
Wirth

* Wheat districts with Korea exports.

H.R. 13680
Amendment to Delete Section 413
White House Assignments

Albert-w
Anderson, John
Burton, John
Cederberg
Conable
Devine
Edwards, Jack
Erlenborn
Esch
Frey
Haley
Hutchinson
Jones, James-w
Latta
McCollister-w
Mahon-w
Michel
Quie
Quillen
Rhodes
Rogers
Waggonner-r
Wiggins

H.R. 13680
Amendment to Delete Section 413
State Department Assignments

Adams	Harrington	Scheuer
Ambro	Harris	Sharp
Anderson, Glenn	Harsha	Slack
Ashley	Hawkins	Smith, Neal
Bauman	Hays	Spellman
Beard, Ed	Heinz	Stark
Biester	Holt	Stokes
Bingham	Hughes	Studds
Boland	Jacobs	Taylor, Roy
Bolling	Jordan	Thompson
Brademas	Kasten	Tsongas
Brodhead	Keys-w	Udall
Broomfield	La Falce	Van Deerlin
Buchanan	Lagomarsino	Vanik
Burgener	Lent	Walsh
Burke, Yvonne	McCloskey	Whalen
Burton, John	McDade	Wilson, Bob
Carney	McHugh	Wolff
Chisholm	McKinney	Yatron
Clay	Macdonald	Young, Andrew
Cohen	Metcalfe	
Collins, Cardiss	Meyner	
Conlan	Mezvinsky	
Conyers	Mikva	
Danielson	Minish	
Delaney	Mitchell, Don	
Dellums	Mitchell, Parren	
Derwinski	Moffett	
Drinan	Moorhead, Wm.	
Du Pont	Moss	
Eckhardt	Murphy, John	
Emery	Murphy, Morgan	
Fary	Nix	
Fenwick	Obey	
Fisher	O'Neill	
Ford, Harold	Ottinger	
Gilman	Patterson, Jerry	
Ginn	Rangel	
Goldwater	Reuss	
Goodling	Riegle	
Gradison	Roe	
Green	Rosenthal	
Gude	Rostenkowski	
Guyer	Roybal	
Hamilton	Ryan	
Hannaford	Sarbanes	

H.R. 13680
Amendment to Delete Section 413
DOD Assignments

Addabbo	Montgomery-r
Ashbrook	Moorhead, Carlos
Aspin	Murtha
Beard, Robin	Myers, Gary
Bennett	Neal
Brown, Clarence	Nedzi
Clancy	Nichols
Clausen, Don	O'Hara
Clawson, Del	Pike
Cleveland	Price
Crane	Randall
Daniel, Dan	Regula
Daniel, Robert	Rousselot
Daniels, Dominick	Runnels
Dickinson	Ruppe
Downey	Santini
Downing	Satterfield
Eshleman	Schneebeli
Evins	Schroeder
Flowers	Schulze
Flynt	Seiberling
Fuqua	Sikes
Gibbons	Staggers
Gonzalez	Stanton, J. Wm.
Hebert-r	Stanton, James
Heckler, Margaret	Steelman
Hicks	Steiger, Sam
Howe	Stratton
Hyde	Taylor, Gene
Ichord	Vander Jagt
Karth	Vander Veen
Kazen	Whitehurst
Kemp	Wilson, Chas. H. (Cal.)
Ketchum-r	Wylie
Kindness	Young, Bill
Krueger	Young, Don
McClory	
McDonald	
McEwen	
McKay	
Madden	
Mann	
Mazzoli	
Milford	
Miller, Clarence	
Mollohan	

H.R. 13680
Amendment to Delete Section 413
USDA Assignments

Abdnor-w	Jones, Walter	Treen-r
Alexander-r	Kelly	Ullman-ww
Andrews, Ike	Landrum	Vigorito
Andrews, Mark-w	Litton	Wampler
Archer-r	Long, Gillis-r	White
Armstrong-w	Lott-r	Whitten-r
AuCoin-ww	Lujan	Wright
Bafalis	McCormack-ww	Young, John-r
Baucus-w	McFall-r	
Bergland-w	Martin	
Boggs-r	Meeds	
Bowen-r	Melcher	
Breckenridge	Mills-r	
Brinkley	Moore-r	
Brown, Gary	Myers, John	
Broyhill	Natcher	
Burleson, Omar-w	Nolan-w	
Butler	O'Brien	
Carter	Pepper	
Cochran-r	Perkins	
Collins, James	Peyser	
D'Amours	Pickle-r	
de la Garza-w	Poage-w	
Derrick	Pressler-w	
Diggs	Pritchard	
Dingell	Risenhoover-w	
Duncan, Robert-ww	Roberts	
Evans, David	Robinson	
Fithian	Rose	
Frenzel	Sebelius-w	
Grassley	Shuster	
Hagedorn-w	Simon	
Hall	Sisk-r	
Hammerschmidt-r	Skubitz-w	
Harkin	Smith, Virginia-w	
Hefner	Snyder	
Henderson	Spence	
Hightower-w	Steed	
Holland	Steiger, Wm.	
Hubbard	Stuckey	
Jarman-w	Symms-ww	
Johnson, Albert	Talcott	
Johnson, Jim-w	Teague	
Jones, Ed	Thone-w	
Jones, Robert	Thornton-r	

H.R. 13680
Amendment to Delete Section 413
A.I.D. Assignments

Abzug	Hanley	Russo
Allen	Hansen-ww	St. Germain
Annunzio	Hayes	Sarasin
Badillo	Hechler, Ken	Shipley-w
Baldus	Helstoski	Shriver-w
Bedell	Hillis	Solarz
Bell	Holtzman	Stephens
Bevill	Horton	Sullivan
Biaggi	Howard	Symington
Blanchard	Hungate	Traxler
Blouin	Jeffords	Waxman
Bonker	Jenrette	Weaver-ww
Breaux-r	Johnson, Harold-r	Wilson, Chas.(Tex.)-r
Brooks-r	Kastenmeier	Winn-w
Brown, George	Koch	Wirth-w
Burke, Herbert	Krebs-r	Wylder
Burke, James	Leggett-r	Yates
Burlison, Bill	Lehman	Zablocki
Byron	Levitas	Zeferetti
Carr	Lloyd, Jim	
Conte	Lloyd, Marilyn	
Corman	Long, Clarence	
Cornell	Lundine	
Cotter	Mathis	
Coughlin	Matsunaga	
Davis	Miller, George	
Dent	Mineta	
Dodd	Mink	
Duncan, John	Moakley	
Early	Morgan	
Edgar	Mosher	
Edwards, Don	Mottl	
Eilberg	Nowak	
English-w	Oberstar	
Evans, Frank-w	Passman-r	
Fascell	Patten	
Findley	Pattison, Ned	
Fish	Pettis	
Flood	Preyer	
Florio	Railsback	
Foley-ww	Rees	
Ford, Wm.	Richmond	
Forsythe	Rinaldo	
Fountain	Rodino	
Fraser	Roncalio-w	
Gaydos	Rooney	
Giaimo	Roush	

1 duction of United States Armed Forces assigned to duty
2 in the Republic of Korea, in coordination with the time-
3 table of the Republic of Korea for military self-sufficiency.”.

4 LIMITATION ON ASSISTANCE FOR THE REPUBLIC OF KOREA

5 SEC. 413. (a) (1) The aggregate amount of—

6 (A) funds obligated or reserved for military assist-
7 ance, including supply operations, under chapter 2 of
8 part II of the Foreign Assistance Act of 1961;

9 (B) funds obligated or reserved for military educa-
10 tion and training under chapter 5 of part II of the For-
11 eign Assistance Act of 1961;

12 (C) the acquisition cost of excess defense articles,
13 if any, ordered under part II of the Foreign Assistance
14 Act of 1961 and not charged against appropriations for
15 military assistance;

16 (D) the value of defense articles and services
17 ordered under section 506 (a) of the Foreign Assist-
18 ance Act of 1961;

19 (E) credits, including participations in credits, ex-
20 tended under section 23 of the Arms Export Control
21 Act; and

22 (F) the principal amount of loans guaranteed under
23 section 24 (a) of the Arms Export Control Act;

24 for the Republic of Korea may not exceed \$290,000,000

1 during the period beginning July 1, 1975, and ending Sep-
2 tember 30, 1977.

3 (2) The provisions of this subsection may not be waived
4 under the authority of any other provision of law.

5 (b) The aggregate dollar amount of agreements entered
6 into under title I of the Agricultural Trade Development
7 and Assistance Act of 1954 for the sale of agricultural com-
8 modities to the Republic of Korea may not exceed \$175,-
9 000,000 during the period beginning July 1, 1975, and
10 ending September 30, 1977.

11 REPEAL OF INDOCHINA ASSISTANCE

12 SEC. 414. (a) Part V of the Foreign Assistance Act of
13 1961 and sections 34, 35, 36, 37, 38, 39, and 40 of the
14 Foreign Assistance Act of 1974 are repealed. All determina-
15 tions, authorizations, regulations, orders, contracts, agree-
16 ments, and other actions issued, undertaken, or entered into
17 under authority of any provision of law repealed by this
18 section shall continue in full force and effect until modified,
19 revoked, or superseded by appropriate authority.

20 (b) Subject to the availability of appropriations there-
21 for, the President is authorized to adopt as a contract of
22 the United States Government, and assume any liabilities
23 arising thereunder (in whole or in part), any contract
24 which had been funded or approved for funding by the

Executive Branch Position Paper

AMENDMENT TO DELETE SECTION 413 FROM H.R. 13680

LIMITING P.L. 480 AND SECURITY ASSISTANCE TO KOREA

Description of Section 413

Section 413, an amendment adopted in the House International Relations Committee, would impose a \$175 million ceiling on P.L. 480 Title I assistance to Korea for the period July 1, 1975 - September 30, 1977, and would place an overall ceiling of \$290 million on grant military assistance, military training, and FMS credit sales for the same period.

Executive Branch Position

The Executive Branch strongly supports an amendment to delete section 413 from H.R. 13680.

Discussion:

Impact: P.L. 480

-- Section 413 would cut our FY 1977 P.L. 480 Title I assistance by 72% (\$104 million).

-- Although Korea has made great progress in achieving self-sufficiency in food grains, in 1976 it still must import about 2.6 million metric tons of grain at a cost of about \$650 million.

-- Korea is a major American export market. In 1975 Korea was the world's fifth largest importer of U.S. farm products, with purchases totaling \$880 million - including 1,700,000 tons of wheat, 600,000 tons of corn, 322,000 tons of rice and 923,000 bales of cotton on commercial terms.

-- The P.L. 480 Title I program is in large part responsible for development of this growing commercial market. Were the P.L. 480 program to be substantially reduced, the Koreans might turn for their commercial purchases to other sometimes cheaper outlets for wheat, rice, cotton, and corn--in Canada, Australia, Thailand, and other countries.

-- Korea needs concessional sales because it still faces a substantial balance of payments deficit in 1976 -- approximately \$1.5 billion.

(over)

-- U.S. food assistance is thus a significant contribution to Korea's economic viability, which is essential to maintenance of stability on the peninsula.

-- Moreover, P.L. 480 assistance is provided to Korea in fulfillment of an understanding made in 1971 in connection with Korean acceptance of restraints on their textile exports to the United States.

Impact: Security Assistance

-- Section 413 would cut 40% (\$200 million) from the Administration's FY 76-77 request of \$485.8 million for Security Assistance for Korea.

-- The severe cuts in funding levels in Section 413 will preclude completion of our modernization plan goals for FY 1977 and will cause a further stretch-out of the plan into FY 1978.

-- The Administration request was carefully considered to provide the framework under which grant materiel assistance for Korea would be terminated after FY 1976, substituting Defense guaranteed loans in future years. The funding levels in Section 413 are so low that they seriously jeopardize this program.

-- The funding levels in Section 413 would seriously obstruct our efforts to support the Korean Government in achieving military self-sufficiency in the foreseeable future.

-- Major procurement programs would be seriously affected by the Section 413 ceiling (e.g., F5E, F4E aircraft and Harpoon missiles). This equipment is essential for the Republic of Korea to achieve a military balance with North Korea.

-- This military balance is an essential element of U.S. policy for maintaining stability in North East Asia.

-- The net effect of Section 413 would be to stretch out our current programs and to delay significantly the time when Korea could reach military self-sufficiency, and we could consider reduction of American forces in Korea.

Executive Branch Position Paper

AMENDMENT TO DELETE SECTION 413 FROM H.R. 13680

LIMITING P.L. 480 AND SECURITY ASSISTANCE TO KOREA

Description of Section 413

Section 413, an amendment adopted in the House International Relations Committee, would impose a \$175 million ceiling on P.L. 480 Title I assistance to Korea for the period July 1, 1975 - September 30, 1977, and would place an overall ceiling of \$290 million on grant military assistance, military training, and FMS credit sales for the same period.

Executive Branch Position

The Executive Branch strongly supports an amendment to delete section 413 from H.R. 13680.

Discussion:

Impact: P.L. 480

-- Section 413 would cut our FY 1977 P.L. 480 Title I assistance by 72% (\$104 million).

-- Although Korea has made great progress in achieving self-sufficiency in food grains, in 1976 it still must import about 2.6 million metric tons of grain at a cost of about \$650 million.

-- Korea is a major American export market. In 1975 Korea was the world's fifth largest importer of U.S. farm products, with purchases totaling \$880 million - including 1,700,000 tons of wheat, 600,000 tons of corn, 322,000 tons of rice and 923,000 bales of cotton on commercial terms.

-- The P.L. 480 Title I program is in large part responsible for development of this growing commercial market. Were the P.L. 480 program to be substantially reduced, the Koreans might turn for their commercial purchases to other sometimes cheaper outlets for wheat, rice, cotton, and corn--in Canada, Australia, Thailand, and other countries.

-- Korea needs concessional sales because it still faces a substantial balance of payments deficit in 1976 -- approximately \$1.5 billion.

(over)

-- U.S. food assistance is thus a significant contribution to Korea's economic viability, which is essential to maintenance of stability on the peninsula.

-- Moreover, P.L. 480 assistance is provided to Korea in fulfillment of an understanding made in 1971 in connection with Korean acceptance of restraints on their textile exports to the United States.

Impact: Security Assistance

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MEMORANDUM

NATIONAL SECURITY COUNCIL

June 7, 1976

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MEMORANDUM FOR: MAX FRIEDERSDORF
FROM: LES JANKA
SUBJECT: Guidance for Rep. Derwinski on
Security Assistance Legislation

When the conference committee meets, the Administration will seek support for the following positions with respect to the objectionable provisions remaining in the House and Senate bills:

1. Human Rights

We oppose all provisions for termination of assistance on human rights grounds. Delete provision for a statutory office. Use veto threat against the House version (concurrent resolution). Accept the Senate version (joint resolution) if necessary.

2. \$9.0 Billion Arms Sales Ceiling

No compromise. Support Senate version deleting any ceiling provision.

3. Symington Amendment on Nuclear Transfers

Delete Symington Amendment.

4. Discriminatory Visa Practices

Strongly oppose Senate version; we can accept House version.

5. Concurrent Resolutions - Review of Military Sales

Strongly oppose any expansion of existing Congressional review procedures. Accept, if necessary, House provision which extends review only to FMS sales over \$7 million.

6. Military and Economic Assistance to Chile

Strongly oppose both House and Senate limits on military sales; accept House version, if necessary. The economic assistance ceiling on Chile in the House bill must be removed.

7. MAP-MAAG Termination

Administration opposes termination provisions in both House and Senate bills; at a minimum, we insist on Conference Report language supporting presumption of future authorizations.

8. Greece-Turkey Assistance

Strongly oppose House provisions; support Senate approach of providing funding through the formal base agreements.

In addition to the above major provisions, the Administration will also insist on a restoration of the Senate cut in Defense stockpiles and restoration of the deep Senate cuts in MAP, particularly for Jordan.

cc: Bob Wolthuis
Charlie Leppert
Bill Kendall

JULY 1, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have signed into law H.R. 13680, the International Security Assistance and Arms Export Control Act of 1976. This measure authorizes appropriations to carry out security assistance and other programs in the fiscal years 1976 and 1977, and makes extensive changes in the methods, organization, and procedures through which those programs are carried out.

On May 7, 1976, I returned to the Congress without my approval S. 2662, the predecessor of the bill which I am signing today. I did so because that bill contained numerous provisions which would have seriously undermined the constitutional responsibility of the President for the conduct of the foreign affairs of the United States. That bill embodied a variety of restrictions that would have seriously inhibited my ability to implement a coherent and consistent foreign policy, and some which raised fundamental constitutional difficulties as well.

The present bill, H.R. 13680, imposes new requirements, restrictions and limitations on the implementation of security assistance programs. Many of these new requirements are based on Congressional desires to increase the flow of information regarding the scope and direction of security assistance programs worldwide. Others impose new substantive restrictions reflecting new policies, or policies not heretofore expressed in law.

Most of the unacceptable features of the earlier bill have either been dropped from H.R. 13680 or have been modified into an acceptable form. I am pleased to note, for example, that this bill does not attempt to impose an arbitrary and unwieldy annual ceiling on the aggregate value of government and commercial arms sales, a ceiling which would have served to hinder, rather than foster, our efforts to seek multilateral restraints on the proliferation of conventional weaponry, and which could have prevented us from meeting the legitimate security needs of our allies and other friendly countries. In addition, the provisions on discrimination and on human rights in this bill go far toward recognizing that diplomatic efforts, rather than absolute statutory sanctions, are the most effective way in which this country can seek further progress abroad in these areas of deep concern to all Americans, and that the Executive Branch must have adequate flexibility to make these efforts bear fruit.

I am especially pleased to note that with one exception the constitutionally objectionable features of S. 2662, whereby authority conferred on the President by law could be rescinded by the adoption of a concurrent resolution by the Congress, have all been deleted from H.R. 13680. The manifest incompatibility of such provisions with the express requirements of the Constitution that legislative measures having the force and effect of

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law be presented to the President for approval and, if disapproved, be passed by the requisite two-thirds majority of both Houses was perhaps the single most serious defect of the previous bill, and one which went well beyond security assistance and foreign affairs in its implications. Moreover, such provisions would have purported to involve the Congress in the performance of day-to-day Executive functions in derogation of the principle of separation of powers, resulting in the erosion of the fundamental constitutional distinction between the role of the Congress in enacting legislation and the role of the Executive in carrying it out.

The one exception to this laudable action is the retention in H.R. 13680 of the "legislative veto" provision regarding major governmental sales of military equipment and services. This is not a new provision, but has been in the law since 1974. To date no concurrent resolution of disapproval under section 36(b) has been adopted, and the constitutional question has not been raised directly. Although I am accepting H.R. 13680 with this provision included, I reserve my position on its constitutionality if the provision should ever become operative.

In my message of May 7 I expressed my serious concern that the termination of military assistance and military assistance advisory groups after fiscal year 1977 would result in a serious impact upon our relations with other nations whose security is important to our own security and who are not yet able to bear the entire burden of their defense requirements. That concern remains. H.R. 13680 retains language recognizing that it may be necessary and desirable to maintain military assistance programs and military assistance advisory groups in specific countries even after September 30, 1977. Accordingly, this bill will not deter the Executive Branch from seeking at the appropriate time the necessary authority for the continuation of such programs as the national interest of the United States may require.

H.R. 13680 will require that many changes be made in present practices and policies regarding the implementation of security assistance programs. Some of these new requirements I welcome as distinct improvements over existing law. There are others for which the desirability and need is less clear. Nevertheless, I shall endeavor to carry out the provisions of this bill in a manner which will give effect to the intent of the Congress in enacting them. As time goes by and experience is gained, both the Executive and the Congress will come to know which of the provisions of this bill will be effective and workable, and which others require modification or repeal.

This bill recognizes that security assistance has been and remains a most important instrument of United States foreign policy. My approval of H.R. 13680 will enable us to go forward with important programs in the Middle East, in Africa, and elsewhere in the world aimed at achieving our goal of international peace and stability.

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