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15 November 1971

MEMORANDUM FOR THE RECORD

SUBJECT: Agency Position on S. 2819 - Special Foreign Military and Related Assistance Act of 1971

1. Background: On 11 November the Senate passed S. 2819, the Special Foreign Military and Related Assistance Act of 1971, in the aftermath of its rejection of an earlier attempt to authorize foreign assistance in H. R. 9910. (Informally, we had made known to Senator Stennis our position on a number of troublesome provisions in H. R. 9910 and he was instrumental in resolving a number, but not all, of the problems. The unresolved problems are carried over into S. 2819.)

2. Meeting: This date Mr. Maury convened a meeting to identify problem areas in S. 2819 and initiate such action, on a low-profile basis, as may be required. Attending were: OLC, Messrs. Maury, [redacted] and [redacted] OGC, Mr. Houston; FE Division, Messrs. [redacted] and [redacted] OPPB, Mr. Briggs.

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3. Position: The following positions were agreed to in connection with S. 2819:

(a) New SEC. 513. Limitations on Availability of Funds for Military Operations. Strike "Laos" from the new section.

(b) New SEC. 655. Limitations Upon Assistance To or For Cambodia.

(1) First Option. Amend the provision to limit the application of the dollar ceiling and the authorization and reporting requirements to assistance programs only.

(2) Second Option. Get legislative history in the House committee report, in the debate on the floor of the House, or in the conference committee report to the effect that the ceiling authorization and reporting requirements apply only to assistance programs (similar to what was done with respect

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to the Symington amendment covering Laos in the conference report on the Military Procurement Authorization Act (House Report 92-618), page 24, Section 505).

(c) New SEC. 656. Limitations on United States Personnel and Personnel Assisted by United States in Cambodia. Amend the provision to limit the application of the personnel ceiling for non-Cambodian foreign nationals to those who act as advisers to or perform technical services for Cambodia.

(d) SEC. 11(2). Expanding reporting requirements to the Congress on defense articles furnished to free world forces in Vietnam or local forces in Laos or Thailand. Amend the provision to limit its application to funds authorized under the Special Foreign Military and Related Assistance Act of 1971 and the Foreign Military Sales Act.

In rank order of importance, it was agreed that the paramount problem involved new section 513, followed by new section 655, but that neither new section 656 nor 11(2) presented problems of sufficient magnitude justifying anyone going to the mat for us on them.

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4. Action: Mr. Maury has already discussed the aforementioned problems with Clark MacGregor, Counsel to the President for Congressional Relations, who is sympathetic with our position and has committed himself to taking action on them on our behalf. Mr. Maury indicated that he did not want to cross wires with the White House, but suggested a minimum effort at this juncture of having [REDACTED] meet with their counterparts in State to make sure that State is completely read in on our problems and proposed solutions so that State can take supportive action with the House Foreign Affairs Committee when the opportunity presents itself, and this was agreed to.

5. Attachment. The attachment sets forth the specific language changes in S. 2819 supporting the Agency's position as outlined above.

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Assistant Legislative Counsel

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