The original documents are located in Box 48, folder "6/30/76 HR12203 Foreign Assistance and Related Programs Appropriation Act 1976 (1)" of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

ACTION

WASHINGTON June 30, 1976

MEMORANDUM FOR

SUBJECT:

THE PRESIDENT

JIM CANNO

H.R. 12203 - Foreign Assistance and Related Programs Appropriation Act, 1976

TOARCHIUSS 7/1/76

Attached for your consideration is H.R. 12203, the Foreign Assistance and Related Programs Appropriation Act, 1976. The bill provides appropriations of \$5,455 million for FY 76 and \$764 million for the transition quarter. The bill represents a decrease of \$674 million for FY 76 and an increase of \$274 million for the transition quarter.

A detailed explanation of the provisions of the enrolled bill is provided in Jim Lynn's memorandum at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Buchen), NSC, Bill Seidman and I recommend approval of the enrolled bill and the proposed signing statement which has been cleared by the White House Editorial Office (Smith).

RECOMMENDATION

That you sign H.R. 12203 at Tab B.

That you approve the signing statement at Tab C.

Disapprove ____

THE WHITE HOUSE WASHINGTON

Bob Linder:

Arthur Houghton of NSC asked that he be advised when President has signed H.R. 13680 and 12203. If he is out, leave message Judy 6/30

alled his officer-1:45 p.m. - 6/30/76 No source.

Conf

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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 29 1976

ACTION

MEMORANDUM FOR:

THE PRESIDENT

FROM:

James 🍊. Lynr

SUBJECT:

Enrolled Bill H.R. 12203 - Foreign Assistance

and Related Programs Appropriation Act, 1976

Last Day for Action

July , 1976--It is important that you sign this bill as soon as possible before July 1 so that the agencies concerned will have time to obligate the remainder of the program including the \$650 million loan for Israel for which repayment will be forgiven.

Agency Recommendation

Office of Management and Budget

Approval (signing statement attached)

lget attached)

Affected Agencies

Approval (informally)

Discussion

This bill provides appropriations of \$5,455 million for fiscal year 1976, \$674 million less than requested. For the transition quarter \$764 million is appropriated, an increase of \$274 million. Tables showing congressional action by account are attached to this memorandum. In outlay terms, the effect of congressional action will be a decrease of about \$164 million over the 15-month period. However, because of the delays in passage of this bill, some \$900 million in outlays originally scheduled for fiscal year 1976 will occur in the transition quarter and fiscal year 1977. The net outlays impact of congressional action in fiscal year 1977 will be an increase of \$6 million.



Constitutional Problem

The bill contains the following provision:

"None of the funds made available under this act for ... [a list of 19 foreign aid accounts] shall be available for obligations for activities, programs, projects, type of material assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committee ... without the express approval of the Appropriations Committees of both Houses of the Congress."

The Executive Branch has for several years accepted language requiring "notification" of the Appropriations Committee prior to making program changes. However, the concept of "approval" has been resisted as an unconstitutional encroachment. Most recently you objected to this procedure in the signing statement concerning the Defense Procurement Authorization which contained a similar provision. We propose that you take the same position with respect to this language.

International Security Assistance

Grant military assistance for 1976 was reduced by \$170 million, requiring cuts in most country programs. As partial compensation, you transmitted a transition quarter supplemental request for \$34 million in the military assistance account on May 21, 1976. Moreover, you agreed to a compromise including additional amounts of foreign military sales credits and security supporting assistance for the Middle East recipients in the transition quarter. As a result, security assistance appropriations for the 15-month period (excluding the pending supplemental which is not expected to be approved) will total \$3,781 million, 98% of the request.

International Development Assistance

The bill reduces the funds requested for development assistance by \$249 million in 1976 and \$125 million in the transition quarter. Of the total reduction, \$130 million is from requested contributions to International Financial Institutions (IDA, the Asian Development Bank and the Inter-American Development Bank), \$38 million from voluntary contributions to the United Nations, the Organization of American States and the Indus Basin Development Fund, and a net of \$207 million from bilateral assistance programs. In addition, the bill establishes an appropriation account for AID operations expenses, whereas the request included operating funds in several program accounts.

Soviet Refugee Aid

The Congress has again initiated a special appropriation to assist refugees from the Soviet Union, but stipulated that 80% of the appropriation should aid refugees going to Israel.

Recommendation

That you sign the enrolled bill and accompanying statement.

Attachment

1976
Foreign Assistance and Related Programs
Appropriation Act
(in millions of dollars)

	Appropriation Request	Appropriation	Difference
International Security Assistance Grant Military Assistance Appropriations to Liquidate Contract	394.5	225.0	-169.5
Authority Military Training Grants	323.9 <u>1</u> / 30.0	275.0 23.0	-48.9 -7.0
Foreign Military Credit Sales Supporting Assistance	1,065.0 1,873.3	1,065.0 1,689.9	-183.4
Middle East Special Requirements Fund International Development Assistance	50.0	50.0	
Multilateral Assistance International Development Association	375.0	320.0	-55.0
Inter-American Development Bank Asian Development Bank	275.0 170.6	225.0 145.6	-50.0 -25.0
International Organization and Programs U.N. Environmental Fund Indus Basin Fund	189.5 7.5 32.5	175.2 7.5 19.0	-14.3 -13.5
Bilateral Assistance AID Functional Development Programs	1,007.0	691.2	-315.8
African Development Fund Retirement Fund Payments	16.7	5.0 16.7	+5.0
Disaster Relief American Schools and Hospitals Operating Expenses	45.0 20.0	70.0 19.8 194.6	+25.0 2 +194.6
Contingency Fund	<u>2</u> / 10.0	5.0	-5.0
Other Appropriations	00.0	00.0	
Peace Corps Cuban Refugee Aid Soviet Refugee Aid	80.8 85.0	80.8 85.0 15.0	 +15.0
Migration and Refugee Assistance Emergency Migration and Refugee Fund	10.1 25.0	9.0 5.0 <u>3</u> /	-20.0
International Narcotics Control	42.5	37.5	-5.0 -574.1
TOTALS	6,128.9	5,454.8	50/4.1

^{1/} Amount is needed to repay obligations incurred to supply military equipment to Cambodia during fiscal years 1974 and 1975 per Section 506, Foreign Assistance Act and Presidential determinations. A fiscal year 1977 budget amendment was sent to the Congress on May 13, 1976, to cover the amount cut by the Congress.

^{2/} Included in request for program accounts.
3/ In addition to \$10 million enacted in Second Supplemental Appropriation Act, 1976.

1976 Transition Quarter Foreign Assistance and Related Programs Appropriation Act (in millions of dollars)

	Appropriation Request	Appropriation	Difference
International Security Assistance Grant Military Assistance Military Training Grants Foreign Military Credit Sales Supporting Assistance Middle East Special Requirements Fund	27.2 <mark>2/</mark> 7.0 30.0 30.2 10.0	27.2 5.8 140.0 269.7 10.0	-1.2 +110.0 +239.5
International Development Assistance Multilateral Assistance International Organization and Program Indus Basin Fund Bilateral Assistance AID Functional Development Programs Disaster Relief American Schools & Hospitals Operating Expenses	s 19.2 4.5 286.3 10.0 2.5	16.3 2.2 165.8 15.0 2.4 55.5	-2.9 -2.3 -120.5 +5.0 1 +55.5
Contingency Fund	5.0	1.2	-3.8
Other Appropriations Peace Corps Cuban Refugee Aid Migration and Refugee Assistance International Narcotics Control	25.7 19.0 .8 	24.0 19.0 .7 	-1.7 1 -3.6
TOTALS	490.4	764.2	+273.8

 $[\]underline{1/}$ Excludes amount in budget amendment requested for the Treaty with Spain which was deferred without prejudice pending Congressional approval of the basic agreement.

Does not include pending \$34.7 million supplemental. Included in request for program accounts.



BRARL

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STATEMENT BY THE PRESIDENT

I have signed H.R. 12203, the Foreign Assistance and Related Programs Appropriation Act, 1976, and the period ending September 30, 1976. The bill appropriates funds for a variety of programs in support of U.S. foreign policy objectives, most importantly our pursuit of a peaceful solution to the problems of the Middle East.

Nevertheless, I have serious reservations regarding one element of the bill, and believe it is necessary to comment on why I have signed the bill notwithstanding my objections to it.

Title I of the bill contains a provision which conditions the availability of appropriated funds, in certain instances, upon the acquiescence of the Appropriations Committees of each House of Congress. This requirement violates the fundamental constitutional doctrine of separation of powers. While similar provisions have been included in congressional enactments, and have been found objectionable on these grounds, this particular requirement is especially onerous in that it intrudes upon the execution of programs in nineteen different appropriation categories.

Since I view this provision as severable from what is an otherwise valid exercise of legislative authority, and because it is presented for my signature in the last week of the fiscal year, I am not withholding my approval. We shall continue to work with the Appropriations Committees, as with all Committees of the Congress, in a spirit of cooperation. We shall continue to keep the Congress fully informed on a current basis on the execution of the laws. However, we shall not concur in a delegation of the powers of appropriation to two Committees of Congress.

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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 2 9 1976

ACTION

MEMORANDUM FOR:

THE PRESIDENT.

FROM:

James #. Lynn

SUBJECT:

Enrolled Bill H.R. 12203 - Foreign Assistance

and Related Programs Appropriation Act, 1976

Last Day for Action

July /o, 1976--It is important that you sign this bill as soon as possible before July 1 so that the agencies concerned will have time to obligate the remainder of the program including the \$650 million loan for Israel for which repayment will be forgiven.

Agency Recommendation

Office of Management and Budget

Approval (signing statement attached)

Affected Agencies

Approval (informally)

Discussion

This bill provides appropriations of \$5,455 million for fiscal year 1976, \$674 million less than requested. For the transition quarter \$764 million is appropriated, an increase of \$274 million. Tables showing congressional action by account are attached to this memorandum. In outlay terms, the effect of congressional action will be a decrease of about \$164 million over the 15-month period. However, because of the delays in passage of this bill, some \$900 million in outlays originally scheduled for fiscal year 1976 will occur in the transition quarter and fiscal year 1977. The net outlays impact of congressional action in fiscal year 1977 will be an increase of \$6 million.

Minety-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

Making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes namely: 1976, and for other purposes, namely:

TITLE I-FOREIGN ASSISTANCE ACT ACTIVITIES

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, and for other purposes, to remain available until June 30, 1976, and the period ending September 30, 1976, unless otherwise specified herein, as follows:

ECONOMIC ASSISTANCE

Food and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, \$426,600,000: Provided, That the amounts provided for loans to carry out the purposes of these paragraphs shall remain available until expended.

For "Food and nutrition, Development Assistance" for the period July 1, 1976, through September 30, 1976, \$112,500,000.

Population planning and health, Development Assistance: For necessary expenses to carry out the provisions of section 104, \$146,400,000: Provided, That not less than \$103,000,000 of such amount shall be available only for population planning: Provided further, That the amounts provided for loans to carry out the purposes of these paragraphs shall remain available until expended.

For "Population planning and health, Development Assistance" for the period July 1, 1976, through September 30, 1976, \$33,450,000.

Education and human resources development. Development Assistances

Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of section 105, \$60,800,000: Provided, That the amounts provided for loans to carry out the purposes of these paragraphs shall remain available until expended.

For "Education and human resources development, Development Assistance" for the period July 1, 1976, through September 30, 1976,

\$8,800,000.

Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance: For necessary expenses to carry out the provisions of section 106, \$57,400,000: Provided, That the amounts provided for loans to carry out the purposes of these paragraphs shall remain available until expended.



For "Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance" for the period July 1, 1976, through September 30, 1976, \$11,100,000.

Loan allocation, Development Assistance: Of the new obligational

authority appropriated under this Act to carry out the provisions of sections 103-106, not less than \$300,000,000 shall be available for loans for fiscal year 1976 and not less than \$75,000,000 shall be available for loans for the period July 1, 1976, through September 30, 1976.

International organizations and programs: For necessary expenses to carry out the provisions of section 301, \$175,250,000: Provided, That not more than \$20,000,000 shall be available for the United Nations Children's Fund: Provided further, That not less than \$1,000,000 shall be available until expended only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear fissile facilities and materials: *Provided* further, That none of the funds appropriated or made available pursuant to this Act shall be used to supplement the funds provided

to the United Nations Development Program in fiscal year 1975.

For "International organizations and programs" for the period July 1, 1976, through September 30, 1976, \$16,300,000.

United Nations Environment Fund: For necessary expenses to carry out the provisions of section 2 of the United Nations Environment Program Participation Act of 1973, \$7,500,000.

American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, \$19,800,000.

For "American schools and hospitals abroad" for the period July 1, 1976, through September 30, 1976, \$2,400,000.

American schools and hospitals abroad (special foreign currency program): For necessary expenses to carry out the provisions of section 214, \$7,000,000 in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United ment determines to be excess to the normal requirements of the United

States, to remain available until expended.

For "American schools and hospitals abroad (special foreign currency program)" for the period July 1, 1976, through September 30, 1976, \$1,750,000, in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United

States, to remain available until expended.

John McCormack Center, St. John's Medical College (special foreign currency program): For necessary expenses to carry out the purposes of Part I, as authorized by section 612(a), \$13,650,000 in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States: Provided, That such amount shall be available solely for the John W. McCormack Center, the Hospital of St. John's Medical College, Bangalore, India, and that of such amount not more than \$9,000,000 shall be available

for an endowment to assist needy patients at the Center.

Indus Basin Development Fund, grants: For necessary expenses to carry out the provisions of section 302(b) (2) with respect to Indus Basin Development Fund, grants, \$9,000,000: Provided, That no other funds appropriated or made available under this shall be used for the purposes of such section during the current fixed year.

the purposes of such section during the current fiscal year.
For "Indus Basin Development Fund, grants" for the period July 1,
1976, through September 30, 1976. \$2,250,000.
Indus Basin Development Fund, loans: For expenses authorized by section 302(b) (1) \$10,000,000, to remain available until expended: Provided, That no other funds appropriated or made available under this Act shall be used for the purposes of such section during the current fiscal year.



Contingency fund: For necessary expenses \$5,000,000, to be used for the purposes set forth in section 451.

For "Contingency fund" for the period July 1, 1976, through September 30, 1976, \$1,250,000.

International disaster assistance: For necessary expenses to carry out the provisions of section 495A, \$45,000,000: Provided, That of this amount \$25,000,000 shall be available only for Guatemala disaster relief assistance: Provided further, That the President shall submit quarterly reports to the Committee on Appropriations of the United quarterly reports to the Committee on Appropriations of the United States Senate and to the Committee on Appropriations of the House of Representatives on the programing and obligation of funds appropriated for International Disaster Assistance.

For "International disaster assistance" for the period July 1, 1976,

through September 30, 1976, \$5,000,000.

African development program: For necessary expenses to carry out the provisions of section 494B, \$5,000,000.

Cyprus relief and rehabilitation: For necessary expenses to carry

out the provisions of section 495, \$25,000,000.

For "Cyprus relief and rehabilitation" for the period July 1, 1976,

through September 30, 1976, \$5,000,000.
International narcotics control: For necessary expenses to carry

out the provisions of section 481, \$37,500,000.

For "International narcotics control" for the period July 1, 1976,

through September 30, 1976, \$9,375,000.

Payment to the Foreign Service Retirement and Disability Fund: For payment to the Foreign Service Retirement and Disability Fund: For payment to the "Foreign Service retirement and disability fund," as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 1105-1106), \$16,680,000.

Overseas training (Special foreign currency program): For necessary expenses to carry out the provisions of Section 612, \$200,000 in foreign currencies which the Treasury declares to be excess to the nor-

mal requirements of the United States.

Except for the Contingency Fund, unobligated balances as of June 30, 1975, and June 30, 1976, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available through September 30, 1976, for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the against appropriations heretotore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Economic Assistance," "Middle East Special Requirements Fund," "Security Supporting Assistance," "Operating Expenses of the Agency for International Development," "International Military Education and Training," and "Indochina Postwar Reconstruction Assistance," are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided*, That such purpose relates to a project or program previously justified to Congress, and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of

resentatives and the Senate are notined prior to the recongation of funds for such projects or programs.

None of the funds made available under this Act for "Food and nutrition, Development Assistance," "Population planning and health, Development Assistance," "Education and human resources development, Development Assistance," "Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance," "International organizations and programs,"

"United Nations Environment Fund," "American schools and hospitals abroad," "Indus Basin Development Fund," "International narcotics control," "African development program," "Security supporting assistance," "Operating Expenses of the Agency for International Development," "Middle East Special requirements fund," "Military assistance," "International military education and training," "International military education and refugee assistance," or "Assistance to refugees from the Soviet Union or other Communist countries in Eastern Europe," shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year without the approval of the Appropriations Committees of both Houses of the Congress. Congress.

MIDDLE EAST SPECIAL REQUIREMENTS FUND

Middle East special requirements fund: For necessary expenses to carry out the provisions of section 901 and section 903 of the Foreign Assistance Act of 1961, as amended, \$50,000,000: Provided, That none of the funds appropriated under this heading may be used to provide a United States contribution to the United Nations Relief and Works

Agency.

For "Middle East special requirements fund" for the period July 1,

1976, through September 30, 1976, \$10,000,000.

SECURITY SUPPORTING ASSISTANCE

Security supporting assistance: For necessary expenses to carry out the provisions of section 531 of the Foreign Assistance Act of 1961, as amended, \$1,689,900,000: Provided, That of the funds appropriated under this paragraph, \$700,000,000 shall be allocated to Israel, \$695,000,000 shall be allocated to Egypt, \$72,500,000 shall be allocated to Jordan, \$80,000,000 shall be allocated to Syria, and \$65,000,000 shall be allocated to Greece

be allocated to Greece.

For "Security Supporting Assistance" for the period July 1, 1976, through September 30, 1976, \$269,700,000: Provided, That of the funds appropriated under this paragraph, \$75,000,000 shall be allocated to Israel, \$100,000,000 shall be allocated to Egypt, \$60,000,000 shall be allocated to Jordan, and \$15,000,000 shall be allocated to Syria.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For "Operating Expenses of the Agency for International Develop-

ment", \$194,600,000.

For "Operating Expenses of the Agency for International Development" for the period July 1, 1976, through September 30, 1976, \$55,500,000.

MILITARY ASSISTANCE

Military assistance: For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, as amended, sions of section 503 of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, \$225,000,000; and, for liquidation of obligations incurred pursuant to the authority of section 506 of the Foreign Assistance Act of 1961, as amended, \$275,000,000: Provided, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States. automotive vehicles outside of the United States.
For "Military Assistance" for the period July 1, 1976, through September 30, 1976, \$27,200,000.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

International military education and training: For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, as amended, \$23,000,000.

For "International military education and training" for the period July 1, 1976, through September 30, 1976, \$5,750,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed \$10,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year and for the period July 1, 1976, through September 30, 1976.

INTER-AMERICAN FOUNDATION

The Inter-American Foundation is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year and for the period July 1, 1976, through September 30, 1976: Provided, That not to exceed \$7,500,000 shall be available to carry out the authorized programs during the current fiscal year.

For "Inter-American Foundation" for the period July 1, 1976, through September 30, 1976, not to exceed \$1,875,000 shall be available to carry out the authorized programs.

to carry out the authorized programs.

GENERAL PROVISIONS

Sec. 101. None of the funds herein appropriated (other than funds appropriated for "International organizations and programs" and "Indus Basin Development Fund") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America as per memorandum of the President dated May 15, 1962.

May 15, 1962.

Sec. 102. Except for the appropriations entitled "Contingency fund", "International disaster assistance", and appropriations of funds to be used for loans, not more than 20 per centum of any appro-

priation item made available by this title for fiscal year 1976 shall be obligated and/or reserved during the last month of availability.

SEC. 103. None of the funds herein appropriated nor any of the counterfact funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

SEC. 104. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as

amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

Sec. 105. Of the funds appropriated or made available pursuant to this Act, not more than \$15,000,000 may be used during the current fiscal year and the period July 1, 1976, through September 30, 1976, in carrying out research under section 106(a) (3) of the Foreign Assist-

ance Act of 1961, as amended.

Sec. 106. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

Sec. 107. None of the funds contained in title I of this Act may be used to carry out the provisions of sections 209(d) and 251(h) of the

Foreign Assistance Act of 1961, as amended.

SEC. 108. None of the funds appropriated or made available pursuant to this Act shall be used to provide assistance to the Democratic Republic of Vietnam (North Vietnam), South Vietnam, Cambodia or Laos.

Sec. 109. None of the funds appropriated or made available pursuant to this Act shall be obligated or expended to finance directly or

indirectly any type of military assistance to Angola.

Sec. 110. None of the funds appropriated or made available pursuant to this Act shall be obligated or expended to finance directly or indirectly, (A) the planning or carrying out of any assassination, or (B) the financing directly or indirectly any foreign political activity or to otherwise influence any foreign election in peace time.

SEC. 111. All amounts due and owing on loans made for the benefit of the Weizmann Institute, Hebrew University, Tel Aviv University, Israel Institute of Technology, American-Israeli Cultural Foundation, Bar Ilan University, Israel Program for Scientific Translations, Keren Hanegev and Misrachi Women's Organization of America from funds available under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), are hereby waived and forgiven.

Sec. 112. The Act of May 23, 1975 (making appropriations for special assistance to refugees from Cambodia and Vietnam, Public Law 94-24) is hereby amended by striking out "Cambodia and Vietnam" each place it appears therein and inserting in lieu thereof "Cambodia, Vietnam, and Laos".

"Cambodia, Vietnam, and Laos".

Sec. 113. Of the funds appropriated or made available pursuant to this Act not to exceed \$103,000 shall be for Official Residence Expenses of the Agency for International Development during the fiscal year ending June 30, 1976; and not to exceed \$28,500 shall be for Official Residence Expenses of the Agency for International Development for the period July 1, 1976 through September 30, 1976.

Sec. 114. Of the funds appropriated or made available pursuant to this Act not to exceed \$19,000 shall be for Entertainment Expenses of the Agency for International Development during the fiscal year ending June 30, 1976; and not to exceed \$4,750 shall be for Entertainment Expenses of the Agency for International Development for the period July 1, 1976 through September 30, 1976.

Sec. 115. Of the funds appropriated or made available pursuant to

SEC. 115. Of the funds appropriated or made available pursuant to this Act not to exceed \$91,000 shall be for Representation Allowances of the Agency for International Development during the fiscal year ending June 30, 1976; and not to exceed \$23,000 shall be for Rep-

resentation Allowances of the Agency for International Development for the period July 1, 1976 through September 30, 1976.

TITLE II-FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDET SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, \$1,065,000,000: Provided, That of the amount provided for the total aggregate credit sale ceiling during the current fiscal year, not less than \$1,500,000,000 shall be allocated to Israel.

For "Foreign Military Credit Sales" for the period July 1, 1976, through September 30, 1976, \$140,000,000: Provided, That of the amount provided for the total aggregate credit sale ceiling during the period July 1, 1976 through September 30, 1976, not less than \$200,000,000 shall be allocated to Israel.

TITLE III—FOREIGN ASSISTANCE (OTHER)

INDEPENDENT AGENCY

ACTION-INTERNATIONAL PROGRAMS

PEACE CORPS

For expenses necessary for Action to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, \$80,826,000: Provided, That of this amount \$7,599,000 shall be for Peace Corps volunteer readjustment allowances, as authorized by Public Law

For "Action—International Programs (Peace Corps)" for the period July 1, 1976, through September 30, 1976, \$24,000,000: Provided, That of this amount not less than \$2,684,000 shall be used to fund Peace Corps volunteer readjustment allowances, as authorized by Public Law 24, 120 by Public Law 94-130.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ASSISTANCE TO REFUGEES IN THE UNITED STATES

(CUBAN PROGRAM)

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), relating to and Kerugee Assistance Act of 1962 (Public Law 87-510), relating to aid to refugees within the United States (Cuban program) including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$85,000,000.

For "Assistance to refugees in the United States (Cuban program)" for the period July 1, 1976, through September 30, 1976, \$19,000,000.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as author-ized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–

1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$9,000,000: Provided, That of this amount not more than \$3,054,390 shall be available for the United States Refugee Program, and, of which not to exceed \$8,171,000 shall remain available until December 31, 1976: Provided, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

Hemisphere.
For "Migration and refugee assistance" for the period July 1, 1976,

through September 30, 1976, \$700,000.

EMERGENCY MIGRATION AND REFUGEE ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Authorization Act of 1962, as amended (22 U.S.C. 2601), \$5,000,000.

ASSISTANCE TO REFUGEES FROM THE SOVIET UNION AND OTHER COMMUNIST COUNTRIES IN EASTERN EUROPE

For necessary expenses to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972 and the provisions of section 501(c) of the Foreign Relations Authorization Act, Fiscal Year 1976, \$15,000,000.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

INVESTMENT IN ASIAN DEVELOPMENT BANK

For payment by the Secretary of the Treasury of the second installment of the United States subscription to the (1) paid-in capital stock; (2) callable capital stock; and (3) for the United States contribution to the special funds of the Asian Development Bank, as authorized by the Asian Development Bank Act of December 22, 1974 (Public Law 93-537) \$145,634,909, to remain available until expended.

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase in the resources of the Fund for Special Operations authorized by the Acts of December 30, 1970 (Public Law 91–599), and March 10, 1972 (Public Law 92–246), \$225,000,000 to remain available until expended: *Provided*, That the amounts made available under this head in the "Foreign Assistance and Related Programs Appropriations Act, 1975" shall be available without limitation, notwithstanding the three provisos contained therein.

INVESTMENT IN INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment by the Secretary of the Treasury of the first installment of the United States contribution to the fourth replenishment of the resources of the International Development Association as authorized by the International Development Association Act of August 14, 1974 (Public Law 93-373), \$320,000,000, to remain available until expended.

TITLE IV-EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year and for the period July 1, 1976, through September 30, 1976, for such corporation, except as hereinafter provided.

LIMITATION ON PROGRAM ACTIVITY

Not to exceed \$5,619,945,000 (of which not to exceed \$3,000,000,000 shall be for equipment and service loans) shall be authorized during the current fiscal year for other than administrative expenses.

For "Limitation on program activity" for the period July 1, 1976, through September 30, 1976, not to exceed \$1,436,813,000 (of which not to exceed \$737,500,000 shall be for equipment and service loans).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$11,412,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed \$20,000 for entertainment allowances for members of the Board of Directors: Provided, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, mainpersonal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes hereof.

expenses for the purposes hereof.

For "Limitation on administrative expenses" for the period July 1, 1976, through September 30, 1976, \$2,948,000, of which not to exceed \$5,000 shall be for entertainment allowances for members of the Board of Directors.

TITLE V—GENERAL PROVISIONS

Sec. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Sec. 502. No part of any appropriation contained in this Act shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the Office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communica-

tion, audit, review, finding, recommendation, report, or other material in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason

for so doing.

Sec. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided by section 204 of

Public Law 93-554.

Sec. 504. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as

amended, for space and services.

Sec. 505. Not to exceed \$1,550,000 of the funds appropriated or made available pursuant to this Act for fiscal year 1976 shall be made available to the Office of the Inspector General of Foreign Assistance: Provided, That not to exceed \$375,000 of the funds appropriated or made available pursuant to this Act for the period July 1, 1976 through September 30, 1976 shall be made available to the Office of the Inspector

General of Foreign Assistance.

SEC. 506. Beginning three months from the date of enactment of this Act, no part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act unless (1) such debt has been disputed by such country prior to the enactment of this Act or (2) such country has either arranged to make payment of the amount in arrears or otherwise taken appropriate steps, which may include renegotiation, to cure the existing default.

Sec. 507. The amounts appropriated in this Act shall be available

only upon the enactment of authorizing legislation.

This Act may be cited as the "Foreign Assistance and Related Programs Appropriations Act, 1976, and the period ending September 30, 1976".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate. 7:05 H. P. relayed a message from Tom Jones.

H. R. 12203, which is Appropriations for Foreign Assistance and Related Programs for Fiscal Year ending June 30, 1976, and period ending September 30, 1976 and for other purposes, will be here within the next half hour.

AID recommends that that bill should be signed at the same time as the Foreign Military Sales Act.

Tom Jones said that someone should call Linder if they want any more information on it.

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cc: Mr. Schmults



June 30, 1976

MEMORANDUM FOR:

JAMES M. CANNON

FROM:

(A JEANNE W. DAVIS W

SUBJECT:

H.R. 12203

The NSC Staff concurs with H. R. 12203 - Foreign Assistance and related programs Appropriation Act, 1976.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

June 30 Date:

1030am Time:

FOR ACTION:

NSC/S

cc (for information): Jack Marsh

Jim Cavanaugh

Ed Schmults

David Lissy Max Friedersdorf Robert Hartmann

Phil Buchen

FROM THE STAFF SECRETARY

DUE: Date: June 30

Time:

1100am

SUBJECT:

H.R. 12203 - Foreign Assistance and related programs Appropriation Act, 1976

ACTION REQUESTED:

__ For Necessary Action

____ For Your Recommendations

____ Prepare Agenda and Brief

____ Draft Reply

-x For Your Comments

____ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

The attached bill will be submitted to the President with H.R. 12384 which you have received earlier.

6/30 - capy sent for researching nom 6/30 - Researched copy returned, nom

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If your have any mindian in it was multitude .

THE WHITE HOUSE

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H.R. 12203 - Foreign Assistance and related programs Appropriation Act, 1976

ACTION REQUESTED:

For Necessary Action	For Your Recommendations
Prepare Agenda and Brief	Draft Reply
-v For Your Comments	Draft Remarks

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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 2 9 1976

ACTION

MEMORANDUM FOR:

THE PRESIDENT

FROM:

SUBJECT:

Enrolled Bill H.R. 12203 - Foreign Assistance

and Related Programs Appropriation Act, 1976

Last Day for Action

July 1976--It is important that you sign this bill as soon as possible before July 1 so that the agencies concerned will have time to obligate the remainder of the program including the \$650 million loan for Israel for which repayment will be forgiven.

Agency Recommendation

Office of Management and Budget

Approval (signing statement

attached)

Affected Agencies

Approval (informally)

Discussion

This bill provides appropriations of \$5,455 million for fiscal year 1976, \$674 million less than requested. For the transition quarter \$764 million is appropriated, an increase of \$274 million. Tables showing congressional action by account are attached to this memorandum. In outlay terms, the effect of congressional action will be a decrease of about \$164 million over the 15-month period. However, because of the delays in passage of this bill, some \$900 million in outlays originally scheduled for fiscal year 1976 will occur in the transition quarter and fiscal year 1977. The net outlays impact of congressional action in fiscal year 1977 will be an increase of \$6 million.



Constitutional Problem

The bill contains the following provision:

"None of the funds made available under this act for ... [a list of 19 foreign aid accounts] shall be available for obligations for activities, programs, projects, type of material assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committee ... without the express approval of the Appropriations Committees of both Houses of the Congress."

The Executive Branch has for several years accepted language requiring "notification" of the Appropriations Committee prior to making program changes. However, the concept of "approval" has been resisted as an unconstitutional encroachment. Most recently you objected to this procedure in the signing statement concerning the Defense Procurement Authorization which contained a similar provision. We propose that you take the same position with respect to this language.

International Security Assistance

Grant military assistance for 1976 was reduced by \$170 million, requiring cuts in most country programs. As partial compensation, you transmitted a transition quarter supplemental request for \$34 million in the military assistance account on May 21, 1976. Moreover, you agreed to a compromise including additional amounts of foreign military sales credits and security supporting assistance for the Middle East recipients in the transition quarter. As a result, security assistance appropriations for the 15-month period (excluding the pending supplemental which is not expected to be approved) will total \$3,781 million, 98% of the request.

International Development Assistance

The bill reduces the funds requested for development assistance by \$249 million in 1976 and \$125 million in the transition quarter. Of the total reduction, \$130 million is from requested contributions to International Financial Institutions (IDA, the Asian Development Bank and the Inter-American Development Bank), \$38 million from voluntary contributions to the United Nations, the Organization of American States and the Indus Basin Development Fund, and a net of \$207 million from bilateral assistance programs. In addition, the bill establishes an appropriation account for AID operations expenses, whereas the request included operating funds in several program accounts.

1976 Transition Quarter Foreign Assistance and Related Programs Appropriation Act (in millions of dollars)

	Appropriation Request_	Appropriation	Difference
International Security Assistance	27.2 <u>2</u> /	27.0	
Grant Military Assistance	- · · -	27.2	3.0
Military Training Grants	7.0	5.8	-1.2
Foreign Military Credit Sales	30.0	140.0	+110.0
Supporting Assistance	30.2	269.7	+239.5
Middle East Special Requirements Fund	10.0	10.0	
International Development Assistance Multilateral Assistance			
International Organization and Program	s 19.2	16.3	-2.9
Indus Basin Fund	4.5	2.2	-2.3
Bilateral Assistance	4.0	2.2	-2.3
AID Functional Development Programs	286.3	165.8	-120.5
Disaster Relief	10.0	15.0	+5.0
American Schools & Hospitals		2.4	1
Operating Expenses	2. <u>5</u> /	55.5	+55.5
operating expenses	<u></u>	33.3	133.3
Contingency Fund	5.0	1.2	-3.8
Other Appropriations			
Peace Corps	25.7	24.0	-1.7
Cuban Refugee Aid	19.0	19.0	
Migration and Refugee Assistance	.8	.7	1
International Narcotics Control	13.0	9.4	-3.6
International Nationies Control	10.0	<i>J</i> • T	<u> </u>
TOTALS	490.4	764.2	+273.8

^{1/} Excludes amount in budget amendment requested for the Treaty with Spain which was deferred without prejudice pending Congressional approval of the basic agreement.

Does not include pending \$34.7 million supplemental. Included in request for program accounts.

1976
Foreign Assistance and Related Programs
Appropriation Act
(in millions of dollars)

	Appropriation Request	Appropriation	Difference
International Security Assistance			
Grant Military Assistance	394.5	225.0	-169.5
Appropriations to Liquidate Contract	3.7		
Authority	323.9 <u>1</u> /	275.0	-48.9
Military Training Grants	30.0	23.0	-7.0
Foreign Military Credit Sales	1,065.0	1,065.0	
Supporting Assistance	1,873.3	1,689.9	-183.4
Middle East Special Requirements Fund	50.0	50.0	
International Development Assistance	· •		
Multilateral Assistance			
International Development Association	375.0	320.0	-55.0
Inter-American Development Bank	275.0	225.0	-50.0
Asian Development Bank	170.6	145.6	-25.0
International Organization and Programs	189.5	175.2	-14.3
U.N. Environmental Fund	7.5	7.5	and our right
Indus Basin Fund	32.5	19.0	-13.5
Bilateral Assistance			
AID Functional Development Programs	1,007.0	691.2	-315.8
African Development Fund		5.0	+5.0
Retirement Fund Payments	16.7	16.7	
Disaster Relief	45.0	70.0	+25.0
American Schools and Hospitals	20.0	19.8	2
Operating Expenses	<u>2</u> /	194.6	+194.6
Contingency Fund	10.0	5.0	-5.0
Other Appropriations			
Peace Corps	80.8	80.8	
Cuban Refugee Aid	85.0	85.0	***
Soviet Refugee Aid		15.0	+15.0
Migration and Refugee Assistance	10.1	9.0	-1.1
Emergency Migration and Refugee Fund	25.0	5.03/	-20.0
International Narcotics Control	42.5	<u>37.5</u>	-5.0
TOTALS	6,128.9	5,454.8	-674.1

^{1/} Amount is needed to repay obligations incurred to supply military equipment to Cambodia during fiscal years 1974 and 1975 per Section 506, Foreign Assistance Act and Presidential determinations. A fiscal year 1977 budget amendment was sent to the Congress on May 13, 1976, to cover the amount cut by the Congress.

^{2/} Included in request for program accounts.
3/ In addition to \$10 million enacted in Second Supplemental Appropriation Act, 1976

Soviet Refugee Aid

The Congress has again initiated a special appropriation to assist refugees from the Soviet Union, but stipulated that 80% of the appropriation should aid refugees going to Israel.

Recommendation

That you sign the enrolled bill and accompanying statement.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON CA

LOG NO .:

Date:

June 30

00/0

cc (for information): Jack Marsh

1030am

FOR ACTION:

NSC/S David Lissy

Max Friedzsddorff Rehelazhanamann

Jim Cavanaugh Ed Schmults

Phil Buchen

FROM THE STAFF SECRETARY

DUE: Date:

June 30

Time:

1100am

SUBJECT:

H.R. 12203 - Foreign Assistance and related programs Appropriation Act, 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

___ Draft Reply

x For Your Comments

Draft Remarks

REMARKS:

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The attached bill will be submitted to the President with
H.R. 12384 which you have received earlier.

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

STATEMENT BY THE PRESIDENT

I have signed H.R. 12203, the Foreign Assistance and Related Programs Appropriation Act, 1976, and the period ending September 30, 1976. The bill appropriates funds for a variety of programs in support of U.S. foreign policy objectives, most importantly our pursuit of a peaceful solution to the problems of the Middle East.

Nevertheless, I have serious reservations regarding one element of the bill, and believe it is necessary to comment on why I have signed the bill notwithstanding my objections to it.

Title I of the bill contains a provision which conditions the availability of appropriated funds, in certain instances, upon the acquiescence of the Appropriations Committees of each House of Congress. This requirement violates the fundamental constitutional doctrine of separation of powers. While similar provisions have been included in congressional enactments, and have been found objectionable on these grounds, this particular requirement is especially onerous in that it intrudes upon the execution of programs in nineteen different appropriation categories.

Since I view this provision as severable from what is an otherwise valid exercise of legislative authority, and because it is presented for my signature in the last week of the fiscal year, I am not withholding my approval. We shall continue to work with the Appropriations Committees, as with all Committees of the Congress, in a spirit of cooperation. We shall continue to keep the Congress fully informed on a current basis on the execution of the laws. However, we shall not concur in a delegation of the powers of appropriation to two Committees of Congress.

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James M. Cannon



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O. K.

Philip W. Buchen

Counsel to the President

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James M. Campon

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