

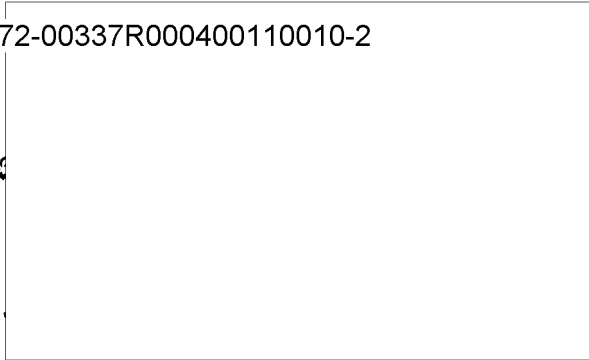


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TELEGRAM



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Not sent

EXDIS

SUBJECT: Amendment to Military Procurement Authorization Act

REF: (A) Bangkok 10558 and 19597 (NOTAL)
(B) State 138023 (NOTAL)

1. The Senate has passed by voice vote and sent to conference the following two amendments to the Military Procurement Authorization Act for 1971.

(1) "On page 19, after the period in line 8 insert the following: 'None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world

State Dept. review completed.

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L/EA/MEGreenwold/cmb	8/25/70	28900	J - Amb. Johnson
ARRANGED:	EA - Mr. Green		PM - Mr. Pickering
	H - Mr. Schnee		L - Mr. Salans
	CIA - [redacted]		L/EA - Mr. Stein
	DOD/CG - Mr. Foxman		

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forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area."

(2) "On page 19, after the period in line 8, insert the following: 'Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.'"

(Clause (A) refers to the following lines of the Bill, stating that funds are to be made

"...available for their stated purposes to support;]

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(A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand."

Amendment (1)

2. ~~Amendment~~ applies broadly to limit the amount that may be provided by the United States out of DOD budget in excess of the regular base pay such troops would receive/ from their own governments.

It is clear from the legislative history that the Senate contemplated that combat pay, hostile fire pay and similar designations would fall within the rubric, "overseas" allowances.

(For example, in the debate, at S. 13817, Senator Stennis characterized the payments affected as "the additional pay they get for fighting away from home and hostile pay."

Senator Fulbright described the payments as "...hostile, combat, or overseas pay. They all mean the same thing." At present, some foreign troops draw a higher overseas allowance, in absolute dollars, than their American counterparts.

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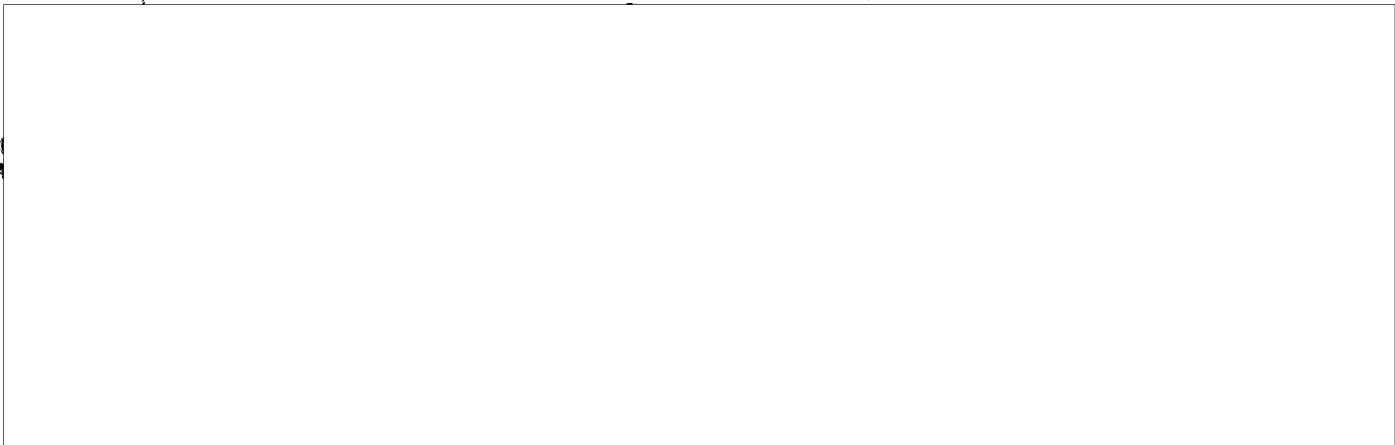
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The amount of such additional payments would be limited to the "amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States serving in Viet-Nam or in any other hostile fire area."



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4. The amendment as now written would apply to existing agreements as well as to agreements made in the future.

As with the amendment, however, this amendment is not yet law. It must still go to conference, and the legislative history shows that Senator Stennis (who will

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lead the Senate Conferees) and other supported the amendment only with the prospect of the conference in mind, expecting not to put the U.S. in default on its existing agreements.

5. The second amendment, also passed by voice vote and sent to Committee, does not change the existing legal authority to support third-country operations in Southeast Asia.

The amendment merely codifies the substance of the Armed Services Committee's report, which, in turn, does not purport to change existing law. It also accords with the DOD interpretation of this law with respect to our legal inability to use service funded military assistance to assist Cambodia.

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to do so, should

the amendments be accepted by Congress, would be contrary to the intent and purpose of the Congress. Vietnamese operations which support or assist the Cambodians well beyond the sanctuary areas would also be contrary to the intent and purpose of the amended act.

END

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