

services that have corresponding responsibilities. We do look to you to continue your outstanding contribution to our national security.

Admiral Bayne, as one of my last official acts as President, let me now hand over to you the coat of arms symbolizing learning, strength, and patriotism, so that we can appropriately dedicate the National Defense University.

Thank you very much.

NOTE: The President spoke at 2:40 p.m.

Administration of Arms Export Controls

Executive Order 11958. January 18, 1977

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Arms Export Control Act, as amended (22 U.S.C. 2751 *et seq.*), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Delegation of Functions.* The following functions conferred upon the President by the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), hereinafter referred to as the Act, are delegated as follows:

(a) Those under Section 3 of the Act, with the exception of subsections (a)(1), (b), (c)(3) and (c)(4), to the Secretary of State: *Provided*, That the Secretary of State, in the implementation of the functions delegated to him under Sections 3 (a) and (d) of the Act, is authorized to find, in the case of a proposed transfer of a defense article or related training or other defense service by a foreign country or international organization not otherwise eligible under Section 3(a)(1) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(b) Those under Section 5 to the Secretary of State.

(c) Those under Section 21 of the Act, with the exception of the last sentence of subsection (d) and all of subsection (h), to the Secretary of Defense.

(d) Those under Section 22(a) of the Act to the Secretary of Defense.

(e) Those under Section 23 of the Act, with the exception of the function of certifying a rate of interest to the Congress as provided by paragraph (2) of that Section, to the Secretary of Defense.

(f) Those under Section 24 of the Act to the Secretary of Defense.

(g) Those under Section 25 of the Act to the Secretary of State. The Secretary of Defense and the Director

of the Arms Control and Disarmament Agency, within their respective areas of responsibility, shall assist the Secretary of State in the preparation of materials for presentation to the Congress under that Section.

(h) Those under Section 34 of the Act to the Secretary of State. To the extent the standards and criteria for credit and guaranty transactions are based upon national security and financial policies, the Secretary of State shall obtain the prior concurrence of the Secretary of Defense and the Secretary of the Treasury, respectively.

(i) Those under Section 35(a) of the Act to the Secretary of State.

(j) Those under Sections 36(a) and 36(b)(1) of the Act, except with respect to the certification of an emergency as provided by subsection (b)(1), to the Secretary of Defense. The Secretary of Defense, in the implementation of the functions delegated to him under Sections 36(a) and (b)(1) shall consult with the Secretary of State, who shall, with respect to matters related to subparagraphs (D) and (I) of Section 36(b)(1), consult with the Director of the Arms Control and Disarmament Agency. With respect to those functions under Sections 36(a) (5) and (6), the Secretary of Defense shall consult with the Director of the Office of Management and Budget.

(k) Those under Sections 36 (c) and (d) of the Act to the Secretary of State.

(1) Those under Section 38 of the Act:

(1) to the Secretary of State, except as otherwise provided in this subsection. Designations, including changes in designations, by the Secretary of State of items or categories of items which shall be considered as defense articles and defense services subject to export control under Section 38 shall have the concurrence of the Secretary of Defense;

(2) to the Secretary of the Treasury, to the extent they relate to the control of the import of defense articles and defense services. In carrying out such functions, the Secretary of the Treasury shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States. Designations including changes in designations, by the Secretary of the Treasury of items or categories of items which shall be considered as defense articles and defense services subject to import control under Section 38 of the Act shall have the concurrence of the Secretary of State and the Secretary of Defense;

(3) to the Secretary of Commerce, to carry out on behalf of the Secretary of State, to the extent such functions involve Section 38(e) of the Act and are agreed to by the Secretary of State and the Secretary of Commerce.

(m) Those under Section 39(b) of the Act to the Secretary of State. In carrying out such functions, the Secretary of State shall consult with the Secretary of Defense

as may be necessary to avoid interference in the application of Department of Defense regulations to sales made under Section 22 of the Act.

(n) Those under Sections 42 (c) and (f) of the Act to the Secretary of Defense.

SEC. 2. *Coordination.* (a) In addition to the specific provisions of Section 1 of this Order, the Secretary of State and the Secretary of Defense, in carrying out the functions delegated to them under this Order, shall consult with each other and with the heads of other departments and agencies, including the Secretary of the Treasury, the Administrator of the Agency for International Development, and the Director of the Arms Control and Disarmament Agency, on matters pertaining to their responsibilities.

(b) In accordance with Section 2(b) of the Act and under the directions of the President, the Secretary of State, taking into account other United States activities abroad, shall be responsible for the continuous supervision and general direction of sales and exports under the Act, including but not limited to, the negotiation, conclusion, and termination of international agreements, and determining whether there shall be a sale to a country and the amount thereof, and whether there shall be delivery or other performance under such sale or export, to the end that sales and exports are integrated with other United States activities and the foreign policy of the United States is best served thereby.

SEC. 3. *Allocation of Funds.* Funds appropriated to the President for carrying out the Act shall be deemed to be allocated to the Secretary of Defense without any further action of the President.

SEC. 4. *Revocation.* Executive Order No. 11501, as amended, is revoked; except that, to the extent consistent with this Order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, taken or entered into under the provisions of Executive Order No. 11501, as amended, and not revoked, superseded or otherwise made inapplicable, shall continue in full force and effect until amended, modified or terminated by appropriate authority.

GERALD R. FORD

The White House,
January 18, 1977.

[Filed with the Office of the Federal Register, 3:27 p.m.,

January 19, 1977]

NOTE: Executive Order 11958 was not issued in the form of a White House press release.

Administration of Foreign Assistance and Related Functions

Executive Order 11959. January 18, 1977

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, Executive Order No. 10973, as amended, is hereby further amended as follows:

SECTION 1. Section 101 is amended by striking out "and (6)" and inserting in lieu thereof "(6) sections 413 (b) and 607 of the International Security Assistance and Arms Export Control Act of 1976 (90 Stat. 761, 768; 22 U.S.C. 2431, note, 2394a), and (7)".

SEC. 2. Section 105 is revoked and the following new section is substituted therefor:

"SEC. 105. ALLOCATION OF FOREIGN ASSISTANCE.

"In carrying out the functions conferred upon the President by section 653 of the Act, the Secretary of State shall consult with the Director of the Office of Management and Budget."

SEC. 3. Subsection (c) of Section 201 is revoked.

SEC. 4. Section 202 is amended to read as follows:

"SEC. 202. REPORTS AND INFORMATION. In carrying out the functions under sections 514(e) and 634(b) of the Act delegated to him by section 201 of this order, the Secretary of Defense shall consult with the Secretary of State."

SEC. 5. Section 203 is amended to read as follows:

"SEC. 203. EXCLUSIONS FROM DELEGATION TO SECRETARY OF DEFENSE. The following described functions conferred upon the President by the Act are excluded from the functions delegated by the provisions of section 201(a) of this order:

"(a) Those under section 502(B)(a)(3) of the Act, except to the extent they relate to functions under the Act administered by the Department of Defense.

"(b) Those under sections 504(a), 505(a) relating to other provisions required by the President, and 505 (d), (e), and (g) of the Act.

"(c) Those relating to consent under sections 505(a) (1) and (4) of the Act.

"(d) Those under sections 505(b) (1), (2) and (3) of the Act to the extent that they pertain to countries which agree to the conditions set forth therein.

"(e) Those of negotiating, concluding and terminating international agreements."