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HOUSE OF REPRESENTATIVES

{ REPORT  
No. 95-1141

# INTERNATIONAL SECURITY ASSISTANCE ACT OF 1978

## REPORT

OF THE

## COMMITTEE ON INTERNATIONAL RELATIONS

TOGETHER WITH

## SUPPLEMENTAL, SEPARATE, AND ADDITIONAL VIEWS

[INCLUDING COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE]

ON

## H.R. 12514

TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961 AND THE  
ARMS EXPORT CONTROL ACT TO AUTHORIZE INTERNA-  
TIONAL SECURITY ASSISTANCE PROGRAMS FOR FISCAL  
YEAR 1979, AND FOR OTHER PURPOSES



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## CONTENTS

Background and committee action.....	Page 1
Principal purpose of the bill—authorizations.....	3
Other provisions and features of the bill.....	4
Committee comment.....	5
Section-by-section analysis:	
Section 1—Short title.....	12
Section 2—Contingency fund.....	12
Section 3—International narcotics control.....	12
Section 4—Human rights.....	14
Section 5—Assistance to police and other law enforcement forces.....	14
Section 6—Human rights and military training.....	15
Section 7—Military assistance.....	15
Section 8—Stockpiling of defense articles for foreign countries.....	17
Section 9—International military assistance and sales program management.....	17
Section 10—International military education and training.....	20
Section 11—Assistance for peacekeeping operations.....	23
Section 12—Foreign and national security policy objectives and restraints.....	25
Section 13—Renegotiation Act of 1951.....	25
Section 14—Reports on security assistance surveys.....	26
Section 15—Foreign military sales authorization and aggregate ceiling.....	26
Section 16—Assistance and sales to Turkey.....	28
Section 17—Economic support fund authorization for Turkey.....	29
Section 18—Cyprus settlement.....	29
Section 19—Special security assistance program for the modernization of the armed forces of the Republic of Korea.....	29
Section 20—Reports to Congress.....	31
Section 21—Savings provision.....	33
Required reports section:	
Cost estimate.....	33
Inflationary impact statement.....	33
Statements required by clause 2(1)(3) of the House Rule XI.....	33
(A) Oversight findings and recommendations.....	33
(B) Budget authority.....	34
(C) Committee on Government Operations summary.....	34
(D) Congressional Budget Office cost estimate.....	34
Changes in existing law made by the bill, as reported.....	36
Supplemental views of Representative William S. Broomfield.....	55
Supplemental views of Representative Edward J. Derwinski.....	57
Separate views of Representatives Dante B. Fascell, Charles C. Diggs, Jr., Robert N. C. Nix, Donald M. Fraser, Benjamin S. Rosenthal, Lester L. Wolff, Gus Yatron, Michael Harrington, Cardiss Collins, Helen S. Meyner, Gerry E. Studds, Andy Ireland, Anthony C. Beilenson, Wyche Fowler, Jr., John J. Cavanaugh, Edward J. Derwinski, J. Herbert Burke, Benjamin Gilman, and Tennyson Guyer.....	60
Additional views of Representatives Lee H. Hamilton, Stephen J. Solarz, Donald J. Pease, George E. Danielson, Paul Findley, Charles W. Whalen, Jr., Larry Winn, Jr., and Robert J. Lagomarsino.....	62

(a) To five the number of countries authorized to receive grant military assistances. Eight countries were authorized to receive grant military assistance in fiscal year 1978; and

(b) From 865 to 800 the number of Armed Forces personnel that may be assigned overseas to perform security assistance management functions;

(6) Expresses the sense of the Congress that, in implementing conventional arms transfer policy, a balanced approach should be taken and particular attention should be paid to controlling the arms flow to nations of the developing world; and

(7) Clarifies and adds to the human rights provisions applicable to security assistance. Specifically, the bill (a) revises section 50213(a) of the Foreign Assistance Act of 1961 by deleting language which has resulted in uncertainty with regard to the legal requirements governing how human rights considerations are to be applied in making decisions to furnish security assistance; and (b) provides that no security assistance may be furnished to or for the police, domestic intelligence, or similar law enforcement forces of a country which engages in a consistent pattern of gross violation of internationally recognized human rights unless the President certifies that extraordinary circumstances exist which warrant such assistance; (c) provides that no grant military education or training may be furnished to any such country unless the President certifies that extraordinary circumstances exist which warrant such assistance; and (d) requires that all grant military education and training programs include a course in human rights principles.

#### COMMITTEE COMMENT

H.R. 12514 includes provisions that will have a major impact on U.S. foreign policy in two areas of the world. The bill lifts the arms embargo against Turkey and adds to the amounts of military assistance proposed for Greece. It additionally authorizes the President to transfer to the Republic of Korea equipment valued at approximately \$800 million, from U.S. Army units scheduled to depart from Korea.

**Greece-Turkey.**—Lifting the arms embargo against Turkey is important to U.S. national security interests and to the national security interests of American allies. It is important for full cooperation with Turkey to meet the requirements of the NATO alliance, important to facilitate joint and allied defense planning and to enhance allied support for Turkey's NATO needs via third country transfers and improved standardization. Failure to lift the embargo would affect adversely U.S. security interests and the prospects for a peaceful settlement of the dispute on Cyprus.

In voting to lift the embargo, the committee reached the following conclusions:

First, the 4-year-old embargo against Turkey has not worked. U.S. relations with Greece, Turkey, and Cyprus have suffered and little progress toward a Cyprus settlement has occurred.

Second, the embargo has jeopardized U.S. national security and that of NATO allies. The embargo has become self-defeating and

volvement with narcotics control, and (2) a report documenting the long-term viability of each pilot crop substitution program as soon as practicable after the inception of that program.

**Section 4—Human Rights**

This section amends section 502B of the Foreign Assistance Act of 1961.

Section 4(a) amends section 502B(a)(1) to clarify current ambiguous language without changing the thrust of current U.S. policy pertaining to security assistance and human rights.

Section 4(b) amends section 502B(a)(2) of the Foreign Assistance Act of 1961 to prohibit the furnishing of security assistance to countries which engage in a consistent pattern of gross violations of internationally recognized human rights, unless extraordinary circumstances exist which require the furnishing of such security assistance.

Section 4(c) is a technical perfecting amendment to section 502B(a)(3) made necessary by the change of 502B(a)(2) from a policy statement to a statutory requirement.

Section 4(d) amends section 502B(b) to incorporate a reference to the requirements of amended subsection (a)(2).

The deleted language had resulted in uncertainty with regard to how human rights considerations are to be applied in making decisions to furnish security assistance.

**Section 5—Assistance to Police and Other Law Enforcement Forces**

This section amends Section 502B of the Foreign Assistance Act of 1961 and sections 36, 38 and 47 of the Arms Export Control Act.

Section 5(a) adds a new sentence at the end of 502B(a)(2) to prohibit security assistance for police, domestic intelligence, or similar law enforcement forces of governments which engages in a consistent pattern of gross violations of human rights, unless the President certifies in writing that extraordinary circumstances exist warranting the furnishing of such assistance. Inasmuch as police and similar civil law enforcement activities are not purposes for which military assistance, military training, and foreign military sales may be provided under present law, this amendment would affect principally commercial exports of munitions list items. Given the possible use of such items by law enforcement forces in human rights violations, such exports should only be licensed on an exceptional basis.

Section 5(b) amends section 36(a) and 36(b) of the Arms Export Control Act to provide for a quarterly report on government-to-government sales or commercial exports of defense articles or services in excess of \$100,000 sold to or for any forces of a country which perform police, domestic intelligence, or similar law enforcement functions. Present reporting requirements are limited to sales and exports of major defense equipment valued in excess of \$1 million. Many exports of police and related equipment are for amounts below \$1 million. This reporting requirement is considered necessary because of the sensitive nature of this equipment.

Section 5(c) amends section 38 and 47 of the Arms Export Control Act to direct the President to include on the U.S. munitions list items currently classified under the regulations of the Export



Administration Act as crime control and detection instruments and equipment. It is the intention of the committee that the export of such articles not continue to be regulated by the Department of Commerce, but rather by the Office of Munitions Control of the Department of State.

Except for exports to Communist countries and South Africa, a validated license is not now required for the export of such crime control and detection equipment. Equipment under this category would include a variety of nonmilitary items, such items as leg irons, shackles, thumbcrews, shotguns, shock batons, straight jackets, nonmilitary gas masks, psychological stress analysis equipment, dart guns, mobile crime science laboratories, nonmilitary bulletproof vests, metal detecting equipment, special photographic equipment, identification documentation equipment, and ballistics equipment. Under the amendment, future exports of such equipment from the United States will require a license from the Department of State.

#### *Section 6—Human Rights and Military Training*

Section 6 also amends section 502B(a)(2) of the Foreign Assistance Act of 1961 to prohibit grant military training under the international military education and training program to any country which engages in a consistent pattern of gross violations of internationally recognized human rights. However, the section also authorizes a Presidential waiver of this provision on the ground of extraordinary circumstances.

#### *Section 7—Military Assistance*

Section 7(a) amends section 504(a)(1) of the Foreign Assistance Act of 1961 to authorize appropriations of not to exceed \$163,500,000 for carrying out military assistance programs in fiscal year 1979. This is a \$30 million increase over the executive branch request but a \$85.4 million reduction from the amount authorized by last year's legislation. The section specifies that not more than the following amounts of funds available for military assistance may be allocated and made available for the following five countries for fiscal year 1979:

Country	Amount	Amount authorized in last year's bill
Portugal.....	\$27,000,000	\$25,000,000
Spain.....	41,000,000	15,000,000
Jordan.....	45,000,000	55,000,000
Philippines.....	13,100,000	18,000,000
Greece.....	35,000,000	35,000,000
Total.....	162,000,000	147,600,000

These allocations may be increased by not more than 10 percent if deemed necessary by the President.

The authorization is consistent with congressional intent to terminate the grant military assistance programs, except when authorized by the Congress on a case-by-case basis consistent with the U.S. na-

such functions." The assignment is further consistent with efforts to reduce or at least restrain the number of U.S. military personnel assigned overseas to administer security assistance programs.

While the committee notes that the total number of military personnel assigned to security assistance groups overseas, as programmed, will be reduced by 79 from fiscal year 1978 to fiscal year 1979, it reiterates the intention of section 515 to limit responsibilities of personnel so assigned to specific management functions. For the larger overseas management teams where more than six personnel may be assigned on an exceptional basis, the primary functions are defined as logistics management, transportation, fiscal management, and contract administration. For the smaller overseas management teams, functions are defined as accounting and other management functions.

There is growing concern with the increasing number of U.S. civilian personnel assigned in foreign countries to implement arms sales agreements. The Department of Defense is urged to take steps to reverse this trend. It is, therefore, strongly suggested that programs be designed to foster self-sufficiency on the part of foreign recipients and that incentives be designed to encourage U.S. contractors to reduce their presence in foreign countries. To this end, the executive branch should evaluate the results of programs, such as the peace log in Iran, which could serve as models which encourage self-sufficiency and reduce the number and length of tour of U.S. civilian presence in foreign countries.

#### *Section 10—International Military Education and Training*

This section amends section 542 of the Foreign Assistance Act to authorize appropriations of not to exceed \$32,100,000 for fiscal year 1979 for the purpose of furnishing military education and training to military and related civilian personnel of foreign countries; \$81 million was authorized for fiscal year 1978. The section additionally adds a new section 544 to the end of chapter 5 of part II of the Foreign Assistance Act of 1961 to require, after October 1, 1979, that a course on human rights be included in the curriculum of all grant military training programs.

The program proposed for fiscal year 1979 compares with the program of fiscal year 1978 as follows:

INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM STUDENT SUMMARY—Continued

Country	Actual, fiscal year 1977			Estimated, fiscal year 1978			Proposed, fiscal year 1979		
	United States	Over- seas	Total	United States	Over- seas	Total	United States	Over- seas	Total
<b>American Republics:</b>									
Argentina.....	108	37	146	7	89	96	11	61	72
Bolivia.....	2	186	188	35	137	172	95	12	107
Colombia.....	35	327	362	21	71	92	23	104	127
Dominican Republic.....	34	42	76	23	168	191	27	218	245
Ecuador.....	18	290	308	23	168	191	27	218	245
El Salvador.....	22	25	47						
Guatemala.....	17	108	125	32	1	33	25	5	30
Haiti.....	17		17	32	1	33	25	5	30
Honduras.....	8	108	116	10	181	191	25	67	92
Mexico.....	30	8	38	40	19	59	39	19	58
Nicaragua.....	32	232	264	11	126	137	22	27	49
Panama.....	2	232	234	5	80	85	12	26	38
Paraguay.....	54	64	118	84	84	168	10	23	33
Peru.....	48	615	663	133	184	317	119	10	129
Venezuela.....	9	4	13	1	7	8			
<b>Regional total.....</b>	<b>440</b>	<b>6,229</b>	<b>6,669</b>	<b>374</b>	<b>1,116</b>	<b>1,490</b>	<b>306</b>	<b>576</b>	<b>882</b>
<b>Worldwide total.....</b>	<b>2,338</b>	<b>2,676</b>	<b>5,014</b>	<b>2,862</b>	<b>1,310</b>	<b>4,172</b>	<b>2,871</b>	<b>667</b>	<b>3,538</b>

In supporting the grant military training program for Egypt, the committee notes that none of these funds will go toward training on the F-5E's which the executive branch has proposed to sell to Egypt. The grant training program to Egypt should rather promote greater contact between Egyptian and American military officers, as well as improve the logistics and management capabilities of Egyptian military forces.

It is also recommended that the United States increase the number of Yemen Arab Republic (North Yemen) officers receiving training in order to counter years of Soviet training the Yemen Armed Forces have received. Although the United States provides Yemen with considerable military equipment, the purchase of which has been financed by Saudi Arabia, the Soviet Union continues to train many Yemeni officers and provides some equipment.

Because of questions raised concerning the continuing value of the grant training program and because of concern over how human rights considerations are taken into account and what impact the program has on human rights practices in recipient countries, the committee desires fuller explanation of the program's value and of program guidelines prior to presentation of next year's legislative proposals.

**Section 11—Assistance for Peacekeeping Operations**

Section 11(a) amends part II of the Foreign Assistance Act of 1961 by adding a new chapter 6—Peacekeeping Operations—consisting of sections 551 through 554.

These peacekeeping operations were funded through the security supporting assistance program in past years. However, this year the bulk of the security supporting assistance program was moved from chapter 4 of part II to part I of the Foreign Assistance Act under a new chapter 11 economic support fund (See H.R. 12222, reported by the committee on April 19, 1978). The remainder of the former security supporting assistance program is authorized in this section.

The separation of security supporting assistance into the economic support fund and peacekeeping operations assistance is the result of recommendations by the Subcommittee on International Security and



funds made available for the economic support fund without regard to the 20-percent limit established for account increases by section 610(a) of the act. This is similar to, but more limited than, authority in existing law that allows the President to draw on any security supporting assistance funds for emergency situations. The provision grants the President the authority to waive the 20 percent limitation only when unforeseen circumstances create a need for assistance and assistance is important to U.S. national security interests.

*Section 554—Administrative Authorities*

This section makes assistance for peacekeeping operations subject to the administrative and other authorities applicable to part I of the act.

Section 11(b) amends section 502B(d)(2)(A) of the Foreign Assistance Act of 1961 to include peacekeeping operations in the definition of security assistance. This provision makes peacekeeping operations assistance subject to the human rights policy, restrictions, and reporting requirements of section 502B which currently apply to security supporting assistance. It continues authority to terminate, restrict, or continue such assistance by a joint resolution adopted by Congress.

Section 11(c) amends four sections of the Foreign Assistance Act of 1961 and one section of the International Security Assistance and Arms Export Control Act of 1976 to make conforming changes so that prohibitions and limitations contained in those sections which now apply to security supporting assistance will hereafter apply to peacekeeping operations.

*Section 12—Foreign and National Security Policy Objectives and Restraints*

This section amends section 1 of the Arms Export Control Act to add a new paragraph at the end to express the sense of Congress that a balanced approach be taken and full regard given to the security interests of the United States in all regions of the world when implementing U.S. policy on conventional arms transfers. The paragraph also encourages the President to continue discussion with arms suppliers to restrain the flow of conventional arms to less developed countries.

The purpose of the paragraph is to promote worldwide balance in the conventional arms transfer policy of the United States. In this respect, its aim is also to encourage the President, as he implements his announced policy of reducing by 8 percent new commitments to transfer weapons and weapons-related items in fiscal year 1978, to apply reductions evenly among affected countries worldwide insofar as is practicable and feasible. The paragraph further expresses congressional intent that vital U.S. interests in some areas of the world not be overlooked in favor of other crisis areas.

*Section 13—Renegotiation Act of 1951*

This section amends section 22 of the Arms Export Control Act by adding a new subsection to provide that the Renegotiation Act of 1951 is not applicable to contracts for the procurement of defense articles and defense services entered into under section 22 of the Arms Export Control Act or predecessor provisions of law. This modification would reverse a recent decision of the Renegotiation Board



(B) *Defense services.*—The defense services which may be furnished are those to be provided in Korea which are directly related to the defense articles transferred under paragraph (1). These services, including technical and operational training, are to insure that the articles transferred are in serviceable condition and that the Korean forces will be able to use and maintain the articles transferred to them under the authority given by this legislation. For the most part, the services to be provided will be those which are described in the second sentence of section 515(a) of the Foreign Assistance Act of 1961, that is, routine functions by regular units of the U.S. Armed Forces designed to bring about standardization with a mutual treaty ally.

*Section 19(a)(2)—Terms and conditions of transfers*

This section establishes two separate controls over the transfers to be made under the bill.

First, the paragraph specifies that the transfers will be made in accordance with the terms and conditions which apply under chapter 2 of part II of the Foreign Assistance Act of 1961. This means that the articles and services may be furnished only for the purposes specified in section 502 of the act, that the conditions of eligibility in section 505(a) of the act (such as those concerning use and transfer) will apply, and generally, that the administration of transfers under the bill will be the same as the administration of grants under the military assistance program. In particular, the administration of these transfers will be subject to section 502B of the act, which directs that security assistance programs be carried out in a manner which will promote and advance human rights and avoid identification of the United States with governments which deny their people internationally recognized human rights and fundamental freedoms.

Second, this paragraph provides that funds appropriated under the Foreign Assistance Act of 1961 may not be used to reimburse the transferring U.S. agency. Thus, to the extent the Army may wish to replace any of the items transferred to Korean forces, procurement of the replacement items would be financed from funds appropriated to the Department of Defense rather than from the Foreign Assistance Act funds. Similarly, no reimbursement would be made to any agency furnishing defense services in connection with the transfer of a defense article under the bill.

*Section 19(b)—Substitution of defense articles in short supply*

This section authorizes the President, under specified conditions, to furnish to the Republic of Korea certain defense articles which are not in the custody of units of the U.S. Armed Forces departing from Korea. This additional authority is intended to permit U.S.-owned defense articles which are needed by the U.S. Armed Forces to be withdrawn from Korea, thereby preserving the readiness of our own forces, without undue loss of Korea's defensive strength. In order to compensate for the loss of defense articles to be withdrawn, this section authorizes the President to transfer other defense articles from the stocks of the Department of Defense. This authority may be exercised only in a situation where the President determines and reports to Congress that the following three conditions are met:

- (1) Specific defense articles must be withdrawn from Korea rather than transferred in order to avoid a significant adverse impact on U.S. force readiness:

**CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

**FOREIGN ASSISTANCE ACT OF 1961**

**PART I**

**CHAPTER 5—CONTINGENCY FUND**

**SEC. 451. CONTINGENCY FUND.**—(a) There is authorized to be appropriated to the President for the fiscal year [1978] 1979 not to exceed [\$5,000,000] \$10,000,000 to provide assistance authorized by this part for any emergency purpose only in accordance with the provisions applicable to the furnishing of such assistance. Amounts appropriated under this section are authorized to remain available until expended.

**CHAPTER 6—INTERNATIONAL NARCOTICS CONTROL**

**SEC. 482. AUTHORIZATION.**—To carry out the purposes of section 481, there are authorized to be appropriated to the President [\$39,000,000 for the fiscal year 1978] \$40,000,000 for the fiscal year 1979. Amounts appropriated under this section are authorized to remain available until expended.

**PART II**

**CHAPTER 1—POLICY**

**SEC. 502B. HUMAN RIGHTS.**—(a) (1) [It is the policy of the United States] *The United States shall*, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, [to] promote and encourage increased respect for human rights and fundamental freedoms [for all] *throughout the world* without distinction as to race, sex, language, or religion.

[To this end] Accordingly, a principal goal of the foreign policy of the United States [is] shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) [It is further the policy of the United States that, except under circumstances specified in this section] Except under extraordinary circumstances which necessitate a continuation of security assistance, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. No security assistance of any kind may be provided to or for the police, domestic intelligence, or similar law enforcement forces of a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights, unless the President certifies in writing that extraordinary circumstances exist warranting the furnishing of such assistance. No assistance under chapter 5 of part II of this Act may be provided to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights, unless the President certifies in writing that extraordinary circumstances exist warranting the furnishing of such assistance.

(3) In furtherance of [the foregoing policy] paragraphs (1) and (2), the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. In determining whether a government falls within the provisions of [subsection (a) (8)] subsections (a) (2) and (3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(d) For the purposes of this section—

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, and other flagrant denial of the right to life, liberty, or the security of person; and



(2) the term "security assistance" means—

(A) assistance under chapter 2 (military assistance) or chapter 4 (security supporting assistance) or chapter 5 (military education and training) or chapter 6 (peacekeeping operations) of this part or part VI (assistance to the Middle East) of this Act;

(B) sales of defense articles or services, extensions of credits (including participations in credits, and guaranties of loans under the Arms Export Control Act; or

(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act.

#### CHAPTER 2—MILITARY ASSISTANCE

SEC. 504. AUTHORIZATION.—[(a) (1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed \$228,900,000 for the fiscal year 1978. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1978:

Greece	\$33,000,000
Portugal	23,000,000
Spain	15,000,000
Turkey	48,000,000 <sup>1</sup>
Jordan	55,000,000
Indonesia	15,000,000
Philippines	19,600,000
Thailand	8,000,000

The amount specified in this paragraph for military assistance to any such country for the fiscal year 1978 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this chapter.]<sup>1</sup>

(a) (1) There is authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed \$163,500,000 for the fiscal year 1979. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1979:

Portugal	\$27,800,000
Spain	11,000,000
Jordan	15,000,000
Philippines	13,100,000
Greece	35,000,000

The amount specified in this paragraph for military assistance to any such country for the fiscal year 1979 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this chapter.

<sup>1</sup> Section 16(b) of H.R. 12514, which repeals the fiscal year 1978 line item authorization for military assistance for Turkey, is effective upon enactment. Section 7 of H.R. 12514, which deletes the entire fiscal year 1978 authorization for military assistance in order to provide the fiscal year 1978 authorizations for military assistance, does not become legally effective until Oct. 1, 1978, because of section 21 of H.R. 12514.



authorize the furnishing of military assistance in accordance with this chapter to specified countries in specified amounts, the authorities contained in this chapter (other than the authorities contained in sections 506, 514, and 515) may not be exercised after September 30, 1977, except that such authorities shall remain available until September 30, 1980, to the extent necessary to carry out obligations incurred under this chapter on or before September 30, 1977, and until September 30, 1981, to the extent necessary to carry out obligations incurred under this chapter during the fiscal year 1978 with respect to Indonesia and Thailand.

CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 542. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter \$81,000,000 for the fiscal year 1978, \$92,100,000 for the fiscal year 1979. After June 30, 1976, no training under this section may be conducted outside the United States unless the President has reported and justified such training to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 544. COURSES IN HUMAN RIGHTS.—Effective October 1, 1979, the curriculum of all programs funded under this chapter shall include, as a prerequisite for completion of all other courses, a course encompassing the internationally recognized principles of human rights.

CHAPTER 6—PEACEKEEPING OPERATIONS

SEC. 551. GENERAL AUTHORITY.—The President is authorized to furnish assistance to friendly countries and international organizations, on such terms and conditions as he may determine, for peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States.

SEC. 552. AUTHORIZATION OF APPROPRIATIONS.—(a) There is authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, for the fiscal year 1979, \$29,400,000.

(b) Amounts appropriated under this section are authorized to remain available until expended.

SEC. 553. EMERGENCY PEACEKEEPING ASSISTANCE.—If the President determines that, as the result of unforeseen circumstances, assistance under this chapter in amounts in excess of the funds otherwise available for such assistance is important to the national security interests of the United States, then the President may exercise the authority of section 610(a) of this Act to transfer funds available to carry out chapter 11 of part I for use under this chapter without regard to the 20 percent increase limitation contained in that section.

SEC. 554. ADMINISTRATIVE AUTHORITIES.—Except where expressly provided to the contrary, any reference in any law to part I of this Act shall be deemed to include reference to this chapter and any reference in any law to part II of this Act shall be deemed to exclude reference to this chapter.

## PART III

## SEC. 620. PROHIBITIONS AGAINST FURNISHING ASSISTANCE.—(a)

(1) \*

[(x) (1) All military assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war including technical data relating thereto) to the Government of Turkey, shall be suspended on the date of enactment of this subsection unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus: *Provided*, That for the fiscal year 1978 the President may suspend the provisions of this subsection and of section 3(c) of the Arms Export Control Act with respect to cash sales and extensions of credits and guaranties under such Act for the procurement of such defense articles and defense services as the President determines are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, except that during the fiscal year 1978 the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed \$175,000,000. Any such suspension shall be effective only so long as Turkey observes the cease-fire on Cyprus, does not increase its military forces or its civilian population on Cyprus, and does not transfer to Cyprus any United States supplied arms, ammunition, or implements of war. The determination required by the proviso in the first sentence of this paragraph shall be made, on a case-by-case basis, with respect to each cash sale, each approval for use of credits, and each approval for use of a guaranty for Turkey. Each such determination shall be reported to the Congress and shall be accompanied by a full and complete statement of the reasons supporting the President's determination and a statement containing the information specified in clauses (A) through (D) of section 2(c)(4) of the Act of October 6, 1975 (Public Law 94-104). In any case involving the sale of significant combat equipment on the United States Munitions List in which the congressional review provisions of section 36(b) of the Arms Export Control Act do not apply, the President may not issue the letter of offer or approve the use of the credits or guaranty, as the case may be, until the end of the thirty-day period beginning on the date on which the report required by the preceding sentence is submitted to the Congress.

[(2) The President shall submit to the Congress within 60 days after the enactment of this paragraph, and at the end of such succeeding sixty-day period, a report on progress made during such period toward the conclusion of a negotiated solution of the Cyprus conflict.]

SEC. 620B. PROHIBITION AGAINST ASSISTANCE AND SALES TO ARGENTINA.—After September 30, 1978—

Page determined to be Unclassified  
Reviewed Chief, Records & Declass Div, WHS  
IAW EO 13526, Section 3.5  
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- (1) no assistance may be furnished under chapter 2, 4, or 5 or 6 of part II of this Act to Argentina;
- (2) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Argentina;
- (3) no sales of defense articles or services may be made under the Arms Export Control Act to Argentina; and
- (4) no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Argentina.

#### CHAPTER 3—MISCELLANEOUS PROVISIONS

##### SEC. 658. CHANGE IN ALLOCATION OF FOREIGN ASSISTANCE.—(a) \*\*\*

(b) Notwithstanding any other provision of law, no military grant assistance, security supporting assistance, assistance under chapter 1 of part I of this Act, or assistance under [part V] chapter 6 of part II of this Act, may be furnished to any country or international organization in any fiscal year, if such assistance exceeds by 10 percent or more the amount of such military grant assistance, security supporting assistance, assistance under chapter 1 of part I of this Act, or assistance under [part V] chapter 6 of part II of this Act, as the case may be, set forth in the report required by subsection (a) of this section, unless—

- (1) the President reports to the Congress, at least ten days prior to the date on which such excess funds are provided, the country or organization to be provided the excess funds, the amount and category of the excess funds, and the justification for providing the excess funds; and
- (2) in the case of military grant assistance or security supporting assistance or assistance under chapter 6 of part II, the President includes in the report under paragraph (1) his determination that it is in the security interest of the United States to provide the excess funds.

This subsection shall not apply if the excess funds provided in any fiscal year to any country or international organization for any category of assistance are less than \$1,000,000.

SEC. 669. NUCLEAR ENRICHMENT TRANSFERS.—(a) Except as provided in subsection (b), no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of providing economic assistance, providing military or security supporting assistance or grant military education and training, *providing assistance under chapter 6 of part II*, or extending military credits or making guarantees, to any country which, on or after the date of enactment of the International Security Assistance Act of 1977, delivers nuclear enrichment equipment, materials, or technology to any other country, or receives such equipment, materials, or technology from any other country, unless before such delivery—



the growing cost and complexity of defense equipment, it is increasingly difficult and uneconomic for any country, particularly a developing country, to fill all of its legitimate defense requirements from its own design and production base. The need for international defense cooperation among the United States and those friendly countries to which it is allied by mutual defense treaties is especially important, since the effectiveness of their armed forces to act in concert to deter or defeat aggression is directly related to the operational compatibility of their defense equipment.

Accordingly, it remains the policy of the United States to facilitate the common defense by entering into international arrangements with friendly countries which further the objective of applying agreed resources of each country to programs and projects of cooperative exchange of data, research, development, production, procurement, and logistics support to achieve specific national defense requirements and objectives of mutual concern. To this end, this Act authorizes sales by the United States Government to friendly countries having sufficient wealth to maintain and equip their own military forces at adequate strength, or to assume progressively larger shares of the costs thereof, without undue burden to their economies, in accordance with the restraints and control measures specified herein and in furtherance of the security objectives of the United States and of the purposes and principles of the United Nations Charter.

It is the sense of the Congress that all such sales be approved only when they are consistent with the foreign policy interests of the United States, the purposes of the foreign assistance program of the United States as embodied in the Foreign Assistance Act of 1961, as amended, the extent and character of the military requirement, and the economic and financial capability of the recipient country, with particular regard being given, where appropriate, to proper balance among such sales, grant military assistance, and economic assistance as well as to the impact of the sales on programs of social and economic development and on existing or incipient arms races.

It is further the sense of Congress that sales and guaranties under sections 21, 22, 23, and 24, shall not be approved where they would have the effect of arming military dictators who are denying the growth of fundamental rights or social progress to their own people: *Provided*, That the President may waive this limitation when he determines it would be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations in the Senate.

It shall be the policy of the United States to exert leadership in the world community to bring about arrangements for reducing the international trade in implements of war and to lessen the danger of outbreak of regional conflict and the burdens of armaments. United States programs for or procedures governing the export, sale, and grant of defense articles and defense services to foreign countries and international organizations shall be administered in a manner which will carry out this policy.

It is the sense of the Congress that the President should seek to initiate multilateral discussions for the purpose of reaching agreements among the principal arms suppliers and arms purchasers and other countries with respect to the control of the international trade in ar-