

92^D CONGRESS
1ST SESSION

S. 2819

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 1971

Ordered to be printed as passed the Senate

AN ACT

To provide foreign military and related assistance authorizations
for fiscal year 1972, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Special Foreign Military
4 and Related Assistance Act of 1971".

5 STATEMENT OF POLICY

6 SEC. 2. This Act is enacted as an interim measure to
7 carry forward for fiscal year 1972 United States bilateral
8 military assistance and military credit sales programs author-
9 ized by the Foreign Assistance Act of 1961 and the Foreign
10 Military Credit Sales Act. The Congress intends at the
11 earliest possible date to reevaluate the United States foreign

1 assistance program, including foreign military sales, and to
2 develop a new program for the future. Accordingly, this
3 Act looks to the phase-out of the current program and to
4 the establishment of a new one which will command the
5 respect and the support of Congress and the American
6 people.

7 AUTHORIZATIONS

8 SEC. 3. (a) There are authorized to be appropriated to
9 the President for fiscal year 1972—

10 (1) \$566,000,000 to carry out the provisions of
11 chapter 4 of part I of the Foreign Assistance Act of
12 1961, relating to supporting assistance;

13 (2) \$85,000,000 to carry out the provisions of
14 such chapter 4 for Israel only;

15 (3) \$452,000,000 to carry out the provisions of
16 part II of such Act, relating to military assistance; and

17 (4) \$400,000,000 to carry out the provisions of the
18 Foreign Military Sales Act.

19 (b) The aggregate total of credits, or participations in
20 credits, extended under the Foreign Military Sales Act
21 (excluding credits covered by guaranties issued under sec-
22 tion 24 (b) of such Act) and of the face amount of guaran-
23 ties issued under section 24 (a) or (b) of such Act shall
24 not exceed the amount of \$550,000,000 for fiscal year 1972,

1 of which amount not less than \$300,000,000 shall be made
2 available to Israel only.

3 (c) Any appropriation made under any clause of sub-
4 section (a) of this section shall be considered as an appro-
5 priation made under that provision of the Foreign Assistance
6 Act of 1961 or the Foreign Military Sales Act, as the case
7 may be, authorizing an appropriation for a prior year for the
8 same purpose as such clause.

9
10 **MILITARY ASSISTANCE**

11 **SEC. 4.** Part II of the Foreign Assistance Act of 1961,
12 relating to military assistance, is amended as follows:

13 (1) Section 505, relating to conditions of eligibility, is
14 amended—

15 (A) by striking out of subsection (b) (2) the word
16 “and” and inserting in lieu thereof “or”; and

17 (B) by striking out subsection (e).

18 (2) In section 506 (a), relating to special authority,
19 strike out—

20 (A) “1970 and the fiscal year 1971” and insert in
21 lieu thereof “1972”; and

22 (B) “each of the fiscal years 1970 and 1971” and
23 insert in lieu thereof “the fiscal year 1972”.

24 (3) Section 507 (a), relating to restrictions on military
aid to Latin America, is amended to read as follows: “(a)

4

1 Except as otherwise provided in this section, the value of
2 defense articles furnished by the United States Government
3 under this Act to Latin American countries shall not exceed
4 \$10,000,000. Not to exceed \$25,000,000 in value of defense
5 articles may be furnished under this part on a cost-sharing
6 basis to an inter-American military force under the control
7 of the Organization of American States."

8 (4) At the end of chapter 2 of such part II, add the
9 following new sections:

10 "SEC. 511. MILITARY ASSISTANCE ADVISORY
11 GROUPS AND MISSIONS.—(a) It is the sense of Congress
12 that the need for large United States military assistance ad-
13 visory groups and military aid missions in foreign countries
14 has diminished substantially during the last few years. In the
15 words of the Peterson Task Force Report on International
16 Development, 'The United States now can reduce its super-
17 vision and advice to a minimum, thus encouraging progress
18 toward self-reliance. United States military missions and
19 advisory groups should be consolidated with other elements in
20 our overseas missions as soon as possible.'

21 "(b) In accordance with the provisions of subsection
22 (a) of this section, the total number of United States military
23 personnel assigned and detailed, as of September 30, 1971,
24 to United States military assistance advisory groups, military
25 mission, and other organizations of the United States per-

1 forming activities similar to such groups and missions, shall
2 be reduced by at least 25 per centum by September 30, 1972.

3 "SEC. 512. MILITARY ASSISTANCE AUTHORIZATIONS
4 FOR THAILAND.—After June 30, 1972, no military assist-
5 ance shall be furnished by the United States to Thailand di-
6 rectly or through any other foreign country unless that
7 assistance is authorized under this Act or the Foreign Mili-
8 tary Sales Act.

9 "SEC. 513. LIMITATIONS ON AVAILABILITY OF FUNDS
10 FOR MILITARY OPERATIONS.—(a) No funds authorized or
11 appropriated under any provision of law shall be made
12 available by any means by any officer, employee, or agency
13 of the United States Government for the purpose of financ-
14 ing any military operations by foreign forces in Laos, North
15 Vietnam, or Thailand outside the borders of the country
16 of the government or person receiving such funds unless
17 Congress has specifically authorized or specifically authorizes
18 the making of funds available for such purpose and desig-
19 nates the area where military operations financed by such
20 funds may be undertaken outside such borders.

21 "(b) Upon requesting Congress to make any such au-
22 thorization, the President shall provide to Congress a copy
23 of any agreement proposed to be entered into with any such
24 government or person and the complete details of the pro-
25 posed military operation. Upon such authorization by

1 Congress, the President shall provide a copy of any such
2 agreement and thereafter of all plans and details of such
3 operation.

4 "SEC. 514. SPECIAL FOREIGN COUNTRY ACCOUNTS.—

5 (a) Except as otherwise provided by subsection (b) or (c)
6 of this section, no defense article may be given, and no grant
7 of military assistance may be made, under this or any other
8 law to a foreign country unless the country agrees—

9 "(1) to deposit in a special account established by the
10 United States Government the following amounts of cur-
11 rency of that country:

12 "(A) in the case of any excess defense article to
13 be given to that country, an amount equal to 25 per
14 centum of the fair value of the article, as determined
15 by the Secretary of State, at the time the agreement to
16 give the article to the country is made; and

17 "(B) in the case of a grant of military assistance
18 to be made to that country, an amount equal to 25 per
19 centum of each such grant; and

20 "(2) to allow the United States Government to use such
21 amounts from that special account as may be determined,
22 from time to time, by the President to be necessary to pay all
23 official costs of the United States Government payable in the
24 currency of that country, including all costs relating to the
25 financing of international educational and cultural exchange

1 activities in which that country participates under the pro-
2 grams authorized by the Mutual Educational and Cultural
3 Exchange Act of 1961.

4 “(b) The President may waive any amount of cur-
5 rency of a foreign country required to be deposited under
6 subsection (a) (1) of this section if he determines that the
7 United States Government will be able to pay all of its official
8 costs payable in the currency of that country enumerated
9 under subsection (a) (2) of this section without the deposit
10 of such amount and without having to expend United States
11 dollars to purchase currency of that country to pay such
12 costs.

13 “(c) The provisions of this section shall not apply in any
14 case in which an excess defense article is given, or a grant
15 of military assistance is made, to a foreign country under an
16 agreement with that country which allows the United States
17 Government to operate a military or other similar base in
18 that country in exchange for that article or grant.

19 “(d) Section 1415 of the Supplemental Appropriation
20 Act, 1953 (31 U.S.C. 724), shall not be applicable to the
21 provisions of this section.”

22 MISCELLANEOUS PROVISIONS

23 SEC. 5. (a) (1) Section 652 of the Foreign Assistance
24 Act of 1961, relating to miscellaneous provisions, is amended
25 to read as follows:

1 “SEC. 652. LIMITATION UPON EXERCISE OF SPECIAL
2 AUTHORITIES.—The President shall not exercise any special
3 authority granted to him under section 506 (a) , 610 (a) , or
4 614 (a) of this Act unless the President, at least ten days
5 prior to the date he intends to exercise any such authority,
6 notifies the Speaker of the House of Representatives and the
7 Committee on Foreign Relations of the Senate in writing of
8 each such intended exercise, the section of this Act under
9 which such authority is to be exercised, and the justification
10 for, and the extent of, the exercise of such authority.”

11 (2) The last sentence of section 506 (a) of such Act,
12 relating to special authority, is repealed.

13 (3) The last sentence of section 634 (d) of such Act,
14 relating to reports and information, is amended by striking
15 out “614 (a) .”.

16 (b) Chapter 3 of part III of such Act is amended by
17 adding at the end thereof the following new sections:

18 “SEC. 653. CHANGE IN ALLOCATION OF FOREIGN
19 ASSISTANCE.—(a) Not later than thirty days after the en-
20 actment of any law appropriating funds to carry out any
21 provision of this Act (other than section 451 or 637) , the
22 President shall notify the Congress of each foreign country
23 and international organization to which the United States
24 Government intends to provide any portion of the funds
25 under such law and of the amount of funds under that law,

1 by category of assistance, that the United States Government
2 intends to provide to each. Notwithstanding any other provi-
3 sion of law, the United States Government shall not provide
4 to any foreign country or international organization any
5 funds under that law which is in excess of 10 per centum of
6 the amount of each category of assistance which the Presi-
7 dent notified the Congress that the United States Govern-
8 ment intended to provide that country or organization under
9 that law, unless the President (1) determines that it is vital
10 to the security of the United States that such country or
11 organization receive funds in excess of the amount included
12 in such notification for that country or organization, and (2)
13 reports to Congress, at least ten days prior to the date on
14 which such excess funds are to be provided to that country
15 or organization, each such determination, including the name
16 of the country or organization to receive funds in excess of
17 such per centum, the amount of funds in excess of that per
18 centum which are to be provided, and the justification for
19 providing the additional assistance.

20 “(b) The provisions of this section shall not apply in
21 the case of any law making continuing appropriations and
22 may not be waived under the provisions of section 614 (a)
23 of this Act.

24 “SEC. 654. PRESIDENTIAL FINDINGS AND DETERMI-
S. 2819—2

1 NATIONS.—(a) In any case in which the President is re-
2 quired to make a report to the Congress, or to any committee
3 or officer of either House of Congress, concerning any finding
4 or determination under any provision of this Act, the For-
5 eign Military Sales Act, or the Foreign Assistance and
6 Related Programs Appropriation Act for each fiscal year,
7 that finding or determination shall be reduced to writing
8 and signed by the President.

9 “(b) No action shall be taken pursuant to any such
10 finding or determination prior to the date on which that
11 finding or determination has been reduced to writing and
12 signed by the President.

13 “(c) Each such finding or determination shall be pub-
14 lished in the Federal Register as soon as practicable after it
15 has been reduced to writing and signed by the President. In
16 any case in which the President concludes that such publica-
17 tion would be harmful to the national security of the United
18 States, only a statement that a determination or finding has
19 been made by the President, including the name and section
20 of the Act under which it was made, shall be published.

21 “(d) No committee or officer of either House of Con-
22 gress shall be denied any requested information relating to
23 any finding or determination which the President is required
24 to report to the Congress, or to any committee or officer of
25 either House of Congress, under any provision of this Act,

1 the Foreign Military Sales Act, or the Foreign Assistance
2 and Related Programs Appropriation Act for each fiscal
3 year, even though such report has not yet been transmitted to
4 the appropriate committee or officer of either House of Con-
5 gress.

6 "SEC. 655. LIMITATIONS UPON ASSISTANCE TO OR
7 FOR CAMBODIA.—(a) Notwithstanding any other provision
8 of law, no funds authorized to be appropriated by this or any
9 other law may be obligated or expended in any amount in ex-
10 cess of \$341,000,000 for the purpose of carrying out directly
11 or indirectly any economic or military assistance, or any
12 operation, project, or program of any kind, or for providing
13 any goods, supplies, materials, equipment, services, person-
14 nel, or advisers in, to, for, or on behalf of Cambodia during
15 the fiscal year ending June 30, 1972.

16 "(b) In computing the \$341,000,000 limitation on ob-
17 ligation and expenditure authority under subsection (a) of
18 this section in fiscal year 1972, there shall be included in the
19 computation the value of any goods, supplies, materials, or
20 equipment provided to, for, or on behalf of Cambodia in
21 such fiscal year by gift, donation, loan, lease, or otherwise.
22 For the purpose of this subsection, 'value' means the fair
23 market value of any goods, supplies, materials, or equip-
24 ment provided to, for, or on behalf of Cambodia but in no
25 case less than $33\frac{1}{3}$ per centum of the amount the United

1 States paid at the time such goods, supplies, materials, or
2 equipment were acquired by the United States.

3 “(c) No funds may be obligated or expended for any
4 of the purposes described in subsection (a) of this section in,
5 to, for, or on behalf of Cambodia in any fiscal year beginning
6 after June 30, 1972, unless such funds have been specifically
7 authorized by law enacted after the date of enactment of
8 this section. In no case shall funds in any amount in excess of
9 the amount specifically authorized by law for any fiscal year
10 be obligated or expended for any such purpose during such
11 fiscal year.

12 “(d) The provisions of subsections (a) and (c) of this
13 section shall not apply with respect to the obligation or
14 expenditure of funds to carry out combat air operations over
15 Cambodia. ~~XY~~

16 “(e) After the date of enactment of this section, when-
17 ever any request is made to the Congress for the appropria-
18 tion of funds for use in, for, or on behalf of Cambodia for any
19 fiscal year, the President shall furnish a written report to
20 the Congress explaining the purpose for which such funds are
21 to be used in such fiscal year.

22 “(f) The President shall submit to the Congress within
23 thirty days after the end of each quarter of each fiscal year,
24 beginning with the fiscal year which begins July 1, 1971, a
25 written report showing the total amount of funds expended

1 in, for, or on behalf of Cambodia during the preceding quar-
2 ter by the United States Government, and shall include in
3 such report a general breakdown of the total amount ex-
4 pended, describing the different purposes for which such
5 funds were expended and the total amount expended for such
6 purpose, except that in the case of the first two quarters of
7 the fiscal year beginning July 1, 1971, a single report may
8 be submitted for both such quarters and such report may be
9 computed on the basis of the most accurate estimates the
10 President is able to make taking into consideration all infor-
11 mation available to him.

12 “(g) Enactment of this section shall not be construed as
13 a commitment by the United States to Cambodia for its
14 defense.”

15 LIMITATIONS ON UNITED STATES PERSONNEL AND PER-
16 SONNEL ASSISTED BY UNITED STATES IN CAMBODIA

17 SEC. 6. Chapter 3 of part III of the Foreign Assistance
18 Act of 1961, relating to miscellaneous provisions, is further
19 amended by adding after section 655, as added by section
20 5 (b) of this Act, the following new section:

21 “SEC. 656. LIMITATIONS ON UNITED STATES PERSON-
22 NEL AND PERSONNEL ASSISTED BY UNITED STATES IN
23 CAMBODIA.—The total number of civilian officers and em-
24 ployees of executive agencies of the United States Govern-
25 ment who are citizens of the United States and of members

14

1 of the Armed Forces of the United States (excluding such
2 members while actually engaged in air operations in or over
3 Cambodia which originate outside Cambodia) present in
4 Cambodia at any one time shall not exceed two hundred.
5 The United States shall not, at any time, pay in whole or
6 in part, directly or indirectly, the compensation or allow-
7 ances of more than fifty individuals in Cambodia who are
8 citizens of countries other than Cambodia or the United
9 States. For purposes of this section, 'executive agency of the
10 United States Government' means any agency, department,
11 board, wholly or partly owned corporation, instrumentality,
12 commission, or establishment within the executive branch
13 of the United States Government."

14 FOREIGN MILITARY SALES

15 SEC. 7. The Foreign Military Sales Act is amended as
16 follows:

17 (1) In section 33 (a), relating to regional ceilings on
18 foreign military sales, strike out "\$75,000,000" and insert
19 in lieu thereof "\$100,000,000".

20 (2) Section 33 (c), relating to regional ceilings on for-
21 eign military sales, is repealed.

22 EXCESS DEFENSE ARTICLES

23 SEC. 8. Section 8 of the Act of January 12, 1971,
24 entitled "An Act to amend the Foreign Military Sales Act,
25 and for other purposes" (84 Stat. 2053), is amended—

1 (1) by striking out the first and second sentences
2 of subsection (a) and inserting in lieu thereof the fol-
3 lowing: "Subject to the provisions of subsection (b),
4 the value of any excess defense article granted to a for-
5 eign country or international organization by any de-
6 partment, agency, or independent establishment of the
7 United States Government (other than the Agency for
8 International Development) shall be considered to be
9 an expenditure made from funds appropriated under the
10 Foreign Assistance Act of 1961 for military assistance.
11 Unless such department, agency, or establishment certi-
12 fies to the Comptroller General of the United States that
13 the excess defense article it is ordering is not to be
14 transferred by any means to a foreign country or
15 international organization, when an order is placed for
16 a defense article whose stock status is excess at the time
17 ordered, a sum equal to the value thereof shall (1) be
18 reserved and transferred to a suspense account, (2)
19 remain in the suspense account until the excess defense
20 article is either delivered to a foreign country or inter-
21 national organization or the order therefor is canceled,
22 and (3) be transferred from the suspense account to
23 (A) the general fund of the Treasury upon delivery of
24 such article, or (B) to the military assistance appro-

1 tingent upon the release of all American prisoners of war
2 held by the Government of North Vietnam and forces allied
3 with such Government, such date to be not later than six
4 months after the date of enactment of this Act.

5 (2) Negotiate with the Government of North Vietnam
6 for an immediate cease-fire by all parties to the hostilities in
7 Indochina.

8 (3) Negotiate with the Government of North Vietnam
9 for an agreement which would provide for a series of phased
10 and rapid withdrawals of United States military forces from
11 Indochina in exchange for a corresponding series of phased
12 releases of American prisoners of war, and for the release
13 of any remaining American prisoners of war concurrently
14 with the withdrawal of all remaining military forces of the
15 United States by not later than the date established by the
16 President pursuant to paragraph (1) hereof or by such
17 earlier date as may be agreed upon by the negotiating parties.

18 LIMITATION ON UNITED STATES ACTIVITIES IN
19 CAMBODIA

20 SEC. 10. Section 7 (a) of the Special Foreign Assist-
21 ance Act of 1971 (84 Stat. 1943) is amended by striking
22 out "Cambodian military forces" and inserting in lieu thereof
23 "military, paramilitary, police, or other security or intelli-
24 gence forces".

18

1 RESTRICTIONS RELATING TO FOREIGN TROOPS

2 SEC. 11. Section 401 (a) of Public Law 89-367, ap-
3 proved March 15, 1966 (80 Stat. 37), as amended, is
4 amended--

5 (1) by inserting in the second sentence of para-
6 graph (1), after "to or for the use of the Armed
7 Forces of the United States", the following: "or of any
8 department, agency, or independent establishment of the
9 United States"; and

10 (2) by inserting in the introductory matter pre-
11 ceding clause (A) of paragraph (2) of such section,
12 after "Armed Forces of the United States", the follow-
13 ing: "or of any department, agency, or independent
14 establishment of the United States".

Passed the Senate November 11, 1971.

Attest:

FRANCIS R. VALEO,

Secretary.

92ND CONGRESS
1ST Session

S. 2819

AN ACT

To provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 1971

Ordered to be printed as passed the Senate

S18286

CONGRESSIONAL RECORD -- SENATE

NOVEMBER 11, 1971

Over the years I have felt that foreign aid bills as a whole were not accomplishing a great deal for this country, and, therefore, I opposed these measures.

Now we have a different situation. This bill before the Senate consists mainly of military aid and some economic aid. Most of the military aid is going to countries in Southeast Asia and a great deal of the economic aid is going to South Vietnam.

Therefore, I feel a new view must be taken of this legislation because it essentially provides the funds for the implementation of the Nixon doctrine. The Nixon doctrine provides that American fighting men be withdrawn from foreign battlefields, but that this effort we have made be replaced in some degree by providing military equipment and some economic assistance to those nations still defending themselves in the face of Communist aggressors.

Much of the money in this bill would go to Southeast Asian nations. This country has seen over 45,000 of its young men die in Vietnam and we have experienced over 300,000 casualties. It would be wrong to deny South Vietnam and nearby nations some military assistance so that they would have a chance to provide for their own freedom as we withdraw. If we fail to do this, then the sacrifices of our fighting men in Vietnam would have been in vain.

Mr. President, I feel this war was improperly conducted and I have said so during the past few years. As we disengage I feel we must provide the needed support to our allies so that they can protect themselves and preserve their freedom which is vital to our national interests.

THE NEED FOR FOREIGN AID

Mr. JAVITS. Mr. President, on Sunday, November 7, 1971, the Los Angeles Times published what I consider to be a most cogent editorial entitled "The Need for Foreign Aid." I commend this editorial to my colleagues. It contains real food for tonight, in my judgment. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE NEED FOR FOREIGN AID

A chorus of cheers and an avalanche of fan mail celebrated the Senate action killing foreign aid.

The celebration must have had a curious ring as it echoed over less fortunate lands, through the refugee camps of India and war-devastated Vietnam and the slums of Rio de Janeiro.

Fortunately, the Senate is having second thoughts. The White House, the State Department and the Pentagon have all reminded the senators that their legislative mayhem of Oct. 29 is damaging both to the diplomacy and the security of the United States.

There are three things worth remembering at this juncture:

The world needs foreign aid, needs it desperately. In India alone, aid adds up to only 1% of national income. The annual economic growth rate of less than 5% is barely keeping pace with the demands of an expanding population. Now, the 8 million refugees from East Pakistan and a new wave

of natural disasters have cruelly erased what had been a real hope for accelerated economic development.

The United States can afford the aid it has given in the past and the aid it has been asked to give in the future. American government aid now equals one-third of 1% of gross national product, ranking 14th among the capitalist nations on this basis. If the United States spent twice as much, it would still be spending a smaller share of its gross national product than at least two other nations.

Foreign aid can be more effective. It can never be entirely free of waste. It has been misused for missions which it cannot do well, like trying to buy friendships. Too much has been spent on the military and too little on the economic. It has been easier to explain military need to Congress. Too little has been channeled through the United Nations and other multilateral channels, but this is being corrected.

The second thoughts of the Senate include a proposal for a stop-gap \$2.3 billion, more than a billion dollars less than the program approved last August by the House of Representatives. The Administration has said it is not enough. It isn't.

Apart from long-term development commitments for the developing nations, particularly America's neighbors in the Western Hemisphere, there are lingering commitments that cannot be quickly dropped. Vietnam will need massive inputs of economic assistance to patch up the ravages of a war not entirely of its choosing. The Senate acted wisely in forcing a ceiling on aid to Cambodia, a dubious program at best, but even that reduced program will eat up \$341 million. The United States cannot terminate aid either to Israel or Jordan without risking new problems in the Middle East. And any cuts in the \$128 million for U.N. voluntary programs, including the U.N. Development Program and UNICEF, would be punishing remarkably effective international operations.

For 25 years, America has spent an average of \$6 billion a year on foreign assistance, a total close to \$150 billion. One Senator called it a "sugar plum." Perhaps. But cheap in relation to the nation's wealth. And cheaper, certainly, than the consequences of a world where nothing was being done to give substance to the aspirations of the poor.

THE VICE PRESIDENT. Do the Senator from Pennsylvania and the Senator from Arkansas yield back their time?

Mr. SCOTT. I yield back my time.

Mr. FULBRIGHT. Mr. President, I yield back my time.

Several Senators asked for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

THE VICE PRESIDENT. The bill having been read the third time, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. BYRD) is absent on official business.

I further announce that, if present and voting, the Senator from Texas (Mr. BENTSEN) and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "nay."

On this vote, the Senator from Indiana (Mr. HARTKE) is paired with the Senator from Georgia (Mr. GAMBRELL). If present and voting, the Senator from Indiana would vote "nay" and the Senator from Georgia would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from Tennessee (Mr. BROCK) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

The result was announced—yeas 65, nays 24, as follows:

[No. 308 Leg.]

YEAS—65

Aiken	Fong	Pearson
Allott	Griffin	Pell
Anderson	Gurney	Percy
Baker	Hansen	Ribicoff
Bayh	Hart	Roth
Beall	Hollings	Saxton
Bennett	Hruska	Schweiker
Bible	Humphrey	Scott
Boggs	Inouye	Smith
Brooke	Jackson	Sparkman
Buckley	Javits	Stafford
Cannon	Jordan, Idaho	Stennis
Case	Long	Stevens
Chiles	Magnuson	Stevenson
Cook	Mathias	Taft
Cooper	McGee	Thurmond
Curtis	McIntyre	Tower
Dole	Miller	Tunney
Dominick	Moss	Weicker
Eastland	Muskie	Williams
Ervin	Packwood	Young
Fannin	Pastore	

NAYS—24

Allen	Fulbright	Mondale
Burdick	Gravel	Montoya
Byrd, Va.	Hatfield	Nelson
Church	Hughes	Proxmire
Cotton	Kennedy	Randolph
Cranston	Mansfield	Spong
Eagleton	McClellan	Symington
Ellender	Metcalf	Talmadge

NOT VOTING—11

Bellmon	Gambrell	Jordan, N.C.
Bentsen	Goldwater	McGovern
Brock	Harris	Mundt
Byrd, W. Va.	Hartke	

So the bill (S. 2819) was passed, as follows:

S. 2819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Foreign Military and Related Assistance Act of 1971".

STATEMENT OF POLICY

SEC. 2. This Act is enacted as an interim measure to carry forward for fiscal year 1972 United States bilateral military assistance and military credit sales programs authorized by the Foreign Assistance Act of 1961 and the Foreign Military Credit Sales Act. The Congress intends at the earliest possible date to reevaluate the United States foreign assistance program, including foreign military sales, and to develop a new program for the future. Accordingly, this Act looks to the phase-out of the current program and to the establishment of a new one which will command the respect and the support of Congress and the American people.

November 11, 1971

CONGRESSIONAL RECORD — SENATE

S 18281

AUTHORIZATIONS

SEC. 3. (a) There are authorized to be appropriated to the President for fiscal year 1972—

(1) \$500,000,000 to carry out the provisions of chapter 4 of part I of the Foreign Assistance Act of 1961, relating to supporting assistance;

(2) \$85,000,000 to carry out the provisions of such chapter 4 for Israel only;

(3) \$452,000,000 to carry out the provisions of part II of such Act, relating to military assistance; and

(4) \$400,000,000 to carry out the provisions of the Foreign Military Sales Act.

(b) The aggregate total of credits, or participations in credits, extended under the Foreign Military Sales Act (excluding credits covered by guaranties issued under section 24(b) of such Act) and of the face amount of guaranties issued under section 24 (a) or (b) of such Act shall not exceed the amount of \$550,000,000 for fiscal year 1972, of which amount not less than \$300,000,000 shall be made available to Israel only.

(c) Any appropriation made under any clause of subsection (a) of this section shall be considered as an appropriation made under that provision of the Foreign Assistance Act of 1961 or the Foreign Military Sales Act, as the case may be, authorizing an appropriation for a prior year for the same purpose as such clause.

MILITARY ASSISTANCE

SEC. 4. Part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(1) Section 505, relating to conditions of eligibility, is amended—

(A) by striking out of subsection (b) (2) the word "and" and inserting in lieu thereof "or"; and

(B) by striking out subsection (c).

(2) In section 506(a), relating to special authority, strike out—

(A) "1970 and the fiscal year 1971" and insert in lieu thereof "1972"; and

(B) "each of the fiscal years 1970 and 1971" and insert in lieu thereof "the fiscal year 1972".

(3) Section 507(a), relating to restrictions on military aid to Latin America, is amended to read as follows: "(a) Except as otherwise provided in this section, the value of defense articles furnished by the United States Government under this Act to Latin American countries shall not exceed \$10,000,000. Not to exceed \$25,000,000 in value of defense articles may be furnished under this part on a cost-sharing basis to an inter-American military force under the control of the Organization of American States."

(4) At the end of chapter 2 of such part II, add the following new sections:

"SEC. 511. MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS.—(a) It is the sense of Congress that the need for large United States military assistance advisory groups and military aid missions in foreign countries has diminished substantially during the last few years. In the words of the Peterson Task Force Report on International Development, 'The United States now can reduce its supervision and advice to a minimum, thus encouraging progress toward self-reliance. United States military missions and advisory groups should be consolidated with other elements in our overseas missions as soon as possible.'

"(b) In accordance with the provisions of subsection (a) of this section, the total number of United States military personnel assigned and detailed, as of September 30, 1971, to United States military assistance advisory groups, military missions, and other organizations of the United States performing activities similar to such groups and missions, shall be reduced by at least 25 per centum by September 30, 1972.

"SEC. 512. MILITARY ASSISTANCE AUTHORIZATIONS FOR THAILAND.—After June 30, 1972,

no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.

"SEC. 513. LIMITATIONS ON AVAILABILITY OF FUNDS FOR MILITARY OPERATIONS.—(a) No funds authorized or appropriated under any provision of law shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations by foreign forces in Laos, North Vietnam, or Thailand outside the borders of the country of the government or person receiving such funds unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken outside such borders.

"(b) Upon requesting Congress to make any such authorization, the President shall provide to Congress a copy of any agreement proposed to be entered into with any such government or person and the complete details of the proposed military operation. Upon such authorization by Congress, the President shall provide a copy of any such agreement and thereafter of all plans and details of such operation.

"SEC. 514. SPECIAL FOREIGN COUNTRY ACCOUNTS.—(a) Except as otherwise provided by subsection (b) or (c) of this section, no defense article may be given, and no grant of military assistance may be made, under this or any other law to a foreign country unless the country agrees—

"(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

"(A) in the case of any excess defense article to be given to that country, an amount equal to 25 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

"(B) in the case of a grant of military assistance to be made to that country, an amount equal to 25 per centum of each such grant; and

"(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

"(b) The President may waive any amount of currency of a foreign country required to be deposited under subsection (a) (1) of this section if he determines that the United States Government will be able to pay all of its official costs payable in the currency of that country enumerated under subsection (a) (2) of this section without the deposit of such amount and without having to expend United States dollars to purchase currency of that country to pay such costs.

"(c) The provisions of this section shall not apply in any case in which an excess defense article is given, or a grant of military assistance is made, to a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that article or grant.

"(d) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section."

MISCELLANEOUS PROVISIONS

SEC. 5. (a) (1) Section 652 of the Foreign Assistance Act of 1961, relating to miscel-

laneous provisions, is amended to read as follows:

"SEC. 652. LIMITATION UPON EXERCISE OF SPECIAL AUTHORITIES.—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614 (a) of this Act unless the President, at least ten days prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

(2) The last sentence of section 506(a) of such Act, relating to special authority, is repealed.

(3) The last sentence of section 634(d) of such Act, relating to reports and information, is amended by striking out "614(a)".

(b) Chapter 3 of part III of such Act is amended by adding at the end thereof the following new sections:

"SEC. 653. CHANGE IN ALLOCATION OF FOREIGN ASSISTANCE.—(a) Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this Act (other than section 451 or 637), the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each. Notwithstanding any other provision of law, the United States Government shall not provide to any foreign country or international organization any funds under that law which is in excess of 10 per centum of the amount of each category of assistance which the President notified the Congress that the United States Government intended to provide that country or organization under that law, unless the President (1) determines that it is vital to the security of the United States that such country or organization receive funds in excess of the amount included in such notification for that country or organization, and (2) reports to Congress, at least ten days prior to the date on which such excess funds are to be provided to that country or organization, each such determination, including the name of the country or organization to receive funds in excess of such per centum, the amount of funds in excess of that per centum which are to be provided, and the justification for providing the additional assistance.

"(c) The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 614(a) of this Act.

"SEC. 654. PRESIDENTIAL FINDINGS AND DETERMINATIONS.—(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

"(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

"(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States,

only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

"(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

"SEC. 655. LIMITATIONS UPON ASSISTANCE TO OR FOR CAMBODIA.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated or expended in any amount in excess of \$341,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1972.

"(b) In computing the \$341,000,000 limitation on obligation and expenditure authority under subsection (a) of this section in fiscal year 1972, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33 1/3 per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(c) No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated or expended for any such purpose during such fiscal year.

"(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation or expenditure of funds to carry out combat air operations over Cambodia.

"(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use, in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purpose; except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

"(g) Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense."

LIMITATIONS ON UNITED STATES PERSONNEL AND PERSONNEL ASSISTED BY UNITED STATES IN CAMBODIA

SEC. 6. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is further amended by adding after section 655, as added by section 5(b) of this Act, the following new section:

"SEC. 656. LIMITATIONS ON UNITED STATES PERSONNEL AND PERSONNEL ASSISTED BY UNITED STATES IN CAMBODIA.—The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than fifty individuals in Cambodia or the United States. For purposes of this section, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government."

FOREIGN MILITARY SALES

SEC. 7. The Foreign Military Sales Act is amended as follows:

(1) In section 33(a), relating to regional ceilings on foreign military sales, strike out "\$75,000,000" and insert in lieu thereof "\$100,000,000".

(2) Section 33 (c), relating to regional ceilings on foreign military sales, is repealed.

EXCESS DEFENSE ARTICLES

SEC. 8. Section 8 of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended—

(1) by striking out the first and second sentences of subsection (a) and inserting in lieu thereof the following: "Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development) shall be considered to be an expenditure made from funds appropriated under the Foreign Assistance Act of 1961 for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is canceled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order.";

(2) by striking out, in subsection (b), "\$100,000,000" and inserting in lieu thereof "\$150,000,000"; and

(3) by adding at the end thereof the following new subsection:

"(c) Except for excess defense articles granted under part II of the Foreign Assistance Act of 1961, the provisions of this section shall not apply to any excess defense article

granted to South Vietnam prior to July 1, 1972."

TERMINATION OF UNITED STATES MILITARY OPERATIONS IN INDOCHINA

SEC. 9. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than six months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than six months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

LIMITATION ON UNITED STATES ACTIVITIES IN CAMBODIA

SEC. 10. Section 7(a) of the Special Foreign Assistance Act of 1971 (84 Stat. 1943) is amended by striking out "Cambodian military forces" and inserting in lieu thereof "military, paramilitary, police, or other security or intelligence forces".

RESTRICTIONS RELATING TO FOREIGN TROOPS

SEC. 11. Section 401(a) of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is amended—

(1) by inserting in the second sentence of paragraph (1), after "to or for the use of the Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States"; and

(2) by inserting in the introductory matter preceding clause (A) of paragraph (2) of such section, after "Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States".

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical corrections in the engrossment of S. 2819.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOVIET ESPIONAGE AGENT ON THE STAFF OF THE UNITED NATIONS

Mr. EASTLAND. Mr. President, one of the most important witnesses heard by