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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
1a. Memo	1. <u>Legislative Counsel to Marsh. 4/12/76</u> Legislative Counsel to John Marsh (1 p)	4/12/76	C(A)
1b. Memo	Legislative Counsel to "For the Record" (2 pp.)	4/9/76	A
1c. Memo	re effect of S. 2662 (2 pp.)	Undated	A
2. Memo	George Bush to John Marsh (1 p.)	6/8/76	A

Handwritten notes:
 - Next to 1a: "opened portions" and "with exempted 3/17/93 10314"
 - Next to 1b: "opened 3/17/93 10314"
 - Next to 1c: "opened with portions exempted 3/17/93 10314"

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CENTRAL INTELLIGENCE AGENCY
Office of Legislative Counsel
Washington, D. C. 20505

12 APR 1976

TO: Mr. John Marsh
The White House
Washington, D. C.

APR 12 1976

Jack:

I am concerned that, unless we resolve the current situation with the House Defense Appropriations Subcommittee before the Easter recess, that enactment of the Security Assistance legislation will put us in such a time compression situation that it will be impossible for us to fulfill our commitments. In this connection, I am forwarding for your information the attached memorandum.

George L. Cary
George L. Cary
Legislative Counsel

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With PORTIONS EXEMPTED
E.O. 12356, Sec. 1.3 (a) (4)

MR 92-40, #1 CIA letter 2/8/93

By KSH, NARA, Date 3/17/93

SUBJECT: Effect of S. 2662 on Agency Angola Program

1. The International Security Assistance and Arms Control Act of 1976 (S. 2662), as it came out of the conference on 6 April 1976, contained the following provision.

Section 404(b)(1)

Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until the Congress expressly authorizes such assistance by law enacted after the date of enactment of this section.

2. The Conference Report included the following comments:

The Senate bill prohibited security assistance to any group, individual, organization, or persons in Angola for military or paramilitary operations, unless such assistance is specifically authorized by this act. This provision also authorized the President to furnish security assistance if he submitted a report to the Congress fully justifying such assistance, and either House of the Congress did not disapprove the report by simple resolution.

The House amendment prohibited assistance of any kind other than for humanitarian purposes, unless specifically authorized by subsequent legislation.

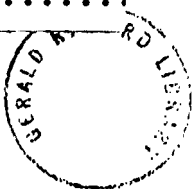
The committee of conference adopted the House prohibition with an amendment adding the words, "notwithstanding any other provision of law," to make clear that the prohibition on security assistance is not limited solely to assistance furnished pursuant to this Act.

3. The aforementioned provision goes beyond the Tunney amendment by prohibiting "any assistance" and not just assistance funded by the 1976 DOD Defense Appropriations Act.

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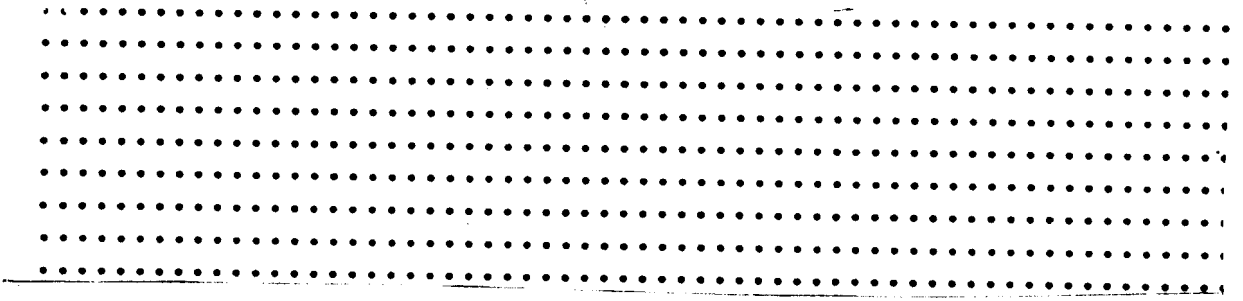
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MR 92-40, #3 CIA letter 2/8/93

By KKH [unclear], Date 3/17/93

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the joint resolution entitled "Joint resolution to implement the United States proposal for the early-warning system in Siam", approved October 13, 1975 (Public Law 94-110), and the authorizations contained in the amendments made by the International Security Assistance and Arms Export Control Act of 1976 do not, and shall not in any way be construed to, constitute congressional approval, acceptance, or endorsement (1) of any oral or written commitment, understanding, assurance, promise, or agreement, whether expressed or implied, or any other expression, oral or written (other than the "United States Proposal for the Early Warning System in Siam"), made by any official of the United States which Israel, Egypt, or any other nation or organization might construe or interpret as a basis on which it could rely or act; or (2) of any characterization of any such commitment, understanding, assurance, promise, or agreement, or other expression, as constituting a "codification" of existing, congressionally approved United States policy."

AID FOR CYPRIOT REFUGEES

Sec. 402. Section 495 of the Foreign Assistance Act of 1961 is amended by striking out "\$30,000,000" and inserting in lieu thereof "\$40,000,000."

ASSISTANCE TO TURKEY

Sec. 403. Section 620(x) (1) of the Foreign Assistance Act of 1961, as amended by section 2(c) of the Act of October 6, 1975 (Public Law 94-104), is amended by striking out "Provided," and all that follows through the end of paragraph (1) and inserting in lieu thereof the following: "Provided, that for the fiscal year 1976 and the period beginning July 1, 1976, and ending September 30, 1976, 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 1976 and the period beginning July 1, 1976, and ending September 30, 1976, 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 \$125,000,000. 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."

LIMITATION ON CERTAIN ASSISTANCE TO AND ACTIVITIES IN ANGOLA

Sec. 404. (a) It is the sense of Congress that

(1) the people of Angola should be allowed to determine their own political future without military interference from any foreign country;

(2) the Congress supports efforts by the Organization of African Unity to achieve a settlement of the conflict in Angola and calls upon all countries to terminate any military assistance such countries may be giving to any group, organization, movement, or individual in Angola;

(3) a disengagement by such countries would be a welcome reaffirmation of the spirit of detente, both throughout the world and in Africa; and

(4) the President should do his utmost to seek an agreement among the various parties involved in hostilities or in the support of such hostilities in Angola to terminate such hostilities or such support.

(b) (1) Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until the Congress expressly authorizes such assistance by law enacted after the date of enactment of this section.

(2) If the President determines that assistance prohibited by paragraph (1) of this subsection should be furnished in the national security interests of the United States, he shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(A) a statement by the President that his efforts to obtain the agreement described in paragraph (4) of subsection (a) have not been successful;

(B) a description of the amounts and categories of assistance which he recommends to be authorized and the identity of the proposed recipients of such assistance; and

(C) a certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination.

(3) The prohibition contained in paragraph (1) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

(4) The provisions of this section may not be waived under any other provision of law.

(5) The President shall report to the Congress on the implementation of this section within sixty days after the date of enactment of this section and every thirty days thereafter until such time as both the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate have adopted resolutions stating that such reports are no longer necessary.

SOVIET INTERVENTION IN ANGOLA

Sec. 405. The Congress views the large-scale and continuing Soviet intervention in Angola including active sponsorship and support of Cuban armed forces in Angola, as being completely inconsistent with any reasonably defined policy of detente, as well as with Articles 1 and 2 of the United Nations Charter, the principle of noninterference in the affairs of other countries agreed to at Helsinki in 1975, and with the spirit of recent bilateral agreements between the United States and the Union of Soviet Socialist Republics. Such intervention should be taken explicitly into account in United States foreign policy planning and negotiations.

PROHIBITION AGAINST MILITARY ASSISTANCE AND SALES CREDITS TO CHILE

Sec. 406. (a) No military or security supporting assistance may be furnished under the Foreign Assistance Act of 1961; and no credits (including participations in credits)

may be extended, and no loan may be guaranteed, under the Arms Export Control Act with respect to Chile.

(b) No deliveries of any such assistance may be made to Chile on and after the date of enactment of this section.

CONTROL OF MILITARY FORCES IN THE INDIAN OCEAN

Sec. 407. (a) It is the sense of Congress that the President should undertake to enter into negotiations with the Soviet Union intended to achieve an agreement limiting the deployment of naval, air, and land forces of the Soviet Union and the United States in the Indian Ocean and littoral countries. Such negotiations should be convened as soon as possible and should consider, among other things, limitations with respect to—

(1) the establishment or use of facilities for naval, air, or land forces in the Indian Ocean and littoral countries;

(2) the number of naval vessels which may be deployed in the Indian Ocean, or the number of "ship-days" allowed therein; and

(3) the type and number of military forces and facilities allowed therein.

(b) Not later than December 1, 1976, the President shall transmit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate with respect to steps he has taken to carry out the provisions of this section.

UNITED STATES CITIZENS IMPRISONED IN MEXICO

Sec. 408. (a) The Congress, while sharing the concern of the President over the urgent need for international cooperation to restrict traffic in dangerous drugs, is convinced that such efforts must be consistent with respect for fundamental human rights. The Congress, therefore, calls upon the President to take steps to insure that United States efforts to secure stringent international law enforcement measures are combined with efforts to secure fair and humane treatment for citizens of all countries.

(b) (1) The Congress requests that the President communicate directly to the President and Government of the Republic of Mexico, a nation with which we have friendly and cooperative relations, the continuing desire of the United States for such relations between our two countries and the concern of the United States over treatment of United States citizens arrested in Mexico.

(2) The Secretary of State shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate within one hundred and twenty days after the date of enactment of this section, and every one hundred and twenty days thereafter, on progress toward full respect for the human and legal rights of all United States citizens detained in Mexico.

EMERGENCY FOOD NEEDS OF PORTUGAL

Sec. 409. It is the sense of the Congress that the President should undertake immediately an evaluation of the emergency food needs of Portugal. It is further the sense of the Congress that the President should take timely action to alleviate such emergency by providing Portugal with food commodities under the provisions of pertinent statutes.

STRIFE IN LEBANON

Sec. 410. It is the sense of the Congress that the situation in Lebanon, a nation traditionally friendly to the United States, poses a danger to peace in the Middle East. The Congress deplores the armed civil strife and the continuing erosion of national institutions which threaten to destroy the political and economic fabric of Lebanon with such tragic impact on all its people. The Congress views with grave concern any outside efforts to exploit the current strife with the purpose of transforming Lebanon into a radical state in confrontation with Israel. The Congress requests that the President use his good offices to secure an end to the civil strife and national discord in Lebanon and to preserve

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9 APR 1976

MEMORANDUM FOR THE RECORD

SUBJECT: International Security Assistance and Arms Control Act
of 1976 (S. 2662)

1. As is pointed out in the attached memorandum, the impending passage of the International Security Assistance and Arms Control Act of 1976 (S. 2662) compresses the time requirement for taking a decisive action with respect to the outstanding obligations relating to the Angola covert action program. (See attachment A) House action on the conference report on the bill is scheduled for next Tuesday.

2. In addition to its possible impact in this connection, proposed Section 404(b) of S. 2262 may well from the standpoint of legislative precedence be attractive as a model to congressional critics of covert action programs in general or specific covert actions. (See attachment B)

a. Section 662 of the Foreign Assistance Act, passed in December of 1974, prohibits covert action in general unless the President makes a finding that such action serves the national security interests of the United States and this fact is reported to currently six committees of Congress;

b. With respect to Angola, the Tunney amendment passed in December of 1975, prohibited the expenditure of funds in the Defense Appropriations Act for Fiscal Year 1976 for covert actions in Angola;

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E.O. 12958, Sec. 3.4.

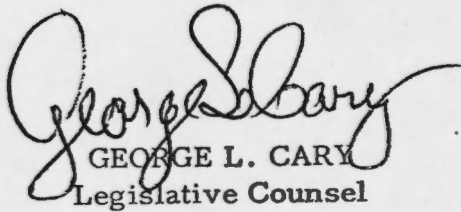
MR 92-40, #2, CIA letter 2/2/93
By KSH NARA, Date 3/17/93



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c. Section 404(b)(2) as it relates to Angola appears to permit the President to override the requirements of current law (Section 662 of the Foreign Assistance Act) and the Tunney amendment if he determines such is "in the national security interests of the United States," and if an unclassified report explaining the reasons supporting such determination is submitted, not to the six committees of Congress required by Section 662, but only to "the Speaker of the House of Representatives and the Senate Foreign Relations Committee."


GEORGE L. CARY
Legislative Counsel

Attachments
as stated



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Assistant Secretary of State, and to make recommendations to the President, Secretary of State, and the Administrator of the Agency for International Development regarding any deficiencies in such compliance.

The House bill was essentially the same as the Senate bill except for the following differences:

(1) Whereas the Senate bill stated it is the policy of the United States not to provide security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, the House bill directed such a prohibition;

(2) The House bill required the President to determine, if so requested by Congress, whether or not there existed in a particular country a serious question of a consistent pattern of gross violations of internationally recognized human rights. The Senate bill did not have such a requirement.

(3) The House bill allowed 90 days of continuous session for the consideration of a concurrent resolution terminating or restricting security assistance to a particular government.

(4) The House bill's reference to the findings of nongovernmental organizations did not include those organizations having consultative status with the United Nations.

(5) The House bill did not provide for a Director of Human Rights. The annual reports on the status of human rights in recipient governments and statements regarding particular recipient governments were to be submitted by the President.

The committee of conference adopted the Senate provision with several amendments as follows:

(1) It accepted the House bill's language directly stating the prohibition of security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights.

(2) It provided that the expedited procedure would apply only to the Senate; and that the Congress would have 90 days of continuous session to enact a concurrent resolution restricting, terminating or restoring security assistance to a given country.

(3) It required the Secretary of State to file the reports and statements required under section 502B.

(4) It deleted the reference in the Senate bill relating to international organizations having "consultative status" with the United Nations.

(5) It established the position of a Coordinator for Human Rights in the Department of State. The Coordinator is to be appointed by the President, with the advice and consent of the Senate. The Coordinator is to be responsible to the Secretary of State who would carry out his responsibilities under section 502B through the Coordinator. The duties of the Coordinator remain largely the same as specified in the Senate bill for the Director; in addition, he is asked to perform other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.

It is the understanding of the committee of conference that the Coordinator for Human Rights would devote full-time to human rights as articulated in this section and in section 116 of the Foreign Assistance Act.

The committee of conference expects the Coordinator for Human Rights to be given sufficient staff to carry out his duties.

POSITIONS TAKEN AT INTERNATIONAL ORGANIZATIONS

The House amendment directed the President to take into account positions taken in international organizations in determining future requests for military and security supporting assistance.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the Senate position.

DISCRIMINATION

The Senate bill added a new subsection (g) to section 505 of the Foreign Assistance Act and a new section 5 to the Foreign Military Sales Act. The new provision (1) enunciated United States policy not to furnish assistance or to make sales or extend credits or guaranties to governments discriminating against United States nationals or persons, (2) prohibited United States agencies or contractors from acquiescing in such discriminatory practices in their assignment and employment of personnel, (3) required Presidential reports to Congress on any transaction in which a United States person or corporation is prevented, due to such discrimination, from participating either in the furnishing of assistance or in any sale or commercial license transaction under the Foreign Military Sales Act, and (4) if the discrimination persisted, required the immediate termination of the assistance transaction, the immediate cancellation of the sale, or the immediate suspension of the license in question.

The House amendment was comparable but did not require the mandatory termination of the assistance, sale, credit, or guaranty or the cancellation of the license if the country continued to discriminate against United States citizens.

The committee of conference adopted the Senate provision with an amendment which permits the President to waive the requirement to suspend the assistance, sale, credit, guaranty, or to cancel the license, if he determines and certifies to the Congress that termination of such assistance, sale, credit, guaranty, or the cancellation of the export license, would have a significant adverse impact on the security of the United States.

PROHIBITION AGAINST ASSISTANCE TO COUNTRIES WHICH AID OR ABET INTERNATIONAL TERRORISTS

The Senate bill prohibited assistance of any kind under the Foreign Assistance Act for a period of one year to any country which aids or abets an individual or group that has committed an act of international terrorism. The prohibition could be waived if the President determined that the security of the United States required it, but such a determination could be disapproved within 30 days by the passage by the Congress of a concurrent resolution.

The House amendment prohibited assistance to any country which granted sanctuary from prosecution to any individual or group that had committed an act of international terrorism. The prohibition could be waived if the President determined and reported to Congress that extraordinary circumstances existed which justified continuation of assistance and if the Congress did not reject such a determination within 30 days by the passage of a concurrent resolution.

The committee of conference adopted the Senate version with an amendment to include the House provision by requiring termination of assistance to any country which aids or abets by granting sanctuary from prosecution to any individual or group that has committed an act of international terrorism.

AID FOR CYPRIOT REFUGEES

The House amendment contained a provision increasing the authorization for assistance for the refugees in Cyprus from \$30 million to \$50 million.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to an authorization of \$40 million for the refugees in Cyprus.

ASSISTANCE FOR ANGOLA

Policy statement and reporting requirement

The Senate bill contained a policy statement urging the President to seek agreement among the various factions in Angola. The

President was required to report Congress within 30 days on steps taken to reach such an agreement and on military aid being provided by foreign governments to Angola.

The House amendment contained a policy statement calling upon the President to seek an end to the fighting in Angola. This provision also required the President to report to the Congress within 60 days after enactment and every 30 days thereafter until the reporting requirement was suspended by the concerned committees of the Congress.

The committee of conference adopted the Senate policy language and the House reporting requirement.

Prohibition on assistance

The Senate bill prohibited security assistance to any group, individual, organization, or persons in Angola for military or paramilitary operations, unless such assistance is specifically authorized by this act. This provision also authorized the President to furnish security assistance if he submitted a report to the Congress fully justifying such assistance, and either House of the Congress did not disapprove the report by simple resolution.

The House amendment prohibited assistance of any kind other than for humanitarian purposes, unless specifically authorized by subsequent legislation.

The committee of conference adopted the House prohibition with an amendment adding the words, "notwithstanding any other provision of law," to make clear that the prohibition on security assistance is not limited solely to assistance furnished pursuant to this Act.

SOVIET INTERVENTION IN ANGOLA

The House amendment expressed the concern of the Congress with respect to the large-scale and continuing Soviet intervention in Angola, including Soviet sponsorship and support for Cuban Armed Forces in that country.

The Senate bill did not contain a comparable provision.

The committee of conference adopted the House provision.

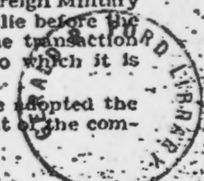
ASSISTANCE FOR TURKEY

The Senate bill amended section 620(x) of the Foreign Assistance Act to permit cash sales under the Foreign Military Sales Act during fiscal year 1976 and the transition quarter if the President determined that such sales were necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization.

The House amendment authorized cash sales, credits, and guaranties under the Foreign Military Sales Act to finance the procurement of defense articles and defense services by Turkey if the President determined on a case by case basis that such sales, credits, and guaranties were necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization. The House provision also established a ceiling of \$125 million on such sales, credits, and guaranties during fiscal year 1976 and the interim quarter. This section further provided that the authority to make such sales 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 additional United States supplied arms, ammunition, or implements of war.

The House amendment also required that any determination relating to the sale of significant combat equipment on the U.S. Munitions List to which the reporting requirement of section 36(b) of the Foreign Military Sales Act does not apply must lie before the Congress for 30 days before the transaction or transactions with respect to which it is made may be undertaken.

The committee of conference adopted the House provision. It is the intent of the com-



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