

Public Law 91-672

AN ACT

To amend the Foreign Military Sales Act, and for other purposes.

January 12, 1971
[H. R. 15628]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3 of the Foreign Military Sales Act (22 U.S.C. 2753(b)) is amended to read as follows:

“(b) No sales, credits, or guaranties shall be made or extended under this Act to any country during a period of one year after such country seizes, or takes into custody, or fines an American fishing vessel for engaging in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States or he receives reasonable assurances from the country involved that future violations will not occur, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall not be applicable in any case governed by an international agreement to which the United States is a party.”

Foreign Military
Sales Act, amend-
ments.
82 Stat. 1322.

SEC. 2. Section 31 of such Act (22 U.S.C. 2771) is amended—

(1) by striking out of subsection (a) “not to exceed \$296,000,000 for the fiscal year 1969” and inserting in lieu thereof “not to exceed \$250,000,000 for each of the fiscal years 1970 and 1971”; and

Waiver; report.
Exception.

(2) by striking out of subsection (b) “during the fiscal year 1969 shall not exceed \$296,000,000” and inserting in lieu thereof “shall not exceed \$340,000,000 for each of the fiscal years 1970 and 1971”.

Foreign military
sales credits,
ceiling.

SEC. 3. Section 33 of such Act (22 U.S.C. 2773) is amended—

(1) by striking out of subsection (a) “the fiscal year 1969” and inserting in lieu thereof “each fiscal year”; and

Foreign military
sales, ceiling.

(2) by striking out of subsection (b) “the fiscal year 1969” and inserting in lieu thereof “each fiscal year”.

Policy state-
ment.

SEC. 4. The last paragraph of section 1 of such Act (22 U.S.C. 2751) is amended by striking out “denying social progress” and inserting in lieu thereof “denying the growth of fundamental rights or social progress”.

Sales to the
Middle East.

SEC. 5. It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

SEC. 6. It is the sense of the Congress that—

Military aid pro-
grams, review.

(1) the President should immediately institute a thorough and comprehensive review of the military aid programs of the United States, particularly with respect to the military assistance and sales operations of the Department of Defense, and

Conventional
arms trade, Presi-
dential action.

(2) the President should take such actions as may be appropriate—

(A) to initiate multilateral discussions among the United States, the Union of Soviet Socialist Republics, Great Britain, France, West Germany, Italy and other countries on the control of the worldwide trade in armaments,

(B) to commence a general debate in the United Nations with respect to the control of the conventional arms trade, and

(C) to use the power and prestige of his office to signify the intention of the United States to work actively with all nations to check and control the international sales and distribution of conventional weapons of death and destruction.

SEC. 7. Unless the sale, grant, loan, or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam. For purposes of this section, "International Fighter aircraft" means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91-121 (relating to military procurement for fiscal year 1970 and other matters).

SEC. 8. (a) Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization under part II of the Foreign Assistance Act of 1961 shall be considered to be an expenditure made from funds appropriated under that Act for military assistance. When an order is placed under the military assistance program with the military departments 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 cancelled, 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. Such sum shall be transferred to the military assistance appropriation for the current fiscal year upon delivery of such article if at the time of delivery the stock status of the article is determined, in accordance with sections 644 (g) and (m) of the Foreign Assistance Act of 1961, to be nonexcess.

(b) The provisions of subsection (a) shall apply during any fiscal year only to the extent that the aggregate value of excess defense articles ordered during that year exceeds \$100,000,000.

(c) For purposes of this section, "value" means not less than 33 1/3 per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

International
Fighter aircraft.
82 Stat. 1320.
22 USC 2751
note.
75 Stat. 424.
22 USC 2151
note.

83 Stat. 204.

Excess defense
articles.

22 USC 2301.

Funds, transfer.

75 Stat. 461.
22 USC 2403.

"Value."

Presidential
note to Congress.

Report to
Congress.

Transfer
approval.

75 Stat. 436;
81 Stat. 456.
22 USC 2314.
82 Stat. 1322.
22 USC 2753.
Restrictions.

(d) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. Additionally, the President shall also submit a quarterly report to the Congress listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.

SEC. 9. In considering a request for approval of any transfer of a defense article to another country under section 505 (a)(1) and (a)(4) of the Foreign Assistance Act of 1961, and section 3(a)(2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country. In addition, the President shall not give his consent under such sections to the transfer of any significant defense articles on the United States Munitions List unless (1) the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or (2) the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

SEC. 10. (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for foreign assistance (including foreign military sales) shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation for foreign assistance (including foreign military sales) authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this section which specifically repeals or modifies the provisions of this section.

SEC. 11. For purposes of sections 8 and 9—

(1) "defense article" and "excess defense articles" have the same meanings as given them in section 644(d) and (g), respectively, of the Foreign Assistance Act of 1961; and

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

Definitions.

75 Stat. 461.
22 USC 2403.

Gulf of Tonkin
Resolution, repeal.

50 USC app.
prec. 1 note.

Chemical munitions
transportation, fund restriction.

"United States."

SEC. 12. The joint resolution entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", approved August 10, 1964 (78 Stat. 384; Public Law 88-408), is terminated effective upon the day that the second session of the Ninety-first Congress is last adjourned.

SEC. 13. No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States. For purposes of this section, the term "United States" means the several States and the District of Columbia.

Approved January 12, 1971.