

Public Law 94-441
94th Congress

An Act

Making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1977, and for other purposes.

Oct. 1, 1976

[H.R. 14260]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related programs for the fiscal year ending September 30, 1977, and for other purposes, namely:

Foreign
Assistance and
Related
Programs
Appropriations
Act, 1977.

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, and for other purposes, to remain available until September 30, 1977, unless otherwise specified herein, as follows:

22 USC 2151
note.

ECONOMIC ASSISTANCE

Food and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, \$505,000,000: *Provided*, That the amounts provided for loans to carry out the purposes of this paragraph shall remain available until expended.

22 USC 2151a.

Population planning and health, Development Assistance: For necessary expenses to carry out the provisions of section 104, \$214,000,000: *Provided*, That the amounts provided for loans to carry out the purposes of this paragraph shall remain available until expended: *Provided further*, That of the funds made available for population planning and health, not less than \$15,000,000 shall be only available for programs providing training to auxiliary or paramedical personnel who will be engaged in the delivery of health and family planning services to rural areas.

22 USC 2151b.

Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of section 105, \$70,000,000: *Provided*, That the amounts provided for loans to carry out the purposes of this paragraph shall remain available until expended.

22 USC 2151c.

Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance: For necessary expenses to carry out the provisions of section 106, \$67,000,000: *Provided*, That the amounts provided for loans to carry out the purposes of this paragraph shall remain available until expended.

22 USC 2151d.

Loan allocation, Development Assistance: Of the new obligational authority appropriated under this Act to carry out the provisions of sections 103-106, not less than \$300,000,000 shall be available for loans for fiscal year 1977: *Provided*, That of the amount made available for loans, not to exceed \$210,000,000 of such amount shall be available for loans repayable within forty years following the date on which the funds were initially made available under the loan: *Provided*

22 USC
2151a-2151d.

further, That not to exceed \$60,000,000 of such amount shall be available for loans repayable within thirty years following such date: *Provided further*, That not to exceed \$30,000,000 of such amount shall be available for loans repayable within twenty years following such date.

22 USC 2221. International organizations and programs: For necessary expenses to carry out the provisions of section 301, \$187,000,000: *Provided*, That not more than \$20,000,000 shall be available for the United Nations Children's Fund: *Provided further*, That not less than \$1,000,000 shall be available until expended for a contribution to the International Atomic Energy Agency to strengthen the Agency's safeguards program: *Provided further*, That not less than \$100,000,000 shall be available only for the United Nations Development Program: *Provided further*, That none of the funds appropriated or made available pursuant to this Act shall be used to supplement the funds provided to the United Nations Development Program in fiscal year 1976.

22 USC 287 note. United Nations Environment Fund: For necessary expenses to carry out the provisions of section 2 of the United Nations Environment Program Participation Act of 1973, \$10,000,000.

22 USC 2174. American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, \$19,800,000.

American schools and hospitals abroad (special foreign currency program): For necessary expenses to carry out the provisions of section 214, \$7,000,000 in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, to remain available until expended.

22 USC 2222. Indus Basin Development Fund, grants: For necessary expenses to carry out the provisions of section 302(b)(2) with respect to Indus Basin Development Fund, grants, \$15,750,000.

22 USC 2261. Contingency fund: For necessary expenses, \$5,000,000, to be used for the purposes set forth in section 451.

22 USC 2292. International disaster assistance: For necessary expenses to carry out the provisions of section 491, \$25,000,000.

22 USC 2291. International narcotics control: For necessary expenses to carry out the provisions of section 481, \$34,000,000.

Payment to the Foreign Service Retirement and Disability Fund: For payment to the "Foreign Service Retirement and Disability Fund," as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 1105-1106), \$16,680,000.

22 USC 2362. Overseas training (special foreign currency program): For necessary expenses to carry out the provisions of section 612, \$400,000 in foreign currencies which the Treasury Department declares to be excess to the normal requirements of the United States.

Ante, p. 762. Lebanon Relief and Rehabilitation assistance: For necessary expenses to carry out the provisions of section 495C, \$20,000,000.

22 USC 2151 note. Except for the Contingency Fund, unobligated balances as of September 30, 1976, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1977, for the same purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same purpose as any of the subparagraphs under "Economic Assistance," "Middle East Special Requirements Fund," "Security Supporting Assistance," "Operating Expenses

31 USC 200.

of the Agency for International Development," "International Military Education and Training," and "Indochina Postwar Reconstruction Assistance," are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same purpose: *Provided*, That such purpose relates to a project or program previously justified to Congress, and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs.

None of the funds made available under this Act for "Food and nutrition, Development Assistance," "Population planning and health, Development Assistance," "Education and human resources development, Development Assistance," "Technical assistance, energy research, reconstruction, and selected development problems, Development Assistance," "International organizations and programs," "United Nations Environment Fund," "American schools and hospitals abroad," "Indus Basin Development Fund, grants," "International narcotics control," "Middle East special requirements fund," "Security supporting assistance," "Operating Expenses of the Agency for International Development," "Military assistance," "International military education and training," "Inter-American Foundation," "Peace Corps," "Cuban refugee assistance," "Special assistance to refugees from Cambodia, Vietnam, and Laos in the United States," "Migration and refugee assistance," or "Assistance to refugees from the Soviet Union or other Communist countries in Eastern Europe," shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for fiscal year 1977 unless the Appropriations Committees of both Houses of the Congress are previously notified fifteen days in advance.

MIDDLE EAST SPECIAL REQUIREMENTS FUND

Middle East special requirements fund: For necessary expenses to carry out the provisions of section 901 and section 903 of the Foreign Assistance Act of 1961, as amended, \$23,000,000: *Provided*, That none of the funds appropriated under this heading may be used to provide a United States contribution to the United Nations Relief and Works Agency.

22 USC 2441,
2443.

SECURITY SUPPORTING ASSISTANCE

Security supporting assistance: For necessary expenses to carry out the provisions of section 531 of the Foreign Assistance Act of 1961, as amended, \$1,734,700,000: *Provided*, That of the funds appropriated under this paragraph, \$735,000,000 shall be allocated to Israel, \$700,000,000 shall be allocated to Egypt, \$70,000,000 shall be allocated to Jordan, \$17,500,000 shall be allocated for Cyprus, \$55,000,000 shall be allocated for Portugal, \$80,000,000 shall be allocated to Syria, \$14,000,000 shall be allocated for Botswana and for regional training programs, not to exceed \$20,000,000 shall be allocated to Zaire, and not to exceed \$20,000,000 shall be allocated to Zambia: *Provided, further*, That \$7,000,000 of this appropriation shall be available only upon ratification of the Treaty of Friendship and Cooperation Between Spain and the United States of America.

22 USC 2346.
Allocation of
funds.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For "Operating Expenses of the Agency for International Development", \$192,000,000.

MILITARY ASSISTANCE

22 USC 2311.

Military assistance: For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, \$247,300,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States: *Provided further*, That \$15,000,000 of this appropriation shall be available only upon ratification of the Treaty of Friendship and Cooperation Between Spain and the United States of America.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

International military education and training: For necessary expenses for "International military education and training," \$25,000,000: *Provided*, That \$2,000,000 of this appropriation shall be available only upon ratification of the Treaty of Friendship and Cooperation Between Spain and the United States of America.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed \$10,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

INTER-AMERICAN FOUNDATION

The Inter-American Foundation is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year: *Provided*, That not to exceed \$7,000,000 shall be available to carry out the authorized programs during the current fiscal year.

GENERAL PROVISIONS

SEC. 101. None of the funds herein appropriated (other than funds appropriated for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America as per memorandum of the President dated May 15, 1962.

SEC. 102. Except for the appropriations entitled "Contingency fund", "International disaster assistance", and appropriations of funds to be used for loans, not more than 20 per centum of any appropriation item made available by this title for fiscal year 1977 shall be obligated and/or reserved during the last month of availability.

SEC. 103. None of the funds herein appropriated nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

SEC. 104. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

22 USC 2151
note.

SEC. 105. Of the funds appropriated or made available pursuant to this Act, not more than \$12,000,000 may be used during the current fiscal year in carrying out centrally funded research under sections 105 and 106 of the Foreign Assistance Act of 1961, as amended.

22 USC 2151c,
2151d.
United Nations
members,
assessments,
dues.

SEC. 106. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

SEC. 107. None of the funds contained in title I of this Act may be used to carry out the provisions of sections 209(d) and 251(h) of the Foreign Assistance Act of 1961, as amended.

22 USC 2169,
2211.
North and South
Vietnam, or Laos,
assistance,
prohibition.

SEC. 108. None of the funds appropriated or made available pursuant to this Act shall be used to provide assistance to the Democratic Republic of Vietnam (North Vietnam), South Vietnam, Cambodia, or Laos.

SEC. 109. Of the funds appropriated or made available pursuant to this Act, not to exceed \$108,000 shall be for official residence expenses of the Agency for International Development during the fiscal year ending September 30, 1977.

SEC. 110. Of the funds appropriated or made available pursuant to this Act, not to exceed \$20,000 shall be for entertainment expenses of the Agency for International Development during the fiscal year ending September 30, 1977.

SEC. 111. Of the funds appropriated or made available pursuant to this Act, not to exceed \$96,000 shall be for representation allowances of the Agency for International Development during the fiscal year ending September 30, 1977.

SEC. 112. Of the funds appropriated or made available pursuant to this Act, not to exceed \$75,000 shall be for entertainment expenses relating to the Military Assistance Program, International Military Education and Training, and Foreign Military Credit Sales during the fiscal year ending September 30, 1977.

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, \$740,000,000: *Provided*, That of the amount provided for the total

22 USC 2751
note.

aggregate credit sale ceiling during the current fiscal year, not less than \$1,000,000,000 shall be allocated to Israel.

TITLE III—FOREIGN ASSISTANCE (OTHER)

INDEPENDENT AGENCY

ACTION—INTERNATIONAL PROGRAMS

PEACE CORPS

For expenses necessary for Action to carry out the provisions of the Peace Corps Act, as amended (22 U.S.C. 2501 et seq.), \$80,000,000: *Provided*, That of this amount \$49,563,000 shall be available for the direct support of volunteers: *Provided further*, That no less than \$3,600,000 of this amount shall be available only for the overseas technical support of volunteers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CUBAN REFUGEE ASSISTANCE

22 USC 2601
note.

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), relating to aid to Cuban refugees within the United States, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$82,000,000.

SPECIAL ASSISTANCE TO REFUGEES FROM CAMBODIA, VIETNAM, AND LAOS IN THE UNITED STATES

For assistance to refugees from Cambodia, Vietnam, and Laos in the United States, \$50,000,000: *Provided*, That all funds in this account shall remain available through September 30, 1977.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$10,000,000 of which not to exceed \$8,171,000 shall remain available until December 31, 1977: *Provided*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

ASSISTANCE TO REFUGEES FROM THE SOVIET UNION AND OTHER
COMMUNIST COUNTRIES IN EASTERN EUROPE

For necessary expenses to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972 and the provisions of section 105 of the Foreign Relations Authorization Act, Fiscal Year 1977, \$15,000,000.

86 Stat. 490.

Ante, p. 824.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

INVESTMENT IN ASIAN DEVELOPMENT BANK

For payment by the Secretary of the Treasury of the third and final installment of the United States subscription to the paid-in capital stock and the callable capital stock of the Asian Development Bank, authorized by the Asian Development Bank Act of December 22, 1974 (Public Law 93-537), \$90,477,000, to remain available until expended.

22 USC 285q,
285r.

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase in subscription to (1) paid-in capital stock, (2) callable capital stock, and (3) the United States share of the increase in the resources of the Fund for Special Operations, \$270,000,000, to remain available until expended.

INVESTMENT IN INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment by the Secretary of the Treasury of the second installment of the United States contribution to the fourth replenishment of the resources of the International Development Association as authorized by the International Development Association Act of August 14, 1974 (Public Law 93-373), \$375,000,000, to remain available until expended.

22 USC 284f,
284m.

INVESTMENT IN AFRICAN DEVELOPMENT FUND

For payment by the Secretary of the Treasury of a United States contribution to the African Development Fund as authorized by the Act of May 31, 1976 (Public Law 94-302), \$10,000,000, to remain available until expended.

Ante, p. 591.

TITLE IV—EXPORT-IMPORT BANK OF THE
UNITED STATES

The Export-Import Bank of the United States is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided.

31 USC 849.

LIMITATION ON PROGRAM ACTIVITY

Not to exceed \$6,334,443,000 (of which not to exceed \$3,875,000,000 shall be for equipment and services loans) shall be authorized during the current fiscal year for other than administrative expenses.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$12,081,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed \$24,000 for entertainment allowances for members of the Board of Directors: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes hereof.

TITLE V—GENERAL PROVISIONS

Publicity or
propaganda.

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Inspector
General, Foreign
Assistance.

SEC. 502. No part of any appropriation contained in this Act shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the Office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing.

Fiscal year
limitation.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Countries in
default.

SEC. 504. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act unless (1) such debt has been disputed by such country prior

to the enactment of this Act or (2) such country has either arranged to make payment of the amount in arrears or otherwise taken appropriate steps, which may include renegotiation, to cure the existing default.

SEC. 505. None of the funds appropriated or made available pursuant to this Act shall be used to provide military assistance, international military education and training, or foreign military credit sales to the Government of Uruguay.

Uruguay,
prohibition of
funds.

SEC. 505A. Not to exceed \$1,626,000 of the funds appropriated or made available pursuant to this Act for fiscal year 1977 shall be made available to the Office of the Inspector General of Foreign Assistance.

SEC. 506. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States' representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution or the compensation and related benefits of employees of the institution.

This Act may be cited as the "Foreign Assistance and Related Programs Appropriations Act, 1977".

Short title.

Approved October 1, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-1228 (Comm. on Appropriations) and No. 94-1642 (Comm. of Conference).

SENATE REPORT No. 94-1009 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 122 (1976):

June 24, 25, 29, considered and passed House.

June 30, Sept. 9, 10, considered and passed Senate, amended.

Sept. 27, House agreed to conference report.

Sept. 28, Senate agreed to conference report.