

SECTION-BY-SECTION ANALYSIS OF THE JOINT RESOLUTION TO  
AUTHORIZE THE PRESIDENT TO ENTER INTO AND CARRY OUT A  
DEFENSE COOPERATION AGREEMENT WITH TURKEY

I. INTRODUCTION

The proposed joint resolution implements the Defense Cooperation Agreement signed on behalf of the United States and Turkish Governments on March 26, 1976 and a related exchange of notes dated April 7 and 13, 1976, by authorizing the appropriation of funds necessary to carry out obligations undertaken by the United States therein and by providing that certain provisions of law will not operate to prohibit or impede the carrying out of those obligations.

The new Defense Cooperation Agreement with Turkey supersedes a 1969 Agreement, the operation of which was suspended by Turkey in July 1975. The 1969 Agreement had provided generally for support of the Turkish defense effort, subject to Congressional action, and entered into force on the day it was signed, without prior review by Congress. The Agreement was implemented by the inclusion of funds for Turkey in annual security assistance programs. By contrast, the present Agreement specifies the level of security assistance to be provided over the next four years, and has been negotiated with the understanding that it will not enter into force

until it is approved by Congress through enactment of the proposed joint resolution.

## II. PROVISIONS OF THE RESOLUTION

### Preamble

The preamble describes the background for the resolution by reciting the signature of the Agreement, its provision for entry into force, the existence of United States undertakings therein, the importance of the United States military activities and facilities in Turkey, and the President's request for Congressional approval of the Agreement.

### Section 1. Approval.

Section 1 expresses approval of the Agreement by Congress and authorizes the President to implement its provisions. This section provides the legal basis for the United States to enter into the exchange of notes necessary to bring the Agreement into force and constitutes authority for carrying out the undertakings of the United States under the Agreement.

### Section 2(a). Authorization.

Section 2 authorizes the appropriation of funds necessary to carry out the programs and activities provided for in the Agreement. This Agreement provides

for defense support to Turkey over a four year period of not less than \$200 million for grant military assistance and military training, including \$75 million for fiscal year 1977; sufficient funds for credits or guaranties of loans totaling not less than \$800 million to finance Turkish procurement of defense articles and defense services; and necessary amounts for other programs and activities, which include training of local personnel, cooperation in the implementation of communications plans and providing Turkish access to the United States Defense Satellite Communications System. The appropriations under this authorization will be requested on an annual basis. Any successive program of defense support developed in accordance with Article XIX(3) of the Agreement will require enactment of additional authorizing legislation.

Section 2(b). Application of Other Laws.

Section 2(b) provides that provisions of United States law generally applicable to security assistance shall apply to foreign assistance and military sales programs and activities carried out in implementation of the Agreement. This provision ensures that section 1 of the resolution will not be construed as authority to waive

the legal requirements for foreign military sales, training and grant assistance. Thus, the conditions of eligibility, purposes for which articles and services can be used, transfer restrictions, Congressional review procedures, statutory definitions, and other terms governing United States security assistance programs shall apply, and assistance and sales to Turkey will be carried out within the framework of the Foreign Assistance Act of 1961 and the Foreign Military Sales Act. This provision is consistent with the terms of the Agreement.

The first proviso in section 2(b) states that section 620(x) of the Foreign Assistance Act of 1961 shall not apply to security assistance programs in implementation of the Agreement. Section 620(x) prohibits U.S. military assistance and sales to Turkey until "the President determines and certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus...." Such a condition aimed specifically at Turkey would not be consistent

with the provisions of the Agreement and the proposed resolution.

In the same spirit, it was understood in connection with the negotiation of the new Agreement that authorization would be sought to complete, after its entry into force, deliveries of grant defense articles and services valued at approximately \$85 million which were suspended as a result of the enactment of section 620(x). The second proviso accordingly authorizes such deliveries with respect to articles and services for which funds were obligated or reserved prior to February 5, 1975. The resumption of such deliveries is consistent with and would complement the new Agreement in renewing defense cooperation with Turkey, which is essential to United States security interests, and thereby enhancing the ability of the United States to play a constructive role in encouraging a Cyprus settlement.

Section 2(c). Notice to Congress.

Section 2(c) specifies that the Congressional review procedures under section 36(b) of the Foreign Military Sales Act and the Congressional review and approval

requirements of 10 U.S.C. 7307 shall not apply to the defense articles and defense services referred to in the exchange of notes dated April 7 and 13, 1976 which is a part of the Agreement. The exchange of notes identifies certain defense articles, including naval vessels, which the United States is prepared to sell to Turkey in accordance with the standards and procedures set out in the Foreign Military Sales Act. If Congress, in connection with this resolution, approves that list of defense articles there would appear to be no need for a second review when the sales are made.

Section 2(d). Department of Defense Costs.

Section 2(d) makes clear that the authorized activities and programs of the Department of Defense, to be financed from the appropriations of the Department of Defense, include operation and maintenance of installations, training of Turkish personnel at the facilities, implementation of communications joint use plans, and providing access to the U.S. Defense Communications Satellite System. These Department of Defense functions will be carried out within the general framework of laws applicable to the activities of the Department of Defense and are not to be regarded as subject to the

provisions of the foreign assistance and military sales legislation.

SEC. 3. Effective Date.

Section 3 provides that the authorities in the resolution shall be effective concurrently with the period that the Agreement is in force and will lapse upon termination of the Agreement.