

ter, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the Government Accountability Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing.

(Pub. L. 87-195, pt. III, §633A, as added Pub. L. 95-424, title V, §502(a)(1), Oct. 6, 1978, 92 Stat. 957; amended Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

#### CODIFICATION

This section was formerly classified to subsec. (c) of section 2394 of this title prior to the complete revision of section 2394 of this title by Pub. L. 95-424, title V, §502(a)(2), Oct. 6, 1978, 92 Stat. 957.

#### AMENDMENTS

2004—Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office" in two places.

#### EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

#### DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

### § 2394. Reports and information; definitions

#### (a) Annual report to Congress on programs having impact on developing countries; contents

In order that the Congress and the American people may be better and more currently informed regarding American foreign policy and the effectiveness of assistance provided by the United States Government to other countries and to international organizations, the Chairman of the Development Coordination Committee shall prepare and transmit to the Congress, no later than February 1 of each year, as a part of the annual presentation materials for foreign assistance, a report as described in this subsection. This report shall include—

(1)(A) a comprehensive and coordinated review of all United States policies and programs having a major impact on the development of developing countries, including but not limited to bilateral and multilateral assistance, trade, debt, employment, food, en-

ergy, technology, population, oceans, environment, human settlements, natural resources, and participation in international agencies concerned with development;

(B) an assessment of the impact of such policies and programs on the well-being of the poor majority in developing countries in accordance with the policy objectives of part I of subchapter I of this chapter, including increasing life expectancy and literacy, lowering infant mortality and birth rates, and increasing food production and employment, such assessment to include an evaluation of the extent to which programs under part I of subchapter I of this chapter directly benefit the poor majority; and

(C) an assessment of the impact of such policies and programs on economic conditions in the United States, including but not limited to employment, wages, and working conditions;

(2) the dollar value of all foreign assistance and guaranties by category and by country provided or made by the United States Government by any means to all foreign countries and international organizations—

(A) from 1946 to the fiscal year immediately preceding the fiscal year for which the report is required;

(B) as presented to Congress for the immediate preceding fiscal year;

(C) as obligated during the immediately preceding fiscal year;

(D) as planned for the fiscal year in which the report is presented;

(E) as proposed for the fiscal year following the year in which the report is presented; and

(F) of any contract in excess of \$100,000 administered by the Agency for International Development which was entered into in the preceding fiscal year without competitive selection procedures, and the reasons for doing so;

(3) a summary of repayments, by country, to the United States from previous foreign assistance loans;

(4) the status of each sale of agricultural commodities on credit terms theretofore made under the Food for Peace Act [7 U.S.C. 1691 et seq.] with respect to which there remains outstanding any unpaid obligation; and the status of each transaction with respect to which a loan, contract or guarantee of insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] with respect to which there remains outstanding any unpaid obligation or potential liability; except that such report shall include individually only any loan, contract, sale, extension of credit, or other transactions listed in this paragraph which is in excess of \$1,000,000;

(5)(A) the status of the debt servicing capacity of each country receiving assistance under this chapter;

(B) all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted; and

(C) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States;

(6) the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, and international narcotics control assistance provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or of the Organization of Petroleum Exporting Countries;

(7) the percentage which each type of assistance described in paragraph (6) represents of (A) the gross national product of each country referred to in paragraph (6), and (B) the budget of the government of such country, as well as the per capita contribution for each country for each type of assistance described in paragraph (6);

(8) the amount of all foreign currencies acquired without payment of dollars on hand of each foreign country as of September 30 of the preceding fiscal year;

(9) the Development Coordination Committee's operations pursuant to section 2399c(f) of this title;

(10) the aggregate dollar value and quantity of grant military assistance, military education and training, and any other defense articles and services furnished under this chapter by the United States to each foreign country and international organization for the preceding fiscal year;

(11) information concerning the activities of the Minority Resource Center during the preceding fiscal year; and

(12) other information appropriate to the conduct of the foreign assistance program of the United States Government.

**(b) "Foreign assistance" and "provided by the United States Government" defined**

For purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government to a foreign country or international organization under this chapter or any other Act, including but not limited to any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies of any foreign country which are owned by the United States Government; and

(2) "provided by the United States Government" includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit, or guaranty.

(Pub. L. 87-195, pt. III, § 634, Sept. 4, 1961, 75 Stat. 455; Pub. L. 87-565, pt. III, § 302(e), (f), Aug. 1, 1962, 76 Stat. 262; Pub. L. 89-583, pt. III, § 302(c), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90-137, pt. III, § 302(h), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90-629, ch. 4, § 45(a), (b)(4), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 91-175, pt. III, § 305, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92-226, pt. III, § 304(a)(3), (c)(2), Feb. 7, 1972, 86 Stat. 28, 32; Pub. L. 93-189, § 17, Dec. 17, 1973, 87 Stat. 724; Pub. L. 93-559, § 14, Dec. 30, 1974, 88 Stat. 1799; Pub. L. 94-273, § 6(1), Apr. 21,

1976, 90 Stat. 377; Pub. L. 94-329, title II, § 209(b), June 30, 1976, 90 Stat. 739; Pub. L. 95-424, title V, § 502(a)(1), (2), Oct. 6, 1978, 92 Stat. 957; Pub. L. 96-533, title VII, § 707, Dec. 16, 1980, 94 Stat. 3159; Pub. L. 97-113, title VII, § 733, Dec. 29, 1981, 95 Stat. 1559; Pub. L. 99-83, title III, § 312(b), Aug. 8, 1985, 99 Stat. 216; Pub. L. 110-246, title III, § 3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

REFERENCES IN TEXT

The Food for Peace Act, referred to in subsec. (a)(4), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Export-Import Bank Act of 1945, referred to in subsec. (a)(4), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to subchapter I (§635 et seq.) of chapter 6A of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

This chapter, referred to in subsecs. (a)(5)(A), (10), (b)(1), was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

CODIFICATION

Prior to the complete revision of this section by section 502(a)(2) of Pub. L. 95-424, section 501(a)(1) of Pub. L. 95-424 redesignated former subsec. (c), relating to requests by the General Accounting Office and Congressional committees for documents and other material, as section 2393a of this title.

AMENDMENTS

2008—Subsec. (a)(4). Pub. L. 110-246 substituted "Food for Peace Act" for "Agricultural Trade Development and Assistance Act of 1954".

1985—Subsec. (a)(1)(B). Pub. L. 99-83 inserted provisions relating to evaluation of whether programs are benefiting the poor majority.

1981—Subsec. (a). Pub. L. 97-113, § 733(1), substituted provision requiring information regarding American foreign policy and effectiveness of assistance to other countries for provision requiring information regarding United States development policy and effectiveness of assistance to developing countries and provision directing the Chairman prepare and transmit to Congress as part of the annual presentation materials for foreign assistance a report as described in this subsection for provision directing the Chairman to transmit a report on foreign assistance for the fiscal year ending the previous Sept. 30.

Subsec. (a)(1)(B). Pub. L. 97-113, § 733(2), struck out "the progress developing countries are making toward achieving those objectives which are indicative of improved well-being of the poor majority, which objectives shall include but not be limited to" before "increasing life expectancy and literacy".

Subsec. (a)(2)(F). Pub. L. 97-113, § 733(3), added subpar. (F).

Subsec. (a)(4). Pub. L. 97-113, § 733(4), struck out requirement that the report include the status of each loan and each contract of guaranty or insurance theretofore made under this chapter, predecessor Acts, or any Act authorizing international security assistance, with respect to which there remained outstanding any

unpaid obligation or potential liability, and the status of each extension of credit for the procurement of defense articles or defense services, and of each contract of guarantee in connection with any such procurement, theretofore made under the Arms Export Control Act with respect to which there remained outstanding any unpaid obligation or potential liability.

Subsec. (a)(7). Pub. L. 97-113, §733(5), struck out “and” after the semicolon.

Subsec. (a)(8). Pub. L. 97-113, §733(6), substituted provision that the report contain the amount of all foreign currencies acquired without payment of dollars on hand of each foreign country as of Sept. 30 of the preceding fiscal year for provision that the report contain such other matters relating to foreign assistance provided under subchapter I of this chapter as the Chairman of the Development Coordination Committee considers appropriate.

Subsec. (a)(9) to (12). Pub. L. 97-113, §733(6), added pars. (9) to (12).

1980—Subsec. (a)(6) to (8). Pub. L. 96-533 added pars. (6) and (7) and redesignated former par. (6) as (8).

1978—Subsec. (a). Pub. L. 95-424, §502(a)(2), added subsec. (a).

Subsec. (b). Pub. L. 95-424, §502(a)(2), substituted definitions of “foreign assistance” and “provided by the United States Government” for provisions requiring public disclosure of all information concerning operations under this chapter except that which is deemed incompatible with the Security of the United States.

Subsec. (c). Pub. L. 95-424, §502(a)(1), struck out “(c)” at beginning of subsection and transferred the remainder of subsection to section 2393a of this title.

Subsecs. (d) to (h). Pub. L. 95-424, §502(a)(2), struck out subsecs. (d), relating to presentation of programs to Congressional committees; (e), relating to inclusion of a specific plan in the President’s recommendations to Congress; (f), relating to a report by the President to Congress showing the status of each outstanding loan; (g), relating to a report by the President to Congress showing debt-servicing problems; and (h), relating to military assistance to South Vietnam, Thailand, and Laos.

1976—Subsec. (d). Pub. L. 94-329 struck out provisions under which sales pursuant to the Foreign Assistance Act of 1961 or any other Act were included in the enumeration of factors used in developing, for purpose of presentation material, a chart showing the full extent of United States assistance planned or expected for each such country for the next fiscal year.

Subsec. (f). Pub. L. 94-273 substituted “September” for “June” and “March” for “December”.

1974—Subsec. (d). Pub. L. 93-559 substituted in item (1) respecting presentation material “economic assistance, military grants (and including for any such grant of any excess defense article, the value of such article expressed in terms of its acquisition cost to the United States), and military sales” for “economic assistance and military grants and sales”.

1973—Subsec. (f). Pub. L. 93-189 inserted references to contracts of guarantee or insurance, the status of sales of defense articles or defense services on credit terms, the status of sales of agricultural commodities on credit terms, and the status of loans, contracts of guarantee or insurance, or extensions of credit (or participations therein) made under the Export-Import Bank Act of 1945, and inserted provisions limiting the reporting requirement of the subsection so as to include only loans, contracts, sales, extensions of credit, or other transactions in excess of \$1,000,000.

Subsec. (g). Pub. L. 93-189 added subsec. (g).

1972—Subsec. (a). Pub. L. 92-226, §304(c)(2), struck out provisions for annual report to Congress concerning operations under this chapter, including information on the progress of the freedom of navigation and non-discrimination declaration. See annual foreign assistance report provisions of section 2417 of this title.

Subsec. (d). Pub. L. 92-226, §304(a)(3), substituted in last sentence reference to section “2360(b)” for prior reference to sections “2360, 2364(a)”.

1969—Subsec. (a). Pub. L. 91-175 excluded operations reported to Congress pursuant to section 2200a of this title from report required by this section, and struck out of last sentence reference to the operation of the investment guaranty program.

1968—Subsec. (d). Pub. L. 90-629, §45(b)(4), required the presentation material to include in the chart foreign assistance data under any other Act.

Subsec. (g). Pub. L. 90-629, §45(a), repealed provisions of subsec. (g) which related to exports of defense articles, contents of reports, and utilization of statistics and information of Government agencies, and is now covered by section 2776(a) of this title.

1967—Subsec. (d). Pub. L. 90-137, §302(h)(1), inserted introductory provision for presentation of programs to Congressional Committees in connection with requests for appropriations for fiscal year 1969, penultimate provision for inclusion of foreign assistance data (an assistance chart, contribution details, and a statement of projects), and provision for notification as to findings and reasons therefor under section 2311 or 2341(c) of this title.

Subsecs. (g), (h). Pub. L. 90-137, §302(h)(2), added subsecs. (g) and (h).

1966—Subsec. (f). Pub. L. 89-583 added subsec. (f).

1962—Subsec. (a). Pub. L. 87-565, §302(e), required reports to include information on progress under the freedom of navigation and nondiscriminatory declaration contained in section 2151 of this title.

Subsec. (d). Pub. L. 87-565, §302(f), substituted “At the end of each fiscal year” and “fiscal year” for “In January of each year” and “preceding twelve months”, respectively, and provided that the presentation material submitted to Congress during its consideration of amendments to this chapter, or of any Act appropriating funds pursuant to authorizations contained in this chapter, should include a comparison of the current fiscal year programs and activities with those presented to Congress in the previous year and an explanation of any substantial changes.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-246 effective May 22, 2008, see section 4(b) of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

#### EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-226, pt. III, §304(c)(3), Feb. 7, 1972, 86 Stat. 32, provided that: “The provisions of this subsection [amending this section and section 2403 of this title] and section 657 of such Act [section 2417 of this title], as added by subsection (b) of this Act [this section], shall apply with respect to each fiscal year commencing on or after July 1, 1971.”

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-629 effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

#### SAVINGS PROVISION

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former subsec. (g) of this section as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90-629, set out as a note under former section 2341 of this title.

## ANNUAL REPORT ON ECONOMIC AND SOCIAL GROWTH

Pub. L. 104-107, title V, §574, Feb. 12, 1996, 110 Stat. 749, required the President to submit to the appropriate congressional committees an annual report providing a concise overview of the prospects for economic and social growth in countries receiving economic assistance under title II of Pub. L. 104-107, prior to repeal by Pub. L. 107-228, div. A, title VI, §671(2), Sept. 30, 2002, 116 Stat. 1407.

## PROGRESS REPORT OF IMPLEMENTATION OF IMMUNIZATION AND ORAL REHYDRATION PROMOTION PROGRAMS

Annual report under this section to describe progress achieved during preceding fiscal year in carrying out section 2151b(c)(3) of this title, see section 305(b) of Pub. L. 99-83, set out as a note under section 2151b of this title.

## NEGOTIATING EFFORTS CONCERNING ACCELERATED LOAN REPAYMENTS TO BE INCLUDED IN ANNUAL REPORTS FOR FOREIGN ASSISTANCE FOR 1980 AND 1981

Annual reports on foreign assistance submitted in 1980 and 1981 pursuant to this section to contain negotiating efforts respecting accelerated loan repayments under section 2151y of this title, see section 508(b) of Pub. L. 96-53, set out as a note under section 2151y of this title.

**§ 2394-1. Notification of program changes****(a) Covered programs; content of notifications**

None of the funds appropriated to carry out the purposes of this chapter (except for programs under subpart III or subpart IV of part II of subchapter I of this chapter, part V of subchapter I of this chapter, and programs of disaster relief and rehabilitation) or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be obligated for any activities, programs, projects, types of materiel assistance, countries, or other operations not justified, or in excess of the amount justified, to the Congress for obligation under this chapter or the Arms Export Control Act for any fiscal year unless the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of the Congress are notified fifteen days in advance of such obligation. Whenever a proposed reprogramming exceeds \$1,000,000 and the total amount proposed for obligation for a country under this chapter in a fiscal year exceeds by more than \$5,000,000 the amount specified for that country in the report required by section 2413(a) of this title, notifications of such proposed reprogrammings shall specify—

- (1) the nature and purpose of such proposed obligation, and
- (2) to the extent possible at the time of the proposed obligation, the country for which such funds would otherwise have been obligated.

**(b) Exceptions**

The notification requirement of this section does not apply to the reprogramming—

- (1) of funds to be used for an activity, program, or project under part I of subchapter I of this chapter if the amounts to be obligated for that activity, program, or project for that fiscal year do not exceed by more than 10 percent the amount justified to the Congress for that activity, program, or project for that fiscal year; or

(2) of less than \$25,000 to be used under part VIII of subchapter I of this chapter, or under part V of subchapter II of this chapter, for a country for which a program under that part for that fiscal year was justified to the Congress.

**(c) Funds in the International Affairs Budget Function; reprogramming**

The President shall notify the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives concerning any reprogramming of funds in the International Affairs Budget Function, the authorizations of appropriations for which are in their respective jurisdictions, to the same degree and with the same conditions as the President notifies the Committees on Appropriations. The requirements of this subsection are in addition to, and not in lieu of, other notification requirements.

(Pub. L. 87-195, pt. III, §634A, formerly §671, as added Pub. L. 95-88, title I, §130, Aug. 3, 1977, 91 Stat. 543; renumbered §634A, Pub. L. 95-424, title V, §502(b), Oct. 6, 1978, 92 Stat. 959; amended Pub. L. 97-113, title VII, §704, Dec. 29, 1981, 95 Stat. 1544; Pub. L. 99-83, title XII, §1209(a), Aug. 8, 1985, 99 Stat. 278; Pub. L. 103-437, §9(a)(6), Nov. 2, 1994, 108 Stat. 4588.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

## REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

## CODIFICATION

Section was formerly classified to section 2429b of this title.

## AMENDMENTS

1994—Subsec. (a). Pub. L. 103-437 substituted “Foreign Affairs” for “International Relations” in introductory provisions.

1985—Pub. L. 99-83 designated existing provisions as subsec. (a), inserted references to the Arms Export Control Act in two places, and added subsecs. (b) and (c).

1981—Pub. L. 97-113 inserted provision respecting notification of proposed reprogramming of assistance.

## EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

## DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.