

TRANSMITTAL SLIP

DATE

5 June 89

TO:

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ROOM NO.

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REMARKS:

per your request.

*Attachments contain
excerpts only.*

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5 June 1989

MEMORANDUM FOR:

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Legislation Division
Office of Congressional Affairs

FROM:

[Redacted]

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Law Librarian
Office of General Counsel

SUBJECT:

Your Request for Legislative History
Research on 22 USC 2349aa-2 (d)(5)

1. In order to locate a legislative history of 22 USC 2349aa-2 (d)(5), I had to determine in what year and by which public law this provision was enacted. After looking at each public law that was listed as a note under 22 USC 2349aa-2 and not finding the exact language of subparagraph (d)(5), I located a paragraph in the Continuing Resolution for Fiscal Year 1984, Public Law 98-151 dated 14 November 1983, that explains how subparagraph (d)(5) was enacted.

2. Under the heading "Antiterrorism Assistance Program" at 97 Stat. 972 in the Continuing Resolution for Fiscal Year 1984, the first paragraph explains that "the amendments contained in title II of H.R. 2992, as reported by the Committee on Foreign Affairs of the House of Representatives on May 17, 1983, are hereby enacted..." By doing further research in the CIS Index and Abstract for 1983, I was able to determine that the House report on H.R. 2992 that was referred to is House Report 98-192 entitled "International Security and Development Cooperation Act of 1983." Title II of H.R. 2992, as reported, contains the language which is codified at 22 USC 2349aa-2 (d)(5) (see attachment).

3. The CIS Abstract for 1983 also notes that H.R. 2992 is related to H.R. 6370 of the 97th Congress. For more legislative history on your subject, copies of the pertinent sections of House Report 97-547 on H.R. 6370 are attached for your information.

4. If you need any further assistance, please feel free to contact me.

[Redacted]

STAT

98TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
No. 98-192

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1983

R E P O R T

OF THE

COMMITTEE ON FOREIGN AFFAIRS

together with

MINORITY, SUPPLEMENTAL, AND DISSENTING VIEWS

(including Cost Estimate of the Congressional Budget Office)

ON

H.R. 2992

TO AUTHORIZE APPROPRIATIONS FOR THE FISCAL YEARS 1984
AND 1985 FOR INTERNATIONAL SECURITY AND DEVELOPMENT
ASSISTANCE AND FOR THE PEACE CORPS, AND FOR OTHER
PURPOSES



MAY 17, 1983.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1983

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Section 124 of the bill imposes an additional requirement that, in order for the President to be able to certify either country as eligible for U.S. military aid or sales, an elected civilian government must be in power in that country. Section 124 further provides that, if the President submits a certification with respect to either country prior to the date of enactment of this provision, then no military aid or sales may be provided to that country in fiscal year 1984. The committee intends this provision as a signal to the administration that the committee does not favor certification of Argentina prior to the installation of an elected civilian government, which is expected in January 1984. Regarding Chile, the committee intends to express its encouragement for the scheduling of elections and return to civilian rule in the near future.

Section 125—Special waiver authority

Section 125 amends section 614(a)(4) of the Foreign Assistance Act of 1961 to establish new ceilings and conditions on the use of that section. Section 614 presently provides the President with authority, notwithstanding any provisions of various acts, to use up to \$250 million in any fiscal year from funds authorized under the Foreign Assistance Act of 1961 and the Arms Export Control Act if the President has made the required determination; no more than \$50 million may be provided to any one country unless it is a victim of Communist or Communist-supported aggression. Section 614 currently allows the President, with some exceptions, to waive restrictions, earmarks, and other legal requirements to make an unlimited amount of foreign military sales on a cash basis.

Section 125 of this bill establishes the following new conditions and ceilings on the use of section 614. First, it places a \$750 million ceiling in any fiscal year on the amount of cash foreign military sales that may be authorized under section 614. Second, it provides that if the section 614 authority is used both to authorize foreign military sales and to provide financing for those sales, the financing would apply against the \$250 million ceiling in existing law and the portion of the sales not financed would apply against the new \$750 million ceiling. Third, not more than \$500 million may be provided to any one country in any fiscal year under the combined \$1 billion ceilings (i.e., the new \$750 million ceiling on sales and the \$250 million ceiling in existing law).

TITLE II—ANTITERRORISM ASSISTANCE PROGRAM

This title creates a new chapter 8 in part II of the Foreign Assistance Act for antiterrorism assistance. It states the purposes for which such assistance is provided. It stipulates that training services shall be provided only in the United States and limits U.S. advisers overseas to 30-day periods. It prohibits the furnishing of equipment and commodities included on the U.S. Munitions List and requires that the Assistant Secretary of State for Human Rights and Humanitarian Affairs be consulted in program development and implementation. The new chapter 8 also provides for 30-day prior notification of any proposed assistance under this new program. It provides for grants and sales of commodities and services from U.S. Government agencies. It provides transfer authority

of up to \$2.5 million from antiterrorism assistance funds. Section 201 provides for assistance under the Antiterrorism Assistance Act, a date for the

Section 201—

Section 201 of the Antiterrorism Assistance Act provides for assistance under the

New section 201 of the Antiterrorism Assistance Act provides for assistance under the Act, which requires that the Secretary of State furnish, on request, information to the Attorney General to determine, assist in, or coordinate the activities of their law enforcement groups from

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Subsection (b) of section 201 of the Antiterrorism Assistance Act provides for assistance under the Act, which requires that the Secretary of State furnish, on request, information to the Attorney General to determine, assist in, or coordinate the activities of their law enforcement groups from

Subsection (c) of section 201 of the Antiterrorism Assistance Act provides for assistance under the Act, which requires that the Secretary of State furnish, on request, information to the Attorney General to determine, assist in, or coordinate the activities of their law enforcement groups from

Subsection (d) of section 201 of the Antiterrorism Assistance Act provides for assistance under the Act, which requires that the Secretary of State furnish, on request, information to the Attorney General to determine, assist in, or coordinate the activities of their law enforcement groups from

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Subsection (f) of section 201 of the Antiterrorism Assistance Act provides for assistance under the Act, which requires that the Secretary of State furnish, on request, information to the Attorney General to determine, assist in, or coordinate the activities of their law enforcement groups from

of up to \$2.5 million from existing fiscal year 1983 military assistance funds. Finally, it authorizes appropriations of \$5 million for antiterrorism assistance in each of fiscal years 1984 and 1985, provides for an annual report on program activities, includes such assistance under the human rights provisions of the Foreign Assistance Act, and establishes September 30, 1985, as the expiration date for the program.

Section 201—Establishment of program

Section 201 creates a new chapter 8 in part II of the Foreign Assistance Act for antiterrorism assistance. New chapter 8 consists of seven sections.

New section 571 provides general authority to the President to furnish, on such terms and conditions as the President may determine, assistance to foreign countries in order to enhance the ability of their law enforcement personnel to deter terrorists and terrorist groups from engaging in international terrorist acts.

New section 572 provides that activities conducted under new chapter 8 shall be designed for three purposes: To enhance the antiterrorism skills of friendly countries, to strengthen our bilateral ties with friendly governments, and to increase respect for human rights.

New section 573 consists of five subsections. Subsection (a) provides that, notwithstanding section 660 of the Foreign Assistance Act, which prohibits assistance under the act to foreign law enforcement forces, services and commodities may be granted to eligible countries for purposes of new chapter 8. U.S. Government agencies providing services and commodities under this subsection are to be reimbursed consistent with agency reimbursement procedures established under section 632 of the Foreign Assistance Act.

Subsection (b) authorizes the President to furnish services and commodities on a sales basis to eligible countries, subject to payment in advance of the value of such services and commodities. Collections are to be credited to the currently applicable appropriation, account, or fund of the agency providing such services and commodities. FMS direct credits and guaranteed loans may not be used by eligible countries for payments on such services and commodities.

Subsection (c) states that the Assistant Secretary of State for Human Rights and Humanitarian Affairs shall be consulted in program development and implementation, including the countries selected and the types of assistance provided.

Subsection (d)(1) stipulates that training services provided under this chapter may be furnished only in the United States.

Subsection (d)(2) states that U.S. Government personnel may provide advice overseas under this chapter for not more than 30 days.

Subsection (d)(3) prohibits employees of the Department of State from engaging in the training of law enforcement personnel or the provision of services under this new chapter, except that employees of the Office of Security of the Department of State may provide training and services to law enforcement personnel for the physical protection of internationally protected persons and related facilities.

Subsection (d)(4) prohibits the provision of equipment and commodities included on the U.S. Munitions List established under the Arms Export Control Act for purposes of new chapter 8.

Subsection (d)(5) prohibits the provision of services, equipment, personnel, or facilities involved in intelligence collection as defined in Executive Order 12333 of December 4, 1981, but permits limited training in the organization of intelligence for antiterrorism purposes.

Subsection (e) exempts information exchange activities conducted by U.S. Government agencies under other authorities of law from the requirements and authorities of new chapter 8.

New section 574 consists of two subsections.

Subsection (a) requires a 30-day prior notification to Congress on the countries to which assistance is to be provided; the types, value, terms, and duration of antiterrorism assistance; and an explanation of how the proposed assistance will assist those countries in deterring terrorism. This subsection also provides that upon request of the chairman of the House Committee on Foreign Affairs or the Senate Committee on Foreign Relations, a current report on a recipient country's human rights record is to be provided. This 30-day prior notification applies initially to all recipient countries and subsequently to any new recipient country.

Subsection (b) requires an annual report to the Congress on the antiterrorism assistance program. The report shall include a list of countries receiving antiterrorism assistance in the preceding and upcoming fiscal years, and the place, duration, number, types, and terms of assistance that has been or will be provided.

New section 575 authorizes \$5 million to carry out new chapter 8 in each of the fiscal years 1984 and 1985 and provides that amounts appropriated under this new section are authorized to remain available until expended. New section 575 also provides authority to transfer up to \$2.5 million in fiscal year 1983 from military assistance funds authorized by the International Security and Development Cooperation Act of 1981.

New section 576 provides that any reference in any law to part I of the Foreign Assistance Act of 1961 shall be deemed to include reference to new chapter 8.

New section 577 provides for expiration of the authorities of new chapter 8 on September 30, 1985. Funds obligated prior to that date may be expended after that date.

Section 202—Conforming amendments

Section 202 amends section 502(B)(d)(2)(A) of the Foreign Assistance Act to include new chapter 8 in the human rights requirements of the section. Section 202 also amends section 644(m)(5) of the Foreign Assistance Act in order to establish the costing formula for sales of commodities and services provided to friendly foreign countries under new chapter 8. The value of such commodities and services is the additional costs that are incurred by the U.S. Government in furnishing antiterrorism assistance.

Section 203—Effective date

Section 203 provides that the antiterrorism assistance program shall take effect upon date of enactment of this legislation.

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8 MAY 1982

97TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES

REPORT
No. 97-547

INTERNATIONAL SECURITY AND DEVELOPMENT
COOPERATION ACT OF 1982

MAY 17, 1982.—Committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

Mr. ZABLOCKI, from the committee on Foreign Affairs,
submitted the following

REPORT

together with

ADDITIONAL, MINORITY, AND SUPPLEMENTAL VIEWS

[To accompany H.R. 6370]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 6370) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize additional international security and development assistance programs for fiscal year 1983, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

COMMITTEE COMMENT

Foreign assistance is a traditional and essential U.S. foreign policy instrument for promoting and protecting U.S. interests around the world. Moreover, it serves to enhance U.S. security in a world environment that contains many dangers, much conflict, several enemies potential and otherwise, and few helpful friends. Recognizing the importance of foreign assistance to U.S. interests and U.S. national security, the committee and the Congress have annually approved foreign aid of several distinct forms, all collectively aimed to serve U.S. national goals.

In the present foreign assistance bill, the committee has recommended assistance levels necessary to extend security, economic

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tional security safeguards if necessary, or (b) unable to proceed with such a dialog because the opposition is unwilling to participate.

The committee wishes to reaffirm its support for the conditions contained in the certification process for El Salvador under existing law. It further wishes to emphasize its concern that the determination by the President related to that process meet both the letter and the spirit or the law. The committee is interested in results, not just statements of intent or ineffective actions. The adoption of additional language in this legislation addressing the conditions in section 728(d) should be viewed as an attempt to reiterate those concerns.

Subsection (c) amends the above-mentioned section 728(d) to provide that the President shall consult with Congress in making the determinations regarding the fulfillment of the conditions, including the requirements under section 728(e) described below.

Subsection (d) extends section 728(e) to provide that the first certification during the fiscal year 1983 on the conditions must be accompanied by a certification by the President that the Government of El Salvador has made good-faith efforts both to investigate the murders of the six U.S. citizens in December 1980 and January 1981 and to bring to justice those responsible for those murders.

Subsection (e) requires the President to consult with Congress prior to the use of the special drawdown authority in section 506 of the Foreign Assistance Act of 1961 or the extension of the waiver authority under section 614(a) of the Foreign Assistance Act of 1961. Furthermore, in making a decision to invoke either of these authorities, the President, to the maximum extent possible, shall take into consideration the certification criteria as established under subsection (d) of section 728 of the International Security and Development Cooperation Act of 1981.

TITLE II—ANTITERRORISM ASSISTANCE

Section 201—Antiterrorism Assistance Program

This section creates a new chapter 8 in the Foreign Assistance Act of 1961 for antiterrorism assistance. It states the purposes for which such assistance is provided. It stipulates that training services shall be provided only in the United States and limits U.S. advisers overseas to a 60-day period. It prohibits the furnishing of defense articles or defense services and requires that the Assistant Secretary of State for Human Rights and Humanitarian Affairs be consulted in program development and implementation. The new chapter 8 also provides for a one-time 30-day prior notification of countries proposed for this new type of assistance. It provides for grants and sales of commodities and services from U.S. Government agencies. It authorizes \$5 million for antiterrorism assistance in fiscal year 1983, provides for an annual report on program activities, includes the new chapter under the human rights provisions of the Foreign Assistance Act of 1961, and establishes September 30, 1984, as the expiration date for the program.

Section 201 consists of three subsections.

Subsection (a) creates a new chapter 8, part II, in the Foreign Assistance Act of 1961 to authorize an antiterrorism assistance program. New chapter 8 consists of five sections.

New section 571 in turn consists of nine subsections. Subsection (a) provides general authority to the President to furnish, on such terms and conditions as the President may determine, assistance to foreign countries in order to enhance the ability of their law enforcement personnel to deter terrorists and terrorist groups from engaging in international terrorist acts.

Subsection (b) provides that activities conducted under new chapter 8 shall be designed for three purposes: To enhance the law enforcement antiterrorism skills of friendly countries, to strengthen our bilateral ties with friendly governments; and to increase respect for human rights.

Subsection (c) stipulates that training services provided under this chapter may be furnished only in the United States, and that U.S. Government personnel may be assigned overseas for other purposes under this chapter for not more than 60 days. Subsection (c) also prohibits the provision of defense articles and defense services as defined under the Foreign Assistance Act of 1961 and the Arms Export Control Act (not including training) for purposes of new chapter 8.

Subsection (d) prohibits the provision of antiterrorism assistance to any country for which one or more kinds of security assistance is prohibited under another provision of law. For purposes of this subsection, security assistance means grant military assistance, Economic Support Fund assistance, grant military education and training, peacekeeping operations assistance, foreign military sales, credits, and guaranties, and commercial arms sales. The President may waive the prohibition in this subsection if he certifies to Congress that antiterrorism assistance should be provided to the affected countries because that country is threatened by international terrorism and it is in the national interests of the United States to assist that country in responding to those terrorist threats.

Subsection (e) states that the Assistant Secretary of State for Human Rights and Humanitarian Affairs shall be consulted in program development and implementation, including the countries selected and the types of assistance provided.

Subsection (f) provides 30-day prior notification to Congress on the countries being considered for antiterrorism assistance in fiscal year 1983.

Subsection (g) provides that services and commodities may be granted to eligible countries for purposes of new chapter 8. U.S. Government agencies providing services and commodities under this subsection are to be reimbursed from the authorization for appropriations in new section 572.

Subsection (h) authorizes the President to furnish services and commodities on a sales basis subject to payment in advance of the value of such services and commodities. Collections are to be credited to the currently applicable appropriation, account, or fund of the agency providing such services and commodities.

Subsection (i) exempts information exchange activities conducted by U.S. Government agencies under other authorities in another

provision of law from the requirements and authorities of new chapter 8.

New section 572 authorizes \$5 million to carry out new chapter 8 in fiscal year 1983 and provides that amounts appropriated under this new section are authorized to remain available until expended.

New section 573 requires an annual report to the Congress on the antiterrorism program. The report shall include a list of countries receiving antiterrorism assistance in the preceding and upcoming fiscal years, and the place, duration, number, types, and terms of assistance that has been or will be provided.

New section 574 provides that the administrative authorities of part I of the Foreign Assistance Act of 1961 shall apply to new chapter 8.

New section 575 provides for expiration of the authorities of new chapter 8 on September 30, 1984. Funds obligated prior to that date may be expended after that date.

Section 201(b) amends section 502B(d)(2)(A) of the Foreign Assistance Act of 1961 to include new chapter 8 in the human rights requirements of that section.

Section 201(c) amends section 644(m)(5) of the Foreign Assistance Act of 1961 in order to establish the costing formula for sales of commodities and services provided to friendly foreign countries under new chapter 8. The value of such commodities and services is the additional costs that are incurred by the U.S. Government in furnishing antiterrorism assistance.

TITLE III—ECONOMIC SUPPORT FUND

The Economic Support Fund (ESF) is economic assistance provided because of special economic, Political, or security interests of the United States. The largest portion is allocated to the Middle East, principally to Israel, Egypt, and Turkey. Economic Support Fund assistance also is provided to meet important U.S. interests in Africa, Asia, Latin America, and Europe.

While the use of ESF is, in the first instance, determined by special situations involving a country or region, the committee reaffirms its intent that, as far as practicable, such assistance which is intended for economic development shall be administered in accord with the "New Directions" principles set forth in the Foreign Assistance Act so as to achieve as much developmental benefit as possible.

Caribbean and Latin American programs

The committee strongly endorses the executive branch ESF request for Latin America and the Caribbean. These funds constitute the second installment on the Caribbean Basin initiative, which is a high priority of the President. However, noting its longstanding concern that U.S. bilateral assistance be used insofar as possible in ways which directly benefit the poor and provide for long-term development, the committee urges that \$20 million of the proposed Special Requirements Fund for Latin America and the Caribbean be used for development assistance projects and activities in accordance with the authorities of sections 103 through 106 of the

for use under this chapter without regard to the 20-percent increase limitation contained in such section, except that the total amount so transferred in any fiscal year may not exceed \$15,000,000; or (2) in the event the President determines that unforeseen circumstances exist which require the immediate provision of assistance under this chapter, direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government of an aggregate value not to exceed \$10,000,000 in any fiscal year.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for commodities and services provided under subsection (c)(2) of this section.

* * * * *

CHAPTER 8—ANTI-TERRORISM ASSISTANCE

SEC. 571. GENERAL AUTHORITY.—(a) The President is authorized to furnish, on such terms and conditions as the President may determine, assistance to foreign countries in order to enhance the ability of their law enforcement personnel to deter terrorists and terrorist groups from engaging in international terrorist acts such as bombing, kidnaping, assassination, hostage taking, and hijacking. Such assistance may include training services and the provision of equipment and other commodities related to bomb detection and disposal, management of hostage situations, physical security, and other matters relating to the detection, deterrence, and prevention of acts of terrorism, the resolution of terrorist incidents, and the apprehension of those involved in such acts.

(b) Activities conducted under this chapter shall be designed—

(1) to enhance the law enforcement anti-terrorism skills of friendly countries by providing training and equipment to deter and counter terrorism;

(2) to strengthen our bilateral ties with friendly governments by offering concrete assistance in this area of great mutual concern; and

(3) to increase respect for human rights by sharing modern, humane, and effective anti-terrorism techniques with foreign civil authorities.

(c)(1) Training services under this chapter may be furnished only within the United States. United States Government personnel performing other services for a foreign country under this chapter may not be assigned or detailed to that country for more than 60 days.

(2) Assistance under this chapter may not include the furnishing of any defense articles or defense services (as such terms are defined under sections 644 (d) and (f) of this Act and sections 47 (3), (4), and (7) of the Arms Export Control Act).

(d) Assistance may not be provided under this chapter to any country for which one or more types of security assistance is prohibited under any other provision of law. For purposes of this limitation, the term "security assistance" means—

(1) assistance under chapter 2, chapter 4, chapter 5, or chapter 6 of this part;

(2) sales, extensions of credits (including participations in credits), or guarantees of loans under the Arms Export Control Act; and

(3) licenses under section 38 of the Arms Export Control Act. The President may waive this subsection with respect to a country if he certifies to the Congress that anti-terrorism assistance should be provided because that country is threatened by international terrorism and it is in the national interests of the United States to assist that country in responding to those terrorist threats.

(e) The Assistant Secretary of State for Human Rights and Humanitarian Affairs shall be consulted in the development and implementation of the anti-terrorism assistance program under this chapter, including determinations of the foreign countries that will be furnished assistance under this chapter and determinations of the nature of assistance to be furnished to each such country.

(f) No assistance may be furnished under this chapter until 30 days after the President transmits to the Speaker of the House of representatives and the chairman of the Committee on Foreign Relations of the Senate a list of those countries which are being considered as possible recipients of assistance under this chapter for the fiscal year 1983.

(g) Notwithstanding section 660 of this Act, services and commodities may be granted for the purposes of this chapter to eligible foreign countries, subject to reimbursement of the value thereof (as determined under section 644(m)) pursuant to section 632 of this Act from funds available to carry out this chapter.

(h) Whenever the President determines it to be consistent with and in furtherance of the purposes of this chapter, and on such terms and conditions consistent with this Act as the President may determine, any agency of the United States Government is authorized to furnish services and commodities, without charge to funds available to carry out this chapter, to an eligible foreign country, subject to payment in advance of the value thereof (as determined under section 644(m)) in United States dollars by the foreign country. Collections under this chapter shall be credited to the currently applicable appropriation, account, or fund of the agency providing such assistance.

(i) This chapter does not apply to information exchange activities conducted by agencies of the United States government under other authority for such purposes.

SEC. 572. AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President to carry out this chapter \$5,000,000 for the fiscal year 1983. Amounts appropriated under this section are authorized to remain available until expended.

SEC. 573. ANNUAL REPORT.—Each annual report to the Congress pursuant to section 634 of this Act shall include—

(1) a list of the countries which received assistance under this chapter for the preceding fiscal year, a list of the countries which are programmed to receive assistance under this chapter for the current fiscal year, and a list of the countries which are proposed as recipients of assistance under this chapter for the next fiscal year; and

(2) with respect to each country listed pursuant to paragraph (1) and for each such fiscal year, a description of the assistance

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under this chapter furnished, programmed, or proposed, including—

(A) the place where training or other services under this chapter were or will be furnished, the duration of such training or other services, and the number of personnel from that country which were or will receive training under this chapter;

(B) the types of equipment or other commodities which were or will be furnished under this chapter; and

(C) whether the assistance was furnished on a grant basis, on an advanced payment basis, or on some other basis.

SEC. 574. ADMINISTRATIVE AUTHORITIES.—*Except where expressly provided to the contrary, any reference in any law to part I of this Act shall be deemed to include reference to this chapter and any reference in any law to part II of this Act shall be deemed to exclude reference to this chapter.*

SEC. 575. EXPIRATION OF AUTHORITY.—*The authority of this chapter shall expire on September 30, 1984, except that funds obligated prior to that date may be expended after that date in accordance with this chapter.*

PART III

CHAPTER 1—GENERAL PROVISIONS

* * * * *

SEC. 614. SPECIAL AUTHORITIES.—(a)(1) The President may authorize the furnishing of assistance under this Act without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act, in furtherance of any of the purposes of this Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

(2) The President may make sales, extend credit, and issue guarantees under the Arms Export Control Act, without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.