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IMPROVING THE REPORTING REQUIREMENT SYSTEM IN THE FOREIGN AFFAIRS FIELD

PREPARED FOR THE

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

BY THE

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FOREWORD

This is the second report to be jointly issued by the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House on the subject of reports to Congress in the foreign affairs field which are required by law.

The report represents the second phase of an on-going effort by both committees, working in cooperation with the Foreign Affairs Division, Congressional Research Service, Library of Congress, to improve the flow of information from executive agencies and officials to the Congress.

One year ago the two committees issued a study entitled "Required Reports to Congress in the Foreign Affairs Field," which represented the culmination of many months work to identify and analyze required reports in the foreign affairs field.

During the ensuing period, the executive branch agencies involved were asked to respond to criticisms and suggestions made in that study. Meanwhile, monitoring of reports has continued. The results of those efforts are summarized in this document.

We are pleased to note that several agencies have noticably improved the quality of their reports to Congress as a result of our joint committee project. We trust that other agencies will follow their example.

The findings and judgments contained in this report are those of the Foreign Affairs Division, Congressional Research Service group which prepared it, and do not necessarily represent the views of the members of the Committee on Foreign Affairs or the Committee on Foreign Relations.

THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs.
J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

LETTER OF TRANSMITTAL

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., April 29, 1974.

Hon. THOMAS E. MORGAN,
Chairman, Committee on
Foreign Affairs,
House of Representatives.

Hon. J. W. FULBRIGHT,
Chairman, Committee on
Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Last year, following the publication of "Required Reports to Congress in the Foreign Affairs Field", you asked the Foreign Affairs Division to assist you in a continuing effort to improve the reporting requirements and the reports submitted in response. The attached report discusses the progress of this effort to date.

The study was written by Ellen C. Collier, Specialist in U.S. Foreign Policy, and Walter Ochinko, Foreign Affairs Analyst. Monitoring and analysis of individual reports was performed by Marjorie Browne, John Costa, Theodor Galdi, Robert Goldich, Martha Hutchinson, Lois McHugh, and Leneice Wu. Larry Nowels was instrumental in securing copies of the reports.

Sincerely,

LESTER S. JAYSON,
Director.

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INTRODUCTION

This is the third study of a series on the reporting requirement system in the foreign affairs field. The first, published in 1970, identified the provisions of legislation on foreign relations requiring reports to Congress from the executive branch.[1] The second, published in 1973, examined the reports which had been submitted in response to the requirements during the preceding 2 years.[2]

Upon release of the latter study, the chairmen of the Senate Foreign Relations and House Foreign Affairs Committees sent a joint letter to the principal foreign affairs agencies asking them to comment on the analysis. In addition, the committees asked the Foreign Affairs Division of the Congressional Research Service, which had prepared the first two studies, to continue to monitor the reporting requirements and the reports submitted under them. This study presents the responses of the agencies and the developments during the year of continued monitoring.

Part I is an analysis of the general findings and the progress made in the reporting requirement system during 1973. Part II discusses individual reports on which agencies commented or on which there were other developments during 1973. Appendix A contains the full texts of the letter from the chairmen about the reporting requirements study and the replies of the agencies. Appendix B is a model of a reporting requirement for the Foreign Assistance and Foreign Military Sales Acts.

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[1] U.S. Congress. Senate. Committee on Foreign Relations. Reporting Requirements in Legislation on Foreign Relations. Prepared by the Foreign Affairs Division, Legislative Reference Service, Library of Congress. Washington, U.S. Government Printing Office, February 1970, 53 pp. (91st Cong., 2d sess., Committee Print.)

[2] U.S. Congress. House of Representatives. Committee on Foreign Affairs. Senate. Committee on Foreign Relations. Required Reports to Congress in the Foreign Affairs Field. Prepared by the Foreign Affairs Division, Congressional Research Service, Library of Congress. Washington, U.S. Government Printing Office, Apr. 22, 1973. 427 pp. (93d Cong., 1st sess., Joint Committee Print.)

PART 1—ANALYSIS OF PROGRESS DURING 1973

A. SUMMARY OF PROGRESS AND CONTINUING PROBLEMS

Progress

The year 1973 can be called a landmark in the congressional use of reporting requirements because of the passage of the War Powers Resolution (Public Law 93–148) on November 7, 1973, over the veto of the President. This was a historic utilization of reporting requirements to place a check on the President's use of troops in hostilities in the absence of a declaration of war. While the final sanction was a requirement for congressional action if such hostilities were to be continued more than 60 days, reporting requirements were made the backbone of the plan to assure consultation with and provision of information to Congress.

Other new legislation enacted in 1973 also indicated recognition by Congress of the usefulness of reporting requirements for exercising oversight of the executive.[1] This legislation included provisions aimed at requiring executive branch study of a specific problem, bringing about coordination of executive branch agencies and policies, and assuring executive branch adherence to congressional guidelines, as well as providing information.

Some of the reporting requirements enacted in 1972 began to yield useful information and close some of the gaps in the information system. In particular, the transmittal of international agreements other than treaties gave Congress a new opportunity to review executive agreements.[2] The inauguration of a report on international economic policy facilitated obtaining information in that area. The President's Report on Advisory Commissions submitted in response to the Federal Advisory Committee Act (Public Law 92–463) offered a step toward weeding out any unnecessary advisory committees and increasing the effectiveness of those which continued.

After more than 2 years in the study phase, the joint project of the Senate Foreign Relations and House Foreign Affairs Committees to improve the reporting requirement system in the foreign affairs field moved into the action phase. Efforts were begun to streamline and strengthen reporting requirements and to work with agencies to bring about reports more responsive to the informational needs of Congress.

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[1] See Section C, Changes in Reporting Requirements During 1973.
[2] See Part 2, 8. Transmittal of International Agreements.

By the end of 1973 a few reports, particularly the semiannual report of USIA and the annual report of the Peace Corps, showed marked improvement.[3]

Progress toward improving the reporting requirement system was also being made outside the foreign affairs area, as the General Accounting Office worked with the House Government Operations Committee to identify reports which might be eliminated, and in another project to define the information needed in each area by various committees to carry out their responsibilities, particularly fiscal information.[4]

Continuing Problems

Despite this progress, however, most of the general problems described in "Required Reports to Congress in the Foreign Affairs Field" remained. Only a small start was made in resolving the basic paradox of not having the right information at the right time despite numerous reports and reporting requirements.

The total number of reporting requirements continued to grow throughout 1973 and obsolete and ineffective requirements remained on the books. In the Foreign Assistance Act, for example, there was a net addition of seven reporting requirements although several requirements were repealed and the conferees rejected other proposed new requirements.

Lateness of reports continued to be a major factor diminishing their utility. Sometimes, as in the case of the Budget or the Economic Report of the President, a special law was passed permitting the report to be filed after its due date. In most cases, however, reports were simply submitted after the specified due date or, in the cases of reports without a deadline in the legislation, months after they would have been useful in preparing for hearings.

Factors contributing to delay cited by agencies included some of an intrinsic nature, such as differences in budgetary periods of international organizations and the time required to obtain data from other countries and international organizations. Some of the reasons cited for delay, however, might be remedied. For example. those preparing the President's Report on the United Nations pointed out, "the publication process itself is slow and becomes more difficult each year as the workload of the Government Printing Office grows." The USIA stated that for it to submit its semiannual report a month after the end of the reporting period, it would have to be written and sent to the printer half way through the 6-month period covered.

Only the Department of Defense cited clearance procedures as a factor in delay, but it was clear from other evidence, such as the 2-month delay in the submission of the President's Report on U.S. Participation in the United Nations after it had been sent by the State Department to the White House, that it was a more widespread problem.

Although by the end of December a few reports reflected changes suggested in the spring of 1973, many, especially annual reports, had not yet been submitted. It became clear that the process of bringing

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[3] See Section B, Executive Branch Response to Improvement Effort.
[4] See Section D, Study by General Accounting Office.

about improved reports was necessarily a long and slow one, even when all concerned agreed on the objectives. This indicated the need for long-term and continuous monitoring to see that agencies carry out promised changes, as well as to insure that improvements are maintained over a number of years and that new reporting requirements are properly fulfilled.

Another need indicated by the study was to define the information needed by Congress in each area and to translate this into reporting requirements. An attempt to draft a reporting requirement model for the Foreign Assistance Act, made at the request of the House Foreign Affairs and Senate Foreign Relations Committees, made it clear that the defining of satisfactory reporting requirements was also a time-consuming procedure. The cycle of enacting a reporting requirement, assessing the report submitted in response, revising the requirement as necessary, assessing the revised report, and so on, it was found, could take a year at each step. To illustrate, it was not until 1973 that enough of the 1972 revisions of reporting requirements for the Foreign Assistance Act had been fulfilled to permit an adequate assessment of their usefulness. Moreover, it became apparent that before enactment of requirements it would be advisable to obtain views of the agencies which would prepare the reports regarding the amount of effort which would be involved in supplying requested information.

A basic dilemma soon appeared of whether to define the reporting requirements in general or specific terms. The general requirement, citing little but the nature of the report and the time required, is appealing because of its conciseness. On the other hand, it gives little guidance on the kind of information needed, and this has led to reports which were not as useful as they might be. In its response, the Department of Defense recommended providing specific requirements to enable the agencies to know what is wanted. Specific indications of the information wanted, on the other hand, entail much longer and more detailed reporting requirements.

One study of reports has concluded that effective reporting requirements could and preferably should be established outside statutes as this would facilitate their cancellation when no longer needed.[5] Experimentation might be tried with including any detailed requirements in the committee reports rather than in the legislation itself, or with working out agreements between the agencies and committee staffs. However, there are disadvantages to this approach. The statutes would no longer provide a public index to the kind of information to be found in the required reports, and rapidly changing requirements might lead to a greater discontinuity of information from year to year than already exists.

Moreover, reports not required by statute could be discontinued more easily upon only the decision of the executive branch. For example, there was for a time a "Semiannual Report on Purchases and Sales of Gold and Other Reserve Assets and the State of the U.S. Gold Stock," of which the sixth was issued March 31, 1971. The report apparently was prepared by the Treasury Department in response to a reporting

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[5] U.S. Commission on Government Procurement. Final Report, Study Group No. 9, Reports and Management Controls. For the Commission on Government Procurement, Oct. 19, 1971. 304 pp. "Prepared as an Advisory Report to the Commission on Government Procurement, this document does not represent the official position of the Commission, * * *."

requirement which was contained in a Senate bill, S. 2857, but which was not in the legislation as finally passed, Public Law 90–269. When the report stopped appearing, the absence of a legislative requirement made it difficult to contend that it should be continued even though it was proving useful to some.

Whether or not the requirements are stated in statutes or agreed to in informal arrangements, the crux of the problem is to determine and make clear to the executive branch what information is needed by Congress.

Finally, problems continued in the utilization of reports after their submission to Congress by the executive branch. Although a system for monitoring reports in the foreign affairs field has been built up, there is still no Congress-wide system to keep track of missing or late reports in other areas and to facilitate exchange of reports among Members and committees other than those to whom they are sent. Such a system might be set up on the basis of the list of reporting requirements maintained by the Clerk of the House of Representatives, or under the Joint Committee on Congressional Operations, or other appropriate congressional committees. The General Accounting Office has suggested legislation which would give the Comptroller General responsibility for monitoring reports, and this was incorporated in title VIII of the budget reform legislation passed by the Senate.

As another alternative, all required reports might be sent to the Congressional Research Service of the Library of Congress in addition to the appropriate congressional committees. In this way there would be a central and permanent repository from which all Members and committees of Congress could obtain the reports, as well as a mechanism for keeping track of whether all required reports had been submitted.

B. EXECUTIVE BRANCH RESPONSE TO IMPROVEMENT EFFORT

Eight executive branch agencies were asked to study the comments in "Required Reports to Congress in the Foreign Affairs Field." Following is a brief summary of their replies. Part II contains any specific comments by agencies on individual reports, and the complete texts are available in Appendix I.

Department of State

The Department of State commented on 20 reports. In 10 reports the Department promised to make or to consider suggested improvements. In regard to a reporting requirement on action to protect citizens who are unjustly detained or deprived of their liberty by foreign governments,[1] which has been in the law since 1868 but appeared to be completely forgotten in recent years, the Department replied:

> If there has been no reporting to Congress, "at least in recent years," under the act, it is due to the circumstances that under modern practices, which provide ample opportunities for legal and diplomatic remedies, situations such as those envisaged by the act have not occurred. If such a case should arise where what appears to be an injustice cannot be corrected by normal processes, the matter will be reported pursuant to the act.

The question might be raised with the Department as to whether there have ever been any occasions in recent years in which Americans were unjustly detained and their release was not promptly secured. Or, consideration might be given to establishing some other kind of reporting requirement to keep Congress informed of activities relating to the protection of Americans abroad.

The State Department did not comment on the feasibility of merging two fragmentary reports on the Foreign Service Buildings Act into one comprehensive report on the building program or into the report of the Secretary of State. Nor did it give any views on whether an annual report on the Foreign Service itself should be required. The Department did indicate it would keep in mind suggestions for possible improvements in the annual report of the Secretary of State on foreign policy. These included adding basic data on the Department of State and its staffing and spending.

The Department did not comment on this occasion about the transmittal of executive agreements, but during 1973 it transmitted the texts of approximately 300 international agreements to Congress under the provisions of Public Law 92–403. A study by the General Accounting Office raised the question of whether all subordinate agreements were being transmitted, and recommended that additional legislation be considered to require that the Secretary of State also submit an-

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[1] See Part 2, 7, Protection of Citizens Abroad.

nually a list of all subordinate and implementing agreements which involved substantial amounts of funds. Subsequently, on being queried by Senator Fulbright, Secretary Kissinger on December 6, 1973, gave his personal assurances that all executive agreements were being transmitted and cited efforts by the Department to ensure that subordinate agreements concluded by other agencies were transmitted to the Department of State and to Congress.[2]

Agency for International Development

The Agency for International Development reply urged "consolidating to the maximum extent possible the various reports which Congress considers relevant and responsive to its needs into a single comprehensive annual report." It suggested that the annual report be presented each spring, in time for hearings, and that the reporting period coincide with the periods used in the presentation document, so that information in the two would be comparable. The presentation document would include information directly relevant to the bilateral foreign assistance program, and the annual report would include residual information about the bilateral program plus other information wanted by Congress such as resources transferred through other programs. The agency also urged that several reporting requirements be repealed, including some passed in 1973.

The model of the reporting requirement prepared by the Foreign Affairs Division at the request of the Foreign Affairs and Foreign Relations Committees, although prepared prior to the receipt of the AID reply, also recommended a consolidation of many of the reporting requirements in the Foreign Assistance Act. In its scheme an annual report would constitute a historical record of the fiscal year just completed, while the presentation document would contain estimates of amounts spent during the incomplete current fiscal year and proposed for the next fiscal year, plus specified information aimed at enabling Congress to make a judgment on the merits of the programs proposed. It called for the repeal of approximately the same requirements as the agency suggested, although not any of those passed during 1973. Since Congress had so recently enacted these requirements, there was no opportunity to find out whether the reports were useful or not.

Peace Corps

The Director of ACTION, the agency encompassing the Peace Corps, expressed appreciation for suggestions on how the annual report on the Peace Corps could be more helpful and promised to submit a more analytical report aimed at the needs of Congress. The Peace Corps report for fiscal year 1973, which was submitted later, was one of the reports which seemed to reflect the most change as a result of the study. Each country in which the Peace Corps operated was discussed individually and with uniform statistics and budget information.

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[2] See Part 2, 8, Transmittal of International Agreements.

Department of Defense

The Department of Defense addressed itself to a finding in the CRS study that every major piece of legislation should contain a reporting requirement which called upon the executive branch to supply information at regular intervals on how the legislation is being carried out. The Department did not disagree with this for specific legislation, but cautioned that if implemented without selectivity it "could generate excessive, costly and inefficient reporting and data systems which could contribute little either to the agency program manager or the congressional surveillance of the program."

The Defense Department stated the belief that statutes should avoid general provisions for reporting requirements because they often resulted in varying interpretations among agencies and information which was not helpful. The Department believed that specific terms for requirements would result in reports which were more helpful to congressional staff. It urged mutual effort by congressional and agency staffs in the development and use of data systems for information collection and reporting, stating:

> The objectives would be due consideration in agencies' developments for congressional requirements, with comparable consideration in congressional requirements for existing agencies' systems.

The Department of Defense also commented on eight individual reports for which it was responsible, often citing circumstances which made fulfillment of requirements difficult. Most of these reports related to the military assistance program. The exception concerned the reporting requirement in section 202(c) of the National Security Act of 1947 for an annual report on the Department of Defense. The last report in the series originally inaugurated to fulfill the requirement covered fiscal year 1968 and was issued in 1971. The Defense Department stated that in accordance with a letter of November 13, 1971, from Secretary of Defense Laird to the Chairman of the Senate Committee on Armed Services, the requirement was now being met by the personal reports of the Secretary of Defense and other senior officials of the Department during the opening months of each session of Congress.

U.S. Arms Control and Disarmament Agency

The Arms Control and Disarmament Agency, while noting that the CRS analysis of its report was generally favorable, promised to take remedial action in three indicated areas: (1) to be more complete in its discussion of political and military developments which affect arms control policy; (2) to supply more data on ACDA budgetary requirements to help Congress evaluate appropriation requests; and (3) to provide additional information on ACDA "in-house" and contracted research.

Although required by January 31 of each year, ACDA's annual report for 1973 was not submitted until March 13, 1974. A new section had been added on budgetary information and agency sponsored research.

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U.S. Information Agency

The U.S. Information Agency (USIA) stated that the CRS study provided valuable guidance for future USIA reports to Congress by helping to clarify congressional expectations and requirements for information. It welcomed the suggestion that consideration be given to changing the report on its operations from semiannual to annual. In regard to that report, USIA promised to take action to speed transmittal, provide more information aimed at evaluating the program, summarize the content and policy objectives of material disseminated, and organize it in such a way as to provide a basis for year-to-year comparisons of the program. It believed that most of the improvements would be facilitated by changing from a semiannual to an annual report. This change requires amendment of section 1008 of the U.S. Information and Educational Exchange Act of 1948, as amended, to change the word "semiannual" to "annual".

The 40th semiannual report covering January–June 1973, which was submitted after the USIA reply, marked a definite change from previous ones and carried out several of the stated intentions. Its basic organization was more systematic and provided a framework for a more useful report.

U.S. Advisory Commission on Information

The Staff Director of the U.S. Advisory Commission on Information expressed appreciation for the efforts to review systematically required reports to Congress, described as a "hitherto neglected but important subject". He hoped that as a result of the study it would be easier to implement the Commission's purposes. The CRS study had pointed out claims by the Commission that its recommendations had been ignored by both the executive branch and Congress, and cited it as evidence of the need for congressional attention if the bodies required to make reports are to believe their efforts in making reports are worthwhile.

Since the Advisory Commission on Information is being studied under the provisions of the Federal Advisory Committee Act (Public Law 92–463), changes in its reporting requirements might await the results of that study. On the other hand, for many years the Commission has been submitting an annual report instead of a semiannual one. Unless Congress objects to that practice, which the Commission believes allows it to be more effective, consideration might be given to amending the requirement in section 603 of the United States Information and Educational Exchange Act of 1948, as amended, by changing the words "a semiannual" to "an annual".

East-West Center

The Chancellor of the East-West Center sent an interim reply on May 10, 1973, but the substantive comments on the East-West Center report were in the reply of the Department of State of July 23, 1973.

The Department of State considered that the annual report of the East-West Center, complemented by reports of the National Review

Board (an advisory body established by the Secretary of State to represent the national interest and review the operations of the Center), constituted full compliance with the reporting requirement. Like earlier ones, the 13th annual report of the Center, submitted in September 1973, was a comprehensive review of the activities of the Center. It contained no report of the National Review Board.

The Department appeared to reject the suggestion in the CRS study that the present practice may not be fulfilling the reporting requirement. The legislation establishing the Center calls on the Secretary of State to "make an annual report to the Congress with respect to his activities under the provisions of this chapter, and such report shall include any recommendations for needed revisions in this chapter." Yet there is nothing about the State Department's role or relationship to the Center in the report. For that reason, the study suggested reconsideration of the reporting requirement, either to clearly call for a report from the Center itself, or to call for a report from the National Review Board on its oversight of the Center.

C. CHANGES IN REPORTING REQUIREMENTS DURING 1973

Reflecting an effort by Congress to improve the information available to it, the body of reporting requirements in the foreign affairs field continued to grow during 1973 although seven requirements were repealed. Among the most significant additions were the requirements in the War Powers Resolution including that the President report to Congress within 48 hours and regularly consult with it after the introduction of troops in the absence of a declaration of war. Nominees for Ambassador or Minister were required to submit a list of their past political contributions. New reports were required relating to International Narcotics Control activities, efforts to coordinate the actions of various departments abroad, debt service problems, the world food situation, progress toward bringing about more equitable defense burden sharing in Europe, the activities of Radio Free Europe and Radio Liberty, and other subjects. Several existing reporting requirements were amended, usually to clarify the kind of information Congress was seeking.

Reporting Requirements Added

Approximately 30 new reporting requirements relating to foreign affairs were added during 1973. They are listed below and have been incorporated into the chart of reporting requirements maintained for this project.

War Powers Resolution (Public Law 93–148)

Consultation before introducing U.S. armed forces into hostilities or situations of imminent involvement, section 3
Regular consultation after every such introduction, section 3
Report within 48 hours after introduction of troops in absence of declaration of war, section 4(a)
Provision of such other information as Congress may request in such situations, section 4(b)
Periodic and at least semiannual report on status of such hostilities, section 4(c)
Determination that safety of U.S. armed forces requires extension of use of such forces beyond 60 days in absence of declaration of war, section 5(b)

Department of State Authorization Act of 1973 (Public Law 93–126)

Political contributions by nominees for Ambassador or Minister, section 6

Amendments to Foreign Assistance Act of 1961 by Foreign Assistance Act of 1973 (Public Law 93–189)

Justification prior to disbursement of development grant assistance for a period exceeding 36 months, section 110(b)
Report by June 30, 1974, concerning assistance to U.S. schools, hospitals, and libraries abroad, section 214(e)
Reports received by U.S. representatives to certain international organizations, section 301(e)(3)

Quarterly report on funds under International Narcotics Control chapter, section 481(b)(1)
Semiannual report on activities under International Narcotics Control chapter, section 481(b)(2)
Prior notification of consent to transfer weapons to third foreign country, section 505
Annual report on debt service problem, section 634(g)
Determination to waive prohibition of aid to expropriating country, section 620(e)(1)
Report on solutions to the problem of famine in the African Sahel, section 639A
To keep advised of actions to coordinate various departments having missions abroad, section 640(B)(b)
Annual report on actions affecting development of low-income countries and impact on U.S. economy, section 640(B)(d)

AMENDMENTS TO FOREIGN MILITARY SALES ACT BY FOREIGN ASSISTANCE ACT OF 1973 (PUBLIC LAW 93–189)

Prior notification of consent to transfer weapons to third foreign country, section 3(a)

AMENDMENT TO MUTUAL SECURITY ACT OF 1954 BY FOREIGN ASSISTANCE ACT OF 1973 (PUBLIC LAW 93–189)

Prompt reports of licenses for export of articles on U.S. Munitions List in excess of $100,000, section 414(e)

OTHER PROVISIONS OF FOREIGN ASSISTANCE ACT OF 1973 (PUBLIC LAW 93–189)

Report by January 1, 1974, on revision of Social Progress Trust Fund Agreement between U.S. and Inter-American Development Bank, section 36(e) (Note: The report was submitted January 3, 1974. It described an agreement of December 20, 1973, between the Inter-American Development Bank and the Inter-American Foundation whereby part of the Social Progress Trust Fund would be utilized for projects selected by the Foundation.)
Determination on use by any non-African country of military assistance in Africa, section 38
Report by December 31, 1974, on world food situation, section 39(a)(4)

EMERGENCY SECURITY ASSISTANCE ACT OF 1973 (PUBLIC LAW 93–199)

Presidential determination that Israel is to receive assistance exceeding $1,500,000,000, section 2
Study by Secretary of Defense of 1973 Arab-Israeli conflict to ascertain effectiveness of military assistance program, section 5

BOARD FOR INTERNATIONAL BROADCASTING ACT OF 1973 (PUBLIC LAW 93–129)

Annual summary of Board activities and operations of Radio Free Europe and Radio Liberty, section 4(a)(8)

AMENDMENT OF BUDGET AND ACCOUNTING PROCEDURES ACT OF 1950 (PUBLIC LAW 93–9)

Quarterly report on funds impounded, section 203(a)

PAR VALUE MODIFICATION ACT AMENDMENT (PUBLIC LAW 93–110)

Finding that international monetary reform permits the private ownership of gold, Section 3(c)

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1973 (PUBLIC LAW 93–17)

Study by September 30, 1973, on whether to terminate Canadian exemption, section 4
(NOTE: The study was submitted September 28, 1973, concluding that the Canadian exemption should be continued.)

Department of Defense Authorization Act, 1974 (Public Law 93–155)

House Armed Services Committee study on advisability of maintaining military commitment in Europe, section 301(c)
Quarterly report on progress in efforts to offset U.S. balance-of-payments deficits resulting from U.S. forces in Europe and to bring about more equitable burden sharing, section 812(d)

Reporting Requirements Terminated

A number of reporting requirements were terminated during 1973. Requirements for seven reports were repealed by the Foreign Assistance Act of 1973. These included the following from the Foreign Assistance Act of 1961, as amended:

Semiannual report on relationship of military assistance to Latin America to joint plans of Organization of American States, section 507(b)
Finding that furnishing of military assistance to Latin America is necessary to safeguard the security of the United States or a country associated in the Alliance for Progress, section 507(c)
Presidential determination to waive prohibition against military assistance to any country in Africa except for internal security or civic action requirements, section 508
Determination to furnish defense articles with a value in excess of $100,000 in absence of certification of recipient's capability to use the articles effectively, section 509(b)

In addition, the Foreign Assistance Act of 1973 repealed the following three reports required by the Foreign Military Sales Act (Public Law 90–629), as amended:

Presidential determination to waive regional ceilings on foreign military sales, section 33(c)
Semiannual report on exports of significant defense articles on U.S. munitions list, section 36(a)
Annual tables in presentation material disclosing dollar value of cash and credit foreign military sales orders, section 36(b)

Although the International Coffee Agreement was extended until 1975, with Senate approval on October 1, 1973, no request was made for the extension of the implementing legislation, the International Coffee Agreement Act. Therefore there is no longer a legal requirement for the annual report formerly required by that act on the operations of the International Coffee Agreement.

Other Changes in Reporting Requirements

Several existing reporting requirements were modified by legislation in 1973, usually in an attempt to make them more effective. Additional information was required to be included in the President's International Economic Policy report,[1] the semiannual report on the status of credits,[2] and the annual report on the Foreign Assistance Act.[3] The provision specifically permitting officers of foreign affairs agencies to express their views and opinions to congressional committees upon request was broadened to include not only officers appointed by the President with the consent of the Senate but any employee.[4]

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[1] International Economic Policy Act of 1972, as amended by Public Law 93–121. Sec. 207(a).
[2] Foreign Assistance Act of 1961, as amended by Public Law 93–189. Sec. 634(f).
[3] Foreign Assistance Act of 1961, as amended by Public Law 93–189. Sec. 657.
[4] Foreign Relations Authorization Act of 1972, as amended by Public Law 93–126. Sec. 502.

The due date for the report of the Commission on the Organization of the Government for the Conduct of Foreign Policy was extended until June 30, 1975.[5] The extension of the Interest Equalization Act until June 30, 1974, assured the continuation of the Treasury Department's report "Overseas Expenditures by the U.S. Government" for another year.[6]

The provision requiring each congressional committee to report its use of foreign currencies for publication in the Congressional Record was revised. Instead the Department of State is now required to submit to each chairman annually a report of the amounts of foreign currency expended during the preceding calendar year by each member for travel outside the United States. The reports are to be available for public inspection in the committee offices.[7]

In addition, the conference report on the Foreign Assistance Act of 1973 clarified the intention of the requirement in section 634(b). While rejecting a Senate provision requiring that the public record show the recipient and amount of military assistance, the conferees agreed that the provisions—

> should be construed as calling for full public disclosure of military assistance information, except during periods of critical international developments when classifying such data is in the national security interest. In any case, such information should be fully available to appropriate congressional committees.[8]

The provision requiring the military manpower requirements report, originally in the Military Selective Service Act, as amended was repealed by the Military Procurement Authorization Act (Public Law 93–155) and placed as section 138 of title 10 of chapter 4 of the United States Code. The report is of interest to those in the foreign affairs field because among the requirements of the report, to be submitted by the Secretary of Defense, are (a) a discussion of the manpower required to be stationed abroad and (b) areas of deployment and any U.S. commitment to defend such areas.

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[5] Ibid. Sec. 603(b).
[6] Interest Equalization Tax Extension Act of 1973. Public Law 93–17. Sec. 2.
[7] Section 502 of the Mutual Security Act of 1954 as amended by Public Law 93–126.
[8] U.S. Congress. House. Report No. 93–664, p. 41.

D. STUDIES BY GENERAL ACCOUNTING OFFICE

The General Accounting Office (GAO) proceeded with two studies in 1973 relating to reporting requirements.

Reduction of Reports

On October 26, 1973, the General Accounting Office submitted a report on the evaluation of the usefulness of reports submitted to Congress by executive agencies.[1] Its report recommended that the House Committee on Government Operations introduce legislation to eliminate 30 reports required by statute, reduce the frequency of eight, and eliminate portions of five. Similar efforts in 1960 and 1965 had led to the elimination of 25 reporting requirements under Public Law 86–533 and the elimination of 23 and modification of 11 others under Public Law 89–348.

None of the reports recommended for elimination or modification by the GAO were in the jurisdiction of the Senate Foreign Relations and House Foreign Affairs Committees. Since these committees had already undertaken a project aimed at improving the efficiency of the reporting system in the foreign affairs field, it was agreed that reports under their jurisdiction would be dealt with in foreign policy legislation rather than in an omnibus bill covering reports in a large number of fields.

However, three of the changes recommended by GAO after consultations with the committees concerned dealt with reports not in the jurisdiction of but relevant to the work of the Foreign Affairs and Foreign Relations Committees. They follow:

(1) Elimination of the quarterly report, "Items to be delivered from unobligated allocations for military assistance, including detailed breakdown of military assistance funds allocated and available", required by Sec. 108 of the Mutual Security Appropriations Act, 1957 (Public Law 84–208).

(2) Reduction from quarterly to semiannual of the report on export control under Sec. 10 of the Export Administration Act of 1969 (Public Law 91–184).

(3) Reduction from semiannual to annual of the report on chemical and biological research programs under the Armed Forces Appropriation Authorization Act of 1970 (Public Law 91–121).

The GAO report pointed out that studies of required reports had also been made by the Foreign Affairs Division of the Congressional Research Service and the Reports and Management Controls Study Group of the Commission on Government Procurement. The chief observations presented in the GAO report on the basis of its study and the other two studies were:

(1) An indexed list by subject matter of all executive reports required to be submitted to Congress would be useful in apprising all committees and Members of available information.

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[1] U.S. Comptroller General of the United States. Usefulness to the Congress of Reports Submitted by the Executive Branch. Report to the Committee on Government Operations, House of Representatives. (GAO Report B–115398), 31 pp.

(2) A system for recording whether reporting requirements have been met and for following up with the preparing organization when a report was not submitted in a timely fashion would be useful in insuring that information was available when needed.

(3) A system for continually studying and evaluating the usefulness of reports would aid in the timely elimination of unnecessary reports and improvement of inadequate ones.

Finally, the GAO report pointed out that legislation had been introduced in 1973 which, among other things, would give the Comptroller General responsibility for monitoring reporting requirements and making recommendations for changes and improvements. If this legislation was enacted, the report said the GAO would establish a reports monitoring system. (At the time of this writing, the legislation had been passed by the Senate as title VIII of the Congressional Budget Act of 1974, H.R. 7130, and was in conference.)

If the legislation was not enacted, the report concluded, "the House Committee on Government Operations may wish to propose that a reports management function be established within the Congress itself.[2]

Another alternative would be to house the monitoring system in the Congressional Research Service where required reports could become part of the permanent collection of the Library of Congress available to both the public and the Congress.

Budgetary and Fiscal Information Needs of Congress

A second project of the General Accounting Office relevant to required reports concerned efforts to cooperate with the Secretary of the Treasury and the Director of the Office of Management and Budget in developing a standardized information and data processing system for budgetary and fiscal data. This responsibility was given to the GAO by the Legislative Reorganization Act of 1970.

On May 3, 1973, the Comptroller sent a report to the Joint Committee on Congressional Operations describing its progress to date.[3] Under this project, which is expected to require many years, the GAO is working with congressional committees to determine their informational needs, particularly in the fiscal field, and with the executive branch to develop standard classifications and standardization of the information and data processing system.

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[2] Ibid., p. 8.

[3] U.S. Comptroller General of the United States. Implementation of Sections 201 to 205, 231 to 235, and 451 of the Legislative Reorganization Act of 1970. Report to the Joint Committee on Congressional Operations, Congress of the United States, May 3, 1973. (B–115398), 37 pp.

PART 2—DEVELOPMENTS ON SELECTED INDIVIDUAL REPORTS

The study "Required Reports to Congress in the Foreign Affairs Field" contained analyses of approximately 56 individual reports. Developments during 1973 on 43 separate reports are recounted in the following pages.

The numbers in parentheses following the title of each report indicate the page of "Required Reports to Congress in the Foreign Affairs Field" on which the original analysis may be found. The section headed "Reply" contains any response from the executive branch on that particular report. The section headed "Comments" contains observations on the reply and on changes in the report during 1973.

I. GENERAL FOREIGN POLICY AND THE DEPARTMENT OF STATE

1. STATE OF THE UNION MESSAGE: THE PRESIDENT'S REPORT TO CONGRESS ON FOREIGN FOLICY [1] (CRS–A1)

Reply

[No executive branch agency commented on the analysis of the President's annual report on foreign policy, which is not required by law but for the past 4 years has been submitted to Congress as an adjunct to the state of the Union message.]

Comments

The submission of the fourth annual report on May 3, 1973, was 3 months later than in previous years and this diminished its value during the first session of the 93d Congress. This added to the reasons for considering a formal requirement for the report with the inclusion of a deadline for submission. Other factors to be considered are whether the report is likely to be continued after the present administration if there is no reporting requirement, and whether there is a need for an annual report on foreign policy by both the President and the Secretary of State. In the past the two reports have differed sufficiently to warrant two separate reports. The President's report was prepared under the direction of Henry Kissinger as Special Assistant to the President for National Security Affairs and outlined the administration's philosophy of American foreign policy. The Secretary of State's report, prepared under Secretary of State William P. Rogers, was a record of American diplomacy. Since Dr. Kissinger became Secretary of State in 1973 and the past pattern would make him responsible for the preparation of both reports, the treatment of the two reports by the executive branch in 1974 may shed further light on this question.

2. REPORT OF THE SECRETARY OF STATE ON FOREIGN POLICY [2] (CRS–A4)

State Department reply

"There is no legislative requirement for the Secretary's Report. It is submitted voluntarily and seems to go far towards satisfying the

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[1] Section 3 of Article II of the Constitution states that the President "shall from time to time give to the Congress information of the State of the Union * * *." Out of this has grown the tradition of the State of the Union Message at the beginning of each session of Congress. Since 1970, President Nixon has sent annual foreign policy reports to Congress as adjuncts to the State of the Union Messages.

Most recent report received: U.S. President. U.S. Foreign Policy for the 1970's; Shaping a Durable Peace. A Report to the Congress by Richard Nixon, President of the United States, May 3, 1973. Washington, U.S. Government Printing Office, 1973. 234 pp.

[2] While there is no legislation requiring an annual report on foreign policy by the Secretary of State, the Foreign Assistance Act of 1971 (Public Law 92–226) amended the Act to Provide Certain Basic Authority for the Department of State (Public Law 84–885) to require the Department of State to keep the Senate Foreign Relations and House Foreign Affairs Committees "fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees." (Sec. 15(b).)

Most recent report received: U.S. Department of State. United States Foreign Policy, 1972; A Report of the Secretary of State. Department of State Publication 8699. Washington, U.S. Government Printing Office, April 1972. 743 pp.

desires of the two committees. The comments as to its possible improvement have been noted, and will be kept in mind as planning for the next edition of the report goes forward."

Comments

The main suggestion for improvement in the study was that the Secretary's report include additional basic data about the Department of State, such as the size of staff in various bureaus and overseas posts, which would be helpful in determining proper levels of authorizations and appropriations for the Department.

Since the Secretary of State's report for 1972 was submitted April 19, 1973, there was no opportunity for the report to reflect action on suggestions made. The 1973 report was longer than the previous two. Brief chronologies of events during 1972 were added and found helpful. As in the case of the President's report, the later submission than in previous years made it somewhat less useful, and a reporting requirement with a submission deadline might be considered.

3. ANNUAL REPORT ON PROCEEDS OF SALES UNDER THE FOREIGN SERVICE BUILDINGS ACT [3] (CRS–A7)

State Department reply

"We agree that this report can be improved and we welcome the opportunity to provide additional information. In future reporting we will provide necessary information on gifts and payments for damages received in the prior fiscal year, as required by Section 9 of the Foreign Service Buildings Act."

Comments

The report for fiscal year 1972 was printed in the appropriations hearings for fiscal year 1974 and was essentially the same as the previous year. There was not time for it to reflect any of the suggestions in the CRS report, which were that more detailed information be included and that the report be more up-to-date. The State Department did not comment on the feasibility of incorporating this report into the annual report of the Secretary of State or merging it with other reports on Foreign Service buildings.

4. SEMIANNUAL REPORT ON SHORT TERM LEASES REQUIRING AN ANNUAL PAYMENT IN EXCESS OF $25,000 [4] (CRS–A10)

State Department reply

"We will provide more detail with the semiannual report of approvals of leases requiring annual payments in excess of $25,000 a year."

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[3] Required by sec. 9(b) of the Foreign Service Buildings Act, (Public Law 69–186), as amended.

Most recent report received: Proceeds of Sales and Miscellaneous Receipts during Fiscal Year 1972. In U.S. Congress. House. Subcommittee of the Committee on Appropriations. Hearings on Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations for 1974. 93d Cong., 1st sess., Part 2: pp. 361–2.

[4] Required by sec. 10 of the Foreign Service Buildings Act (Public Law 69–186), as amended.

Most recent report received: Short-Term Leases Requiring an Annual Payment in Excess of $25,000 Approved January 1 through June 30, 1973, under Authority of Public Law 89–636. Undated. 3 pp. Transmitted by letter from Earnest J. J. Warlow, Director. Office of Foreign Buildings Operations. Department of State.

Comments

The most recent report received contained helpful additional information. A new section gave the justification for the six new leases and two of the renewal leases. The Department of State did not give any views on the feasibility of merging this report with the other report required under the Foreign Service Buildings Act or incorporating it into a more general report on the Department of State, such as the annual report by the Secretary of State.

5. ANNUAL REPORT OF THE VISA OFFICE [5] (CRS–A13)

State Department reply

"The study is complimentary of this report but recommends inclusion of its preparation date. Future reports will include the date upon which the Administrator signs the preface as representing the date upon which preparation was completed."

Comments

The 1972 Report of the Visa Office followed the same format as the previous years and provided a good basis for studying immigration patterns. It too was undated but was issued prior to the above reply.

6. REPORT ON OVERSEAS EXPENDITURES BY THE U.S. GOVERNMENT [6] (CRS–A15)

Reply

[The Treasury Department was not included in the survey.]

Comments

The requirement for this report, prepared by the Department of the Treasury, has been extended until June 30, 1974, by the Interest Equalization Tax Extension Act of 1973 (Public Law 93–17). Because of its usefulness for those interested in the Federal Government's organization for the conduct of foreign policy or in the balance of payments problem, the CRS study suggested that consideration might be given to extending this report whatever the fate of the Interest Equalization Tax Extension Act.

The most recent report confirmed the belief that it was useful to those interested in knowing how much various U.S. agencies spend in each foreign country. An innovation was the inclusion of payments made in foreign currencies not purchased directly with dollars from commercial sources, and used mainly for loans and grants under Public Law 480 and the Foreign Assistance Program, in a column labeled "Not Charged to Appropriations." With this addition the Agency for International Development ranked second to the Department of De-

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[5] Not specifically required by law, but may be considered as in partial fulfillment of the requirement in sec. 104 of Public Law 82–414, as amended, to maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this Act by consular officers.

Most recent report received: U.S. Department of State. Bureau of Security and Consular Affairs. Report of the Visa Office, 1972. Washington, U.S. Government Printing Office, 1973. 84 pp.

[6] Required by the Interest Equalization Tax Extension Act of 1965 (Public Law 82–243), as amended.

Most recent report received: U.S. Department of the Treasury. Fiscal Service. Bureau of Accounts. Reports on Overseas Expenditures by the U.S. Government, Fiscal Year 1972. 72 pp.

fense as the agency spending the most overseas, whereas the previous year, without these figures, the Department of Health, Education, and Welfare had appeared second. The date the report was submitted was not clear but the tables indicated they were revised in February 1973.

In the reporting requirement model prepared for the Foreign Assistance Act it has been suggested that the data in this report be included once a year in a report on foreign currencies.

7. PROTECTION OF CITIZENS ABROAD [7]

(CRS–30)

State Department Reply

"Under the heading Unfulfilled Requirements, page 30, the study contains the following statement:

"In at least one case, the Department of State appears to have completely forgotten about a century-old reporting requirement. An act of July 27, 1868 (22 U.S.C. 1732) states:

> "Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

"The aforementioned act is cited in Volume 7, Section 352.1 of the Foreign Affairs Manual of the Department of State which contains regulatory material and guidance to United States consular officers. In accordance with instructions contained therein, consular officers report to the Department of State all cases involving the arrest of United States citizens abroad with the facts and action taken in each case.

"There was undoubtedly a legitimate concern with the wrongful seizure and imprisonment of American citizens in 1868, and the language of the act perhaps reflects the injustices which were inflicted on American citizens, as well as citizens of other countries, in the less advanced countries at that time. However, under the terms of existing consular conventions or treaties, our consular officers have the right to prompt access to American citizens under detention; they can attend trials in an observer status; and they are in a position to make appropriate representations at the local level to see to it that the American citizen is given fair treatment under the laws of the host country.

"If there has been no reporting to Congress, 'at least in recent years,' under the act, it is due to the circumstances that under modern practices, which provide ample opportunities for legal and diplomatic remedies, situations such as those envisaged by the act have not occurred. If such a case should arise where what appears to be an injustice cannot be corrected by normal processes, the matter will be reported pursuant to the act."

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[7] Reporting requirement in Act of July 27, 1868 (22 U.S.C. 1732).

Comments

The Department of State reply concluded with a promise to report any case which might arise "where what appears to be an injustice cannot be corrected by normal processes * * *" However, as yet no reports to Congress under this act have been made, as far as is known.

Apparently the Department of State takes the position that a report to Congress is not required in ordinary cases of the detention of American citizens abroad because U.S. consuls can see that the American citizens are given fair treatment, and instances of injustices can be corrected by normal legal and diplomatic processes.

A case might be made that the language of the act of July 27, 1868, requires reporting of any instance in which a U.S. citizen abroad is "unjustly deprived of his liberty by or under the authority of any foreign government", and of the legal diplomatic efforts made to secure the release of the detained citizen. While the Department of State apparently does not interpret the act to apply to any recent situations, attention is called to the provision which requires Congress to be informed of any case in which efforts to secure the release of American citizens whose detention seemed unjust could be considered unsuccessful.

8. TRANSMITTAL OF INTERNATIONAL AGREEMENTS [8] (CRS–29)

Reply

[The State Department reply did not comment on this requirement.]

Comments

During 1973 the texts of 302 international agreements were transmitted to Congress in accordance with the provision of Public Law 92–403 (the Case Act). Some were transmitted to the Senate Foreign Relations and House Foreign Affairs Committees with a security classification. This was in accordance with the provision permitting any agreement publication of which the President believed would be prejudicial to the national security to be transmitted "under an appropriate injunction of secrecy to be removed only upon due notice from the President."

On February 22, 1973, Senator Fulbright requested that "each classified executive agreement transmitted to the committee be accompanied by an explanation of the agreement, background information on its negotiation, and a statement of its effect." In reply, on March 19, 1973, Acting Assistant Secretary for Congressional Relations Marshall Wright replied that the Department was "initiating immediately the steps necessary to insure that classified agreements transmitted to you under the act will be accompanied by appropriate background information".[9]

Questions have been raised as to whether all international agreements of every kind were being transmitted. In answer to questions about the Department of State's interpretation of agreements which were included or excluded, the Acting Legal Adviser, Charles N.

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[8] Transmittal required by Public Law 92–403.
[9] Congressional Record, June 18, 1973. S. 11316.

Brower, wrote the Foreign Relations Committee on January 26, 1973, that

> The Department considers that the Case Act is intended to include every international agreement, other than a treaty, brought into force with respect to the United States after August 22, 1972, regardless of its form, name or designation, or subject matter.[10]

A main question concerned subsidiary agreements reached on an agency-to-agency basis. A study by the General Accounting Office recommended in April 1973 that the Secretary of State:

> Establish procedures to require that all agreements be subject to his approval, including those subordinate to or designed to implement basic government-to-government agreements which commit the United States to specific performance requiring expenditure of substantial amounts of money.
>
> Require a central repository to be established within the State Department for all such international agreements, arrangements, and commitments, similar to the one now in existence for treaties.
>
> Provide annually to the appropriate committees of the Congress a list and description of all such agreements, together with estimates of the future years' costs that each agreement involves.[11]

Concluding that the Secretary may not consider subordinate and implementing agreements to be subject to the requirements of Public Law 92–403, the GAO indicated further legislation might be necessary. The study stated:

> In addition to the reporting requirements of Public Law 92–403, GAO believes that the Congress, to be informed of significant commitments made through such subordinate and implementing agreements, might consider legislation requiring that the Secretary of State submit annually to the Congress a list and description of all such subordinate and implementing agreements made involving substantial amounts of U.S. funds or other tangible assistance, together with estimates of the amounts of such funds or other assistance. [12]

On November 14, 1973, Senator Fulbright again queried the Department of State as to whether all executive agreements were being transmitted, noting that during the first 7 months 18 classified agreements had been received and during the second 7 months only 2 had been transmitted.

Secretary of State Kissinger replied on December 6, 1973, giving his "personal assurances that the Congress has not become a victim of changed nomenclature or definition of what constitutes an executive agreement under the Case Act." He transmitted a letter which had been sent on September 6, 1973, by Acting Secretary Rush to other Departments and agencies stressing the importance that all international agreements of the United States be cleared, prior to conclusion, with the Department of State and transmitted, after conclusion, to the Congress.

Secretary Rush's letter pointed out that on August 15, 1973, the Department of State had published in the Federal Register a public notice inviting comment on a proposed revision of its Circular 175 Procedure regarding the authorization and conclusion of treaties and other international agreements. While contending that it was not

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[10] Ibid.

[11] U.S. Comptroller General's Report to the Congress. U.S. Agreements with and Assistance to Free World Forces in Southeast Asia Show Need for Improved Reporting to the Congress. Unclassified digest furnished in lieu of a report containing classified security information. Apr. 24, 1973. B–159451, p. 4.

[12] Ibid., p. 5.

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practicable to enumerate every type of agreement which the Department of State should receive, the letter continued:

> It seems clear that texts should be transmitted to the Department of State of the agreements referred to in the recommendations of the Comptroller General and of any agreements of political significance, any that involve a substantial grant of funds, any involving loans by the United States or credits payable to the United States, any that constitute a commitment of funds that extends beyond a fiscal year or would be a basis for requesting new appropriations, any that involve continuing or substantial cooperation in the conduct of a particular program or activity, such as scientific, technical, or other cooperation, including the exchange or receipt of information and its treatment. In general, the instruments transmitted to the Congress pursuant to the Case Act, and those published (other than those classified under E.O. 11652), should reflect the full extent of obligations undertaken by the United States and of rights to which it is entitled pursuant to instruments executed on its behalf.
>
> The fact that an agency reports fully on its activities to a given committee or committees of Congress, including a discussion of agreements it has entered into, does not exempt the agreements concluded by such agency from transmission to the Congress by the Department of State under the Case Act.[13]

The letter referred to the GAO recommendation that the Secretary of State be required to submit a list of subordinate and implementing agreements annually to Congress, and added, "I believe that such legislation should be unnecessary. Certainly it is preferable to bring about full cooperation through our own efforts." [14]

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[13] Ibid.

[14] Letter from Secretary of State Henry A. Kissinger to the Chairman of the Committee on Foreign Relations, Dec. 6, 1973.

II. FOREIGN ASSISTANCE ACT (EXCLUDING MILITARY ASSISTANCE)

9. ANNUAL REPORT ON THE FOREIGN ASSISTANCE PROGRAM [1]

(CRS–A19)

AID reply

"*Section 657 Report.*—The statute requires a report that purports to be the annual report on the Foreign Assistance Program. It is not. The statute requires the report to lump together assistance, certain business transactions, and other transactions that are a combination of the two. For example, the report must include information regarding Export-Import Bank transactions—which are normally negotiated at close-to-commercial terms. It also includes all private commercial sales of arms, ammunitions and implements of war. The failure of the statute to clearly and unambiguously distinguish between assistance that reflects cost to the U.S. Government and business transactions that reflect no such cost results in a misleading, distorted report.

"Further, the statute intermingles the activities of various Federal agencies and calls them all the 'foreign assistance program.' The statute fails to make a clear distinction among programs designed primarily to aid recipient countries (the foreign assistance program) versus those designed primarily to benefit U.S. business (i.e., Export-Import Bank activities).

"Because it intermingles activities with disparate objectives, Section 657, as presently written, fails to provide a clear picture of the foreign assistance program.

"Another factor that should be kept in mind regarding this report is that it is not the only annual compilation of data regarding foreign transactions furnished to the Congress. At present, there are three other compilations of data regarding foreign transactions of the U.S. Government. They are:

"Military and Economic Assistance Data—by country for the budget year (Senate Foreign Relations Committee request) ;

"Transfers of U.S. Resources to Foreign Nations—by country and region for the preceding, current and budget years. (Senate Appropriations Subcommittee on Foreign Operations request) ; and

"U.S. Overseas Loans and Grants and Assistance from International Oganizations for the preceding fiscal year. (Commonly called the "Green Book"; requested originally by the House Foreign Affairs Committee).

"None of these compilations are required by legislation; they all present data in different formats, reflect different definitions of foreign transactions, and all do not account for data in the same manner. The three presentations and the Section 657 report have never been reconciled because it is probably impossible to do so. Yet, the requestor

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[1] Required by section 657 of the Foreign Assistance Act of 1961. (Public Law 87–195), as amended.

Latest report received: Agency for International Development. Report Required by section 657, Foreign Assistance Act, fiscal year 1972, 23 pp.

of each compilation or report considers that particular presentation to be definitive with regard to the Foreign Assistance Program. Thus, when all four of the presentations are considered together, the only result is confusion, distortion, and mis-information."

Comments

The reporting requirement model prepared by the Foreign Affairs Division for the Foreign Assistance Act aims at obtaining more usable information in a fewer number of reports. It utilizes two of the existing annual reports to provide information needed to coordinate various foreign assistance programs with other aspects of U.S. foreign and economic policy. It provides for a separate annual report for each agency established under the act, such as AID and OPIC, and consolidates many of the existing reports in the presentation document or annual reports.

10. COMPARISON OF THE ECONOMIC ASSISTANCE PROGRAMS AS PRESENTED TO CONGRESS WITH THE ACTUAL PROGRAMS IMPLEMENTED [2] (CRS–A27 AND A37)

AID reply

"*Section 634(d) Report.*—Ostensibly the report contains information of use to the Congress. However, the timeliness of the information, and the need for a separate reporting requirement are questionable. The report duplicates information already presented in the budget presentations of A.I.D., the Department of Defense, and the Peace Corps with regard to prior, current, and proposed fiscal year program levels. Although the information provided could be more comprehensive, it should be noted that similar information is already furnished to the Congress in the Section 657 Report and the three other compilations of data on foreign assistance noted in the section discussing that report. Thus, Congress has requested essentially similar information in at least five different instances, instead of in one, comprehensive report pursuant to a single legislative requirement.

"With regard to the requirement to report substantial changes in the prior and current fiscal year programs as compared to their respective Congressional presentation levels, these could be included in each presentation rather than as a separate report. This would allow for timely comparison with the proposals for the upcoming fiscal year.

"Section 634(d) also requires details of proposed contributions to international financial institutions and a statement of each project for which financing was supplied by the Export-Import Bank in the preceding fiscal year. Neither one of these subjects is included in A.I.D.'s budget request, nor are they authorized by the Foreign Assistance Act. They would more appropriately appear in a more broadly focused report."

Comments

In the reporting requirement model prepared for the Foreign Assistance Act the reporting requirements referred to above are consolidated

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[2] Required by sec. 634(d) of the Foreign Assistance Act of 1961 (Public Law 87–195), as amended.

Most recent report was submitted May 4, 1973, and covered fiscal year 1972. U.S. Agency for International Development. Reports Required by sec. 634(d) and sec. 653, The Foreign Assistance Act. May 1973. 71 pp.

and revised. To keep Congress informed of significant changes in the program, the model requires notification to Congress whenever expenditures for a country exceed by 10 percent the amount justified in the most recent presentation document.

11. ALLOCATION OF FOREIGN ASSISTANCE FUNDS AFTER APPROPRIATION [3] (CRS–A44)

AID reply

"*Section 653 Report.*—The report presently provides Congress with a picture of the Agency's operational budget for the current fiscal year. If it is expanded to include information required by Section 634(d), the report will duplicate information already provided to the Congress in the Section 634(d) Report. And, given the late timing of appropriations in the last few years, such an expanded report would be presented within a short time of the presentation of the Agency's request for the upcoming fiscal year, which contains virtually the same information."

Comments

The reporting requirement model prepared for the Foreign Assistance Act suggests repeal of this requirement because the frequent delays in the passage of the foreign assistance appropriations have reduced the effectiveness of the provision.

12. REPORT UNDER TITLE XI OF THE FOREIGN ASSISTANCE ACT; FOOD PRODUCTION AND POPULATION GROWTH IN LESS DEVELOPED COUNTRIES [4] (CRS–A60)

AID reply

"As recommended in the Congressional Research Service study, this report requirement could be deleted and the information supplied in a comprehensive annual report. Indeed, since the information is in part already presented in the sector narratives pertaining to Food Production and Nutrition and Population Planning and Health in the Agency's annual budget request, the reporting requirement is to that extent redundant. Further, the President is now required to report on world food shortages pursuant to Section 39 of the Foreign Assistance Act of 1973."

Comments

The Foreign Affairs Division reporting requirement model for the Foreign Assistance Act provides for this information to be submitted as part of the presentation material instead of as a separate report.

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[3] Required by sec. 653 of the Foreign Assistance Act of 1961 (Public Law 87–195), as amended.

Most recent report submitted: U.S. Agency for International Development. Reports Required by sec. 634(d) and sec. 653, the Foreign Assistance Act. May 1973. 71 pp.

[4] Required by sec. 295 of the Foreign Assistance Act of 1961 (Public Law 87–195), as amended.

Most recent report received: U.S. Agency for International Development. Report under Title XI of the Foreign Assistance Act: Food Production and Population Growth in Less Developed Countries. August 1972. (Multilithed), 82 pp.

13. QUARTERLY REPORT ON THE FOREIGN ASSISTANCE ACT CONTINGENCY FUND PROGRAM [5] (CRS–A64)

AID reply

"As the Congressional Research Service study points out, this report could be eliminated. The Contingency Fund at the present time does not represent a significant proportion of foreign assistance funds and does not, as indicated in the study, appear to raise as many questions as other programs for which a quarterly report is not required. In addition, since the uses of the Contingency Fund are discussed at some length in the annual budget presentation to the Congress, the requirement for information contained in section 451(b) is fulfilled on an annual basis."

Comments

The Foreign Affairs Division reporting requirement model calls for the elimination of the quarterly report on the contingency fund but would require notification to Congress within 30 days if funds from it are used for any purposes other than disaster relief.

14. AID RECIPIENTS IN ARREARS IN FINANCIAL OBLIGATIONS TO THE UNITED NATIONS [6] (CRS–A70)

AID reply

"As the study points out, this report could be included as part of the President's Annual Report on U.S. Participation in the United Nations. Thus it could be eliminated as a separate reporting requirement under the Foreign Assistance Act."

Comments

The Foreign Affairs Division reporting requirement model calls for the elimination of the reporting requirement in section 620(u). Because the report has not been submitted regularly or in time to use at hearings on aid authorizations, as presently handled it has not been useful in enforcing the guideline that the status of a country with respect to payment of dues to the United Nations be taken into account in any decision to provide assistance. An alternative would be to request that information on the status of arrearages and delinquencies be included in the President's annual report on participation in the United Nations.

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[5] Required by sec. 451(b) of the Foreign Assistance Act of 1961 (Public Law 87–195), as amended.

Most recent report received: U.S. Agency for International Development. Foreign Assistance Act Contingency Fund Program as of June 30, 1973. 2 pp. (typed). Submitted Oct. 15, 1973.

[6] Report required by sec. 602(u) of the Foreign Assistance Act (Public Law 87–195), as amended.

Latest report received: Department of State. Report under sec. 620(u) Foreign Assistance Act of 1961, as amended. For Calendar Year 1970. 4 pp. Attachment, 4 pp. (Nov. 15, 1971). Unpublished. Classified "Limited Official Use."

15. STRENGTHENED MANAGEMENT PRACTICES IN THE AGENCY FOR INTERNATIONAL DEVELOPMENT [7] (CRS–A76)

AID reply

"*Section 621A (e)*.—The study suggests that this reporting requirement can be incorporated into a comprehensive annual report and eliminated as a separate reporting requirement. AID concurs with the suggestion."

Comments

In the model reporting requirement prepared by the Foreign Affairs Division, it has been suggested that the reporting requirement in section 621A (c) be repealed. The Comptroller General would be given the responsibility for reviewing the application of advanced management techniques called for in section 621A. He could then include any findings in his annual report to Congress.

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[7] Report required by sec. 621A (c) of the Foreign Assistance Act of 1961 (Public Law 87–195), as amended.

Most recent report received: U.S. Agency for International Development. Third Annual Report to the Congress under sec. 621A of the Foreign Assistance Act of 1961, as amended; Strengthened Management Practices in the Agency for International Development. Fourth Annual Report, July 1972. (Multilithed), 16 pp.

III. OTHER ASPECTS OF FOREIGN ECONOMIC POLICY

16. ANNUAL REPORT OF THE PEACE CORPS [1] (CRS–A91)

ACTION reply

"We find the report helpful and will comply with its recommendation that the Peace Corps submit reports on its annual operations in a timely, objective, and analytical manner. We appreciate the guidance clarifying how we can be more responsive to the Congress' needs and fully accountable to the American public for all aspects of our operations.

"Although ACTION proposes to continue publication of its Annual Report which will include all programs administered by the Agency, we will prepare an additional report on the Peace Corps for the Congressional committees having jurisdiction over the Peace Corps.

"This Report will be more analytical than the Annual ACTION Report and will be designed primarily for Congressional use, as required by Section 11 of the Peace Corps Act.

"We anticipate that the Report will analyze the Peace Corps efforts during the prior fiscal year in fulfilling its mandate as set forth in the Peace Corps Act. The Report will contain a discussion of major accomplishments and assess the Peace Corps' impact on the countries it serves. Special problems and difficulties and important past and future trends will be treated. It will analyze major operational aspects such as the recruiting, placement, training, programming, implementation, and evaluation of Volunteer projects. It will also present operational statistical summaries, including budgetary information.

"In order to comply with the request for timeliness, the Peace Corps' Reports will be submitted to Congress no later than October 30."

Comments

When the 1973 report of the Peace Corps was submitted on December 4, 1973, the letter transmitting it reiterated that the agency was trying to comply with the suggestions in the study and to be responsive to the needs of Congress. The report was a significant improvement over earlier reports. Particularly helpful was a separate discussion of the Peace Corps program in each country, with uniform statistical and budgetary information. If the same format is consistently followed in future years. Congress will have a source of information from which it may make its own comparisons of programs in different countries and changes from year to year.

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[1] Required by sec. 11 of the Peace Corps Act (Public Law 87–293).
Latest report received: U.S. Agency for Volunteer Service (ACTION). Peace Corps, Annual Operation Report, Fiscal Year 1973. (December 1973). 113 pp.

17. THE BATTLE ACT REPORT [2] (CRS–A113)

State Department reply

"With regard to two points made in the evaluation section concerning frequency of report submission and presentation of trade statistics, we would like to offer the following clarification:

"A formal published report is submitted to the Congress once each year. While two published reports a year were made during the early 1950's, there really is not a need for such frequent reporting on this subject. Moreover, it has been the practice of the Bureau of Economic and Business Affairs to submit less formal reports at appropriate times to the six Congressional committees named in the Battle Act—summarizing COCOM list reviews, or showing trends or changes in the pattern of East-West trade. The formal report is a costly operation and since the Act does not specify the precise manner in which the reporting shall be done, and only states 'not less than once every six months', we believe we are satisfactorily meeting the intent of the obligation by transmitting interim or more detailed information to the interested committees in letter form. We therefore do not think it is necessary to change the law.

"With regard to the data presented in the narrative portion of the Report, the intent is to show the recent trends in trade between the East and the West, but for a more precise view the statistical tables are supplied at the end of the Report. The difficulty is that because of their comprehensive global character, the latter tables are necessarily a year behind for total trade and two years for commodity data. Only in the case of U.S. trade do we have current data. We plan to try for a more current trade analysis as an interim report this year, leaving the annual report to cover the official figures."

Comments

No change in the reporting requirement appears necessary in view of the State Department's explanation that it supplements the annual report with COCOM list reviews and other interim reports to the principal committees and thus meets the requirement to report "not less than once every 6 months."

The most recent Battle Act Report continued in the pattern of earlier reports and was found useful for keeping track of the changing relationship between trade, broad foreign policy matters, and East-West trade. A report of this nature would appear necessary even if the Mutual Defense Assistance Control Act did not exist. For current changes taking place in product categories being controlled and country groups, the Commerce Department report on export control should be used.

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[2] Required by sec. 302(b) of Mutual Defense Assistance Control Act of 1951 (Public Law 82–213), as amended.

Latest report received: U.S. Department of State, The Battle Act Report, 1972; Mutual Defense Assistance Control Act of 1951, Twenty-fifth Report to Congress. Washington, U.S. Government Printing Office, 1973. 93 pp.

18. ANNUAL REPORT OF THE PRESIDENT TO THE CONGRESS ON THE INTERNATIONAL COFFEE AGREEMENT [3] (CRS–A103)

State Department reply

"We would like to note that the title of the report should be amended to read, 'Annual Report of the President to the Congress on the International Coffee Agreement.'

"In view of the evaluation of the Congressional Research Service, no remedial action appears required to make the report conform to either the spirit or letter of the law.

"While the information required by the legislation is certainly appropriate in terms of United States participation in the International Coffee Agreement, we have the impression that the report is not useful to the Congress. Since the legislative reporting requirement is due to expire on September 30, 1973, the question of its elimination is academic."

Comments

Although the extension of the International Coffee Agreement until 1975 was approved by the Senate on October 1, 1973, no request was made by the executive branch for the extension of the International Coffee Agreement Act, the implementing legislation which contained the reporting requirement. It was considered unnecessary because the new agreement, while keeping the International Coffee Organization intact as a discussion forum, does not contain the former substantive provisions for the control of coffee exports. The reporting requirement therefore lapsed.

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[3] Report required by Public Law 89–23, Public Law 91–694, and Public Law 92–262.
Most recent report received : U.S. Department of State. 1972 Annual Report of the President to the Congress on the International Coffee Agreement. 20 pp. and Annexes.

IV. MILITARY ASSISTANCE

A. Reports on the Military Assistance Program

19. PRESENTATION MATERIAL ON THE SECURITY ASSISTANCE PROGRAM [1] (CRS–A125)

State Department reply

"Since the Library of Congress report was issued, the Department of State's Congressional Presentation Summary for FY–1974 has been submitted. The form of this presentation was determined by the Office of the Under Secretary of State for Security Assistance after extensive informal consultations with Senators, Members of the House of Representatives, and their staffs. In the Presentation Summary for FY–1974, every effort was made to conform to the informally voiced consensus from Congress that busy Congressmen needed to have a concise, easy-to-handle unclassified document, and that classified material details should be relegated to the more detailed Department of Defense presentation. The Department would appreciate any reactions from Senators, Congressmen, and their staff to the FY–1974 Unclassified Summary, so that changes or improvements requested by Congress could be incorporated in the FY–1975 Presentation."

Defense Department reply

"Section 634(d) of the FAA, Grant Aid Program Changes—The study contains the first indication we have received that this report is either inadequate or may not constitute a proper response to a reporting requirement set forth in the law. Page 206 of the study points out that the reports contained in the FY 1972 and FY 1973 Congressional Presentation Documents 'do not reflect and in some instances tend to obscure the fact that important changes had occurred' and cites, as an example, failure to report program changes resulting from Presidential Determinations. Because copies of all Presidential Determinations are provided to the Congress, the fact that these reports have not cited the Presidential Determinations made prior to the time the Congressional Presentation Documents were prepared should not be construed as an intent to obscure or withhold information from the Congress. In addition, certain budget year requirements are presented in the Congressional Presentation Document with the full knowledge that a Presidential Determination will be required prior to program implementation. Thus, the subsequent receipt of a Presidential Determination covering these already budgeted requirements does not in itself generate a substantial change which should be reported under Section 634(d). Otherwise, complete programs for such countries as

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[1] Report required by sec. 634 of the Foreign Assistance Act of 1961 (Public Law 87–195), as amended.
The most recent report was received in March 1973 and presents the administration's program for fiscal year 1974.

Spain and Portugal (Section 620(m) of the Foreign Assistance Act), and the Philippines and Thailand (Section 514, Foreign Assistance Act) would have been omitted from the Congressional Presentation Document, in which case a subsequent determination to continue grant aid to these countries would have generated a substantial change and a reporting requirement under Section 634(d).

"Sections 36(a) of the Foreign Military Sales Act (should be Section 36(b)), Report on Commercial and Governmental Foreign Military Sales—Current reporting does not include 'commitments to order'. This practice is consistent with the Department of Defense recommendation to suspend this portion of the reporting requirement because of the complexity and cost of gathering meaningful data in this category, particularly in regard to commercial sales. Further, 'commitment to order' constitutes a major portion of 'estimated future orders', and separate listing would result in duplicate reporting. In many instances, because of limited country resources or credit funds, materiel programs span several years; and future year projections reflect these ongoing programs.

"'Commercial sales orders' represent deliveries. This is the only commercial sales information available at the present time. To attempt to provide commercial sales on an orders basis would require an inordinate expenditure of time and money. It is recommended that commercial sales continue to be reported on the same basis as at present. In future reports, all sales, commercial and Foreign Military Sales can be broken down by individual country and/or summarized on an economically developed—economically less developed country basis.

"Section 634(h) of the Foreign Assistance Act, Military Assistance Programs in Southeast Asia—Starting with FY 1974, the information on programs for Laos and Vietnam can be expanded from the current one line statistical entry to include data comparable to that shown for other Military Assistance Program countries. If the legislation so directs, information on past programs could also be provided."

Comments

The Foreign Affairs Division model of reporting requirements for the Foreign Assistance and Foreign Military Sales Acts recommends a separate reporting requirement describing in detail the information to be included in the presentation document.

20. COUNTRY ALLOCATIONS OF GRANT MILITARY ASSISTANCE [2] (CRS–A135)

State Department reply

"The study makes the following principal comments and suggestions:

"It is noted that the Executive Branch submitted two separate reports on allocations for Fiscal Year 1972: one report from AID for programs it administers; the other from the State Department for grant

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[2] Report required by sec. 653 of the Foreign Assistance Act of 1961 (Public Law 87–195), as amended.
The most recent report received was dated Apr. 12, 1973 and covered fiscal year 1973 allocations.

military assistance. This is described as a shortcoming, although evidently not a serious one since the study recommends that 'if separate reports are to be submitted', the Security Supporting Assistance figures be included in the State Department report since it is considered part of the Security Assistance Program.

"*Comment.*—If the programs proposed by the Administration for FY–1974 are approved by Congress, Foreign Economic Assistance would be administered independently by AID. The country allocations would therefore normally be reported by AID.

"The proposed FY–1974 Security Supporting Assistance Program has been reduced to $100 million in FY–1974 and related increasingly to the Security Assistance Program. As such, it should be reported by the Department of State.

"The study notes that the report does not recapitulate the countries and amounts of aid as they appear in the Congressional Presentation Document (CPD) and that the CPD appears many months earlier. The study suggests that the report would be more useful if the figures for the previous year were included in order to facilitate a comparison, e.g., whether there have been any 'significant changes' in the allocations.

"*Comment.*—No significant additional burden would be imposed by listing the allocations for the previous year as well as the current year. On the other hand, the recapitulation of materiel listed in the CPD is a clear example of duplication. In view of the apparent interest, however, this will be done in the next report. The study alludes to the delay in reporting the FY–1973 allocations (April 12, 1973). This was due to the necessity of taking into account changing needs reflecting developments in areas of tension and conflict in the world.

"The study contains two additional observations that merit comment: first, it states that report and controls established by Section 653 do not apply in the case of any law making continuing appropriations—a gap which it is proposed be filled by either (a) stipulating that the allocations of the previous year serve as the country ceilings or (b) requiring supplemental reports on allocations made under continuing appropriations.

"*Comment.*—Although the report on allocations under Section 653 was not legally required for FY–1973, it was submitted in accordance with the policy of maximum openness, including providing Congress all possible information on the Security Assistance programs.

"The comment in the study that the report is classified secret is no longer valid; the FY–1973 report of allocations is unclassified."

Comments

The Foreign Affairs Division model of reporting requirements recommends that the report on allocations due 30 days after the passage of appropriations be repealed and that the executive branch be required to submit a determination whenever expenditures for a country justified in the most recent presentation document exceed by 10 percent the amount originally requested.

21. ANNUAL REPORT ON THE IMPLEMENTATION OF GUIDELINES CONCERNING THE DIVERSION OF RESOURCES NEEDED FOR ECONOMIC DEVELOPMENT TO MILITARY ASSISTANCE [3] (CRS–A139)

Reply

[The Agency for International Development, which is responsible for the preparation of the report, did not reply to the CRS analysis, which found the report too vague to be helpful.]

Comments

The Foreign Affairs Division model of reporting requirements recommends that the section 620(s) report be repealed.

22. SEMIANNUAL REPORT ON MILITARY ASSISTANCE TO LATIN AMERICA (CRS–A144)

State Department reply

"Pursuant to Executive Order 10973, as amended, this report is now prepared by the Department of Defense."

Comments

Section 507, which contained the above reporting requirement, was repealed by Public Law 93–189, the Foreign Assistance Act of 1973.

23. QUARTERLY REPORT ON OBLIGATIONS IN, FOR, AND ON BEHALF OF CAMBODIA [4] (CRS–A148)

State Department reply

"The evaluation of the report, submitted in accordance with Section 655(f) of the Foreign Assistance Act of 1961, was based on the third quarter FY–1972 submission. This was the first full quarterly report submitted under the new law. The report concludes that the submission did not:

"1. Include figures on excess defense articles;
"2. Administrative costs of U.S. agencies operating in Cambodia;
"3. Information on economic or supporting assistance; or
"4. Cumulative or year-to-date figures.

"The report on page 230 has a footnote that items 1 and 3 have been included in later reports. Administrative costs have also been included in the reports; DOD Administrative costs under 'services and training'; pertinent AID administrative cost under 'Security Supporting Assistance, Technical Support and Administrative Cost.'

"This leaves only a cumulative or year-to-date figure. This will be included in later reports."

Comments

The Foreign Affairs Division model of reporting requirements calls for a new consolidated quarterly report on all military assistance or sales related transfers.

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[3] Report required by sec. 620(s) of the FAA.
The most recent report, covering fiscal year 1973, was received on Nov. 13, 1973.

[4] Report required by sec. 655(f) of the Foreign Assistance Act of 1961 (Public Law 87–195), as amended.
The most recent report covering the period October–December 1973 (2d quarter fiscal year 1974) was received on Feb. 4, 1974.

24. QUARTERLY REPORT ON EXPENDITURES IN, FOR, AND ON BEHALF OF LAOS [5] (CRS–A152)

State Department reply

"The evaluation of this report is that it is not specific enough and:

"1. It excludes excess defense articles;
"2. It excludes cost of U.S. combat air operations;
"3. Possibly excludes the normal personnel and operating cost of the U.S. Embassy.

"Since the report is unclassified, more specific information cannot be included. The General Accounting Office is now conducting a complete audit of the reports and has been given full access to the classified backup information.

"The cost of excess defense articles is included in the report. This fact will be footnoted in future reports.

"The cost of combat air operations and the normal operating costs of the Embassy have not been included because they do not come under the ceiling."

Comments

Information found in this report would also be included in a new consolidated quarterly report recommended by the Foreign Affairs Division model of reporting requirements. Since this report is required by legislation originating in committees other than Foreign Affairs and Foreign Relations, the model does not recommend its repeal.

25. QUARTERLY REPORT ON SUPPORT FURNISHED TO VIETNAMESE AND OTHER FREE WORLD FORCES IN VIETNAM AND LOCAL FORCES IN LAOS AND THAILAND [6] (CRS–A156)

Defense Department reply

"Section 738(b) of the Department of Defense Appropriations Act for FY 1972, Quarterly Report on Support Furnished To Vietnamese and Other Free World Forces in Vietnam and Local Forces in Laos and Thailand—The Department of Defense takes the position that the report as submitted contains the data requested, in a format which shows the total for the fiscal year. This should make it possible to determine whether the limitation was exceeded. While the transfers of materiel were not included in this report, such data was contained in the Annual Foreign Assistance Report.

"Data on transfers of materiel to Military Assistance Service Funded recipients contained in that Annual Report could be incorporated in this quarterly report which could also be expanded to reflect types of material transferred."

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[5] Required by sec. 602(f) of the Military Procurement Authorization Act (Public Law 92–436).
Most recent report received covering the period April–June (4th quarter, fiscal year 1973), was received on Sept. 5, 1973.

[6] Report required by sec. 737(b) of the Department of Defense Appropriation Act, 1974 (Public Law 93–238. In the previous year this was sec. 738(b)).
Most recent report covering the period July–September 1973 (1st quarter fiscal year 1974), was submitted on Dec. 21, 1973.

Comments

If the Congress feels that there is merit in the CRS suggestion that this quarterly report include data on all transfers of material, the Defense Department apparently has no objection.

Under the reporting requirement model prepared by the Foreign Affairs Division, the information contained in the section 738(b) report would be found in a new consolidated quarterly report. However, since the 738(b) report is not required by legislation which originates in the Foreign Affairs or Foreign Relations Committees, repeal of this requirement is not dealt with in the model.

B. Reports on the Foreign Military Sales Program

26. SEMIANNUAL REPORT ON FOREIGN MILITARY SALES TO LESS DEVELOPED COUNTRIES [7] (CRS–A161)

Defense Department reply

"Section 35(b) of the Foreign Military Sales Act, Report on Foreign Military Sales to Less Developed Countries—This report is submitted both as a separate report and as a part of the Congressional Presentation in lieu of a separate submission.

"The current legislative requirement does not call for data on portions delivered and/or undelivered of the sales consummated to date during the fiscal year. Since administrative lead time for implementing a case can be a matter of several months it is not likely that much material would be delivered the same year as ordered, therefore such data would be of little significance to the Congress. On a cumulative basis (all orders accepted) we can readily make available the status of deliveries on an annual and/or quarterly basis.

"Projections of sales based on credit applications and anticipated credit extensions cannot be reported since actions to be taken by the foreign governments cannot be forecast with accuracy. Preliminary inquiries are quite voluminous and too often do not materialize. Any attempt to prepare such reports would, therefore, be quite time consuming, and the reports themselves of questionable value. If called for in the reporting requirement, specific information on the type of equipment sold to less developed countries, during any period, could be made available."

Comments

The Foreign Affairs Division model of reporting requirements recommends that the information contained in the section 35(b) report be consolidated in a new quarterly report on all military assistance or sales related transfers during the preceding three months. Information on projections of sales has not been included in the semiannual report despite the fact that it is required. Therefore the new quarterly report drops the requirement for information on forecasts of sales.

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[7] Report required by sec. 35(b) of the Foreign Military Sales Act (Public Law 90–629), as amended.
Most recent report was received on Mar. 5, 1973.

27. REPORT ON THIRD COUNTRY TRANSFERS OF U.S. ORIGIN DEFENSE ARTICLES [8] (CRS–A166)

State Department reply

"The evaluation of this report, submitted in accordance with Section 3(a)(2) of the Foreign Military Sales Act, is that:

"(a) It included information not required by the legislation; specifically data on the denials of transfer requests, and approvals of transfer requests for grant articles.

"(b) It is submitted on a semiannual basis rather than on the implementation of each transfer agreement.

"The inclusion of the additional information and the semiannual submission of the report is in accordance with Senator Fulbright's letter of January 15, 1970 (copy attached) which requests more information and concurs in submitting the report on a semiannual basis."

Comments

Public Law 93–189, the Foreign Assistance Act of 1973, amended section 3 of the Foreign Military Sales Act and section 505 of the Foreign Assistance Act to read:

In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent . . . to the transfer unless the United State itself would transfer the defense article under consideration to that country, and prior to the date he intends to give his consent to transfer, the President notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended consent, the justification for giving such consent, the defense articles for which he intends to give his consent to be transferred, and the foreign country to which that defense article is to be transferred.

The amendments, approved after the above reply, again require the State Department to provide prior notification of *each decision* to approve a transfer request.

28. REPORT ON DECISION TO FURNISH EXCESS DEFENSE ARTICLES WHICH ARE MAJOR WEAPONS SYSTEMS [9] (CRS–A169)

Defense Department reply

"Section 8(d) of the Foreign Military Sales Act, Report on Decision to Furnish Excess Defense Articles Which Are Major Weapons Systems and not previously reported—The study concludes from the legislative history of this reporting requirement that the report is required well in advance of the projected delivery date so as to provide the Congress sufficient time to express its views as to the desirability of providing the weapon system in question. To this extent, the study provides clarification as to when this report is required. On the other hand, the study tends to add confusion to the problem of what should

[8] Report required by sec. 505 of the Foreign Assistance Act and sec. 3 of the Foreign Military Sales Act by Public Law 93–189, the Foreign Assistance Act of 1973.
The most recent report, covering the period July–December 1972, was received on Jan. 26, 1973.

[9] Report required by sec. 8(d) of the Foreign Military Sales Act (Public Law 90–629).

be reported. Section 8(d) of the Foreign Military Assistance Act requires a report on 'major weapons systems', and those major items of equipment identified on the country pages of the Congressional Presentation Document have been reported. The extract of the Senate floor debate included in the study indicates that the sponsor of this reporting requirement was interested in 'sophisticated weaponry'. Section 504(a) of the Foreign Assistance Act refers to 'sophisticated weapons systems, such as missile systems and jet aircraft for military purposes'. More explicit information is needed as to how the committees concerned define major weapons systems for purposes of this report. It is doubtful that projected delivery date could be made a part of the report without jeopardizing provision of the report on a timely basis. To provide 'individual reports on each decision, not a cumulative report submitted after the fact' (quoted from the study) would mean, in many cases, a report a week as the MAP orders are issued. Since this report is sent by the Department of State to the Congress, after receipt of information from the Department of Defense, it could still not be very timely. Acting upon the study recommendation that each report include all major weapons systems transferred for the fiscal year could result in weekly reports too voluminous to be useful."

Comments

The Foreign Affairs Division model of reporting requirements recommends that any previously unjustified decision to approve or permit the purchase, lease, transfer or grant of any major weapon or weapons system to any country be reported with 30 days advance notice. The model specifically defines major weapon or weapons system for purposes of the report.

29. QUARTERLY REPORT ON EXCESS DEFENSE ARTICLE DELIVERIES [10] (CRS–A172)

Defense Department reply

"Section 8(d) of the Foreign Military Sales Act, Quarterly Report on DoD Excess Defense Articles Deliveries—The reports being submitted could be expanded to include data for the fiscal year to date, as well as for the quarter covered by the report, as suggested in the study. However, it should be noted that the ceiling established by Section 8(b) applies to programs and the subject report sets forth deliveries. Therefore, a comparison of deliveries during the fiscal year (which include deliveries against current and prior years programs) with the program ceiling is not valid.

"Information as to quantity and type of articles being delivered could be made available if the legislation specifically required it.

"Submission of Department of Defense reports through the Department of State tends to delay their receipt by the Congress."

Comments

The Foreign Affairs Division reporting requirements model for the Foreign Assistance and Foreign Military Sales Acts recommends that

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[10] Report required by sec. 8(d) of the Foreign Military Sales Act Amendments, 1971 (Public Law 91–672), as amended.
The most recent report received covers the period July–September (1st quarter fiscal year 1974).

the information contained in the section 8(d) report be consolidated in a new quarterly report on all military assistance or related transfers during the preceding 3 months.

30. SEMIANNUAL REPORT ON EXPORTS OF SIGNIFICANT DEFENSE ARTICLES ON THE U.S. MUNITIONS LIST [11] (CRS–A176)

State Department reply

"This report is prepared in accordance with Section 36(a) of the Foreign Military Sales Act. The principal Library of Congress comment is that it is not submitted in a timely manner. The late submission is a reflection of the amount of work involved in the preparation of the report and as soon as an automatic data system, now being installed, is fully operational the reports should be submitted more promptly.

"The Library of Congress report does not include any comment on the report required by Section 657(a)(3) of the Foreign Assistance Act. The data required by this Section will in many instances duplicate that required by the report on Exports of Significant Defense Articles."

Comments

In 1973 the executive branch proposed that section 36(a) of the Foreign Military Sales Act (FMSA) be repealed on the grounds that section 657 of the Foreign Assistance Act (FAA) required the submission of two reports containing all of the information included in the 36(a) report. A comparison of the three reports in question [657 (a) (1) and (2) report; 657(a)(3) report; and 36(a) report] indicates that each report contains information not found in the others.

The 657(a) (1) and (2) report lists the total amount of all U.S. Government military transfers to each recipient. Although it covers more categories of U.S. transfers than any of the other reports, it is not required to include information on commercial transfers or on the type of equipment involved.

Its companion, the section 657(a)(3) report, provides more detailed information on the type of U.S. military equipment exported under license (both commercial and governmental), but does not distinguish among the various categories of U.S. governmental military transfers as does the 657(a) (1) and (2) report. Furthermore, since not all governmental military transfers involve the issuance of an export license, the 657(a)(3) report is not a comprehensive list of government transfers.

Finally, of the three, the 36(a) report contains the most comprehensive information on the type of military equipment transferred abroad by the U.S. Government. It contains detailed information on all categories of significant defense article transfers both licensed and unlicensed. Thus, contrary to the executive branch suggestion, the elimination of the 36(a) report would result in the loss of information not found in the two section 657 reports.

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[11] Report required by sec. 657(a)(4) of the Foreign Assistance Act of 1973, Public Law 93–189.

The most recent report was received in December 1972, covering the period January–June 1971.

Public Law 93–189, the Foreign Assistance Act of 1973, repealed the semiannual report required by section 36(a) but amended section 657 to include the same data on an annual basis.

The Foreign Affairs Division model of reporting requirements combines the section 657(a) (3) and (4) [formerly section 36(a)] reports into one annual submission on all governmental and commercial exports by country and category of equipment for the past fiscal year.

It might be noted that only 100 copies of the section 657(a)(3) report were printed last year. This number is probably insufficient to meet the needs of the Congress and allows no leeway for distribution to interested members of the public.

V. NATIONAL SECURITY

31. ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY [1] (CRS–A198)

ACDA reply

"While gratified to note that the evaluation of our annual report is generally favorable, we also note that it calls for remedial action in several respects.

"(1) The Agency's report is described as being 'often too brief in its discussion of political and military developments which affect arms control policy; additional detail and explanation would be helpful.' We will endeavor to be more complete in this regard in the next report.

"(2) The study remarks that 'more data on ACDA budgetary requirements would help Congress to evaluate subsequent appropriation requests.' Here again, we will endeavor to comply in our next report.

"(3) Finally, the study comments that the report does not 'provide adequate information on ACDA research projects, whether 'in-house' or contracted out to academic or professional institutions.' We will supply additional information on this subject in our next annual report."

Comments

The 1973 report was completed prior to the CRS study, so it could not reflect any suggestions made. The 1973 report was similar to those of previous years, discussing developments in various areas of arms control during the preceding year, stating U.S. policy positions, and brief background of relevant problems and negotiations.

The report to be issued in 1974, covering calendar year 1973, although it was due January 31, was not submitted until March 13, 1974. It did contain some additional information on budgetary resources and research of the agency.

32. ANNUAL REPORT OF THE DEPARTMENT OF DEFENSE [2] (CRS–A202)

Defense Department reply

"Section 202(c) of the National Security Agency, 1946, Annual Report of the Department of Defense—In accordance with Secretary Laird's letter of November 13, 1971, to the Honorable John C. Stennis,

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[1] Required by Public Law 87–297, sec. 50.

Most recent report received: U.S. Arms Control and Disarmament Agency. Arms Control Report. 12th Annual Report to the Congress. Jan. 1–Dec. 31, 1972. Washington, U.S. Government Printing Office [1973]. 66 pp.

[2] Required by sec. 202(c) of the National Security Act of 1947.

Most recent report in original series: U.S. Department of Defense. Annual Report for Fiscal Year 1968. Washington, U.S. Government Printing Office, 1971. 550 pp.

Most recent annual report of Secretary of Defense: U.S. Department of Defense. Elliot L. Richardson's Annual Defense Department Report, Fiscal Year 1974. Washington, U.S. Government Printing Office, 1973, 125 pp. (Statement of Secretary of Defense Elliot L. Richardson before the Senate Armed Services Committee on the Fiscal Year 1974 Defense Budget and Fiscal Year 1974–1978 Program, Wednesday, Mar. 28, 1973.)

Chairman of the Senate Committee on Armed Services, the requirement set forth in Section 133(c) of Title 10, United States Code, is being met by the personal reports of the Secretary of Defense and other senior officials of the Department during the opening months of each session of the Congress."

Comments

If the report as originally conceived is no longer being prepared then the Defense Department should request that the reporting requirement be amended. It is helpful to learn of the correspondence between the Secretary of Defense and the Chairman of the Senate Armed Services Committee concerning the report.

VI. INTERNATIONAL ORGANIZATION AND COOPERATION

33. ANNUAL REPORT ON U.S. PARTICIPATION IN THE UNITED NATIONS [1]

(CRS–A213)

State Department reply

"The study reports that 'on the whole the President's Annual Report to Congress meets the requirements and intent of the first part of section 4 of the United Nations Participation Act of 1945. . . .

"The CRS pointed out two major ways that it believes the report could be improved: (1) earlier submission, and (2) more consistent presentation.

"With regard to earlier submission, though the CRS saw it as desirable, it conceded that earlier publication would be very difficult to accomplish given the many problems militating against an earlier report. In addition to those mentioned, there are two more critical problems. First, the heaviest workload for everyone working with the United Nations falls in the last four months of the year when the General Assembly is in session. It is therefore impractical and virtually impossible for any one to begin work on the annual report before the Assembly concludes. Second, the publication process itself is slow and becomes more difficult each year as the workload of the Government Printing Office grows. Nevertheless we will make every effort to speed processing and aim at publication by the end of August.

"With regard to a more consistent presentation, this is a desirable aim but attainable only to a limited degree because the UN system itself is unsystematic. It is not a unified, consistent organization but a conglomerate of independent organizations and programs loosely related and coordinated, each separately constituted, and often with overlapping interest and activities. The operations vary from organization to organization, and so does the involvement and participation of the United States.

"The CRS suggested that introductory, summary chapters might be helpful in focusing the report. We will keep that suggestion in mind, though with the inauguration of the Secretary's annual foreign policy report to the Congress, which presents a record of events and policies across the board, there may be less need for the kind of overview suggested and indeed it might be redundant. We are taking another look at the problem of balancing the requirements of comprehensiveness and cohesiveness."

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[1] Required by sec. 4 of the U.N. Participation Act of 1945 (Public Law 79–264), as amended.

Latest report received: U.S. Department of State. U.S. Participation in the U.N., Report by the President to the Congress for the Year 1972. Department of State Publication 8731. Washington, U.S. Government Printing Office, 1973. 232 pp.

Comments

The report for calendar year 1972 was submitted September 6, 1973, 2 days earlier than the previous year but still less than 2 weeks prior to the convening of the 28th session of the General Assembly on September 18, 1973. The Department of State cited two critical problems militating against an earlier report: (1) the difficulty of starting work on the report until January of each year because of the demands on everyone working with the United Nations throughout the 4 months of the General Assembly session; and (2) the slowness of the publication process because of the growing workload of the Government Printing Office. While Congress can do little about the former problem, remedial action might be possible in the case of the printing workload, which the Department of State said "becomes more difficult each year as the workload of the Government Printing Office grows."

Although not mentioned in the State Department reply, another factor in the delay in submission is the time the report spends in the White House awaiting forwarding. The 1973 report was transmitted by the State Department to the President on July 13, 1973, but it was not submitted to Congress until September 6, 1973.

34. ANNUAL REPORT ON U.S. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS [2] (CRS–A223)

State Department reply

[Excerpts; for full text see Appendix A.]

"*Timeliness of the report.*—There is a valid concern with respect to the timing of the submission of the report and the period covered by the report. It is something we have been striving to improve. However, it must be understood that in many instances the U.S. fiscal year appropriation covers a calendar year contribution which doesn't end until six months after the fiscal year ends. In addition, the audits and other financial reports of the organizations are not available until three or four months after the end of the calendar year. Consequently, in many cases, it is almost nine or ten months after the fiscal year is over before those parts of the report can even be started.

"*Relationship of U.S. Contributions to fiscal year appropriations.*—The pattern of the use of U.S. fiscal year appropriations to the fiscal period of the organization is governed by the manner in which Congress appropriates the funds and is not determined administratively by the Executive Branch. Given a situation where as many as five or six different fiscal periods might be used by the individual organization the Congress has followed the practice of having a fiscal year appropriation cover a particular fiscal period of an organization's budget rather than splitting the U.S. contribution over two different fiscal year appropriations.

"*Efforts of timing of U.S. payments on the international organizations.*—Since the U.S. is the largest contributor, it has been made clear to the organization when and under what conditions U.S. payments will be made. Therefore, they have been able to gear their financial

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[2] Required by sec. 2 of Public Law 81–806.

Most recent report received: U.S. Department of State. United States Contributions to International Organizations. Letter from Secretary of State transmitting the 21st report * * *, for fiscal year 1972 * * *. Washington, U.S. Government Printing Office, 1973. 86 pp. (93d Cong., 1st sess. House Document No. 93–195.)

planning to the U.S. schedule. To the extent that some of the organizations have found themselves in a financial crisis it has been for reasons other than the U.S. payment schedule.

"*The heading 'pledges and contributions' is ambiguous.*—This is a valid criticism and we will attempt to work out a better heading in future reports.

"*Bilateral organizations are excluded from the report.*—It is not deemed appropriate to include bilateral commissions in which the expenses of each party are basically met by themselves as compared to multilateral organizations where independent secretariats are established and the members contribute to an international fund which is not managed by each of the member countries individually.

"*Encouraging a more centralized approach to U.S. participation in international organizations.*—This concept has been endorsed by both the House Foreign Affairs and Senate Foreign Relations Committees and the Department is studying the matter in depth. It is difficult to see how the report could add anything to the information already provided to these committees and the appropriations committee except for the historic totality of U.S. contributions already provided under the present format."

Comments

There is no indication of whether all bilateral organizations fit into the category described above, in which each party meets its own expenses. Nor is there any response to the suggestion that a preliminary step toward making a decision on whether bilateral organizations should be included might be to request the Department of State to provide a listing of each bilateral entity which has existed for more than a year, including basic information, legislative authority, and the cost of U.S. participation.

The State Department contended that it was difficult to see how the contributions report could add anything to the information that would help to encourage a more centralized approach to U.S. participation in international organizations. The original study made the point that this report merited strengthening and careful monitoring because it could be useful in studying and comparing levels of contributions to and cost and value of participation in various international organizations.

In the report submitted in 1973, the ambiguity regarding "pledges and contributions" was eliminated in all but one instance, the United Nations Force in Cyprus, as indicated in the State Department response.

35. THE PRESIDENT'S CURRENT SPECIAL REPORTS TO CONGRESS ON DECISIONS OF THE U.N. SECURITY COUNCIL TO TAKE ENFORCEMENT MEASURES [3] (CRS–A230)

Reply

[The State Department reply made no reference to this report.]

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[3] Required by sec. 4 of the United Nations Participation Act (Public Law 79–264), as amended.

Most recent report received: U.S. Congress. House. Committee on Foreign Affairs. Report Relating to Trade and Other Transactions Involving Southern Rhodesia. Jan. 8, 1969. Washington, U.S. Government Printing Office, 1969. 6 pp. (91st Cong., 1st sess. Document No. 91–37.)

Comments

The original study pointed out that the President's report on Rhodesian sanctions was not sent to Congress until a little over 5 months after he had issued his Executive order of July 29, 1968, implementing the Security Council Resolution of May 29, 1968, and that it contained little useful information not already available.

The State Department did not comment on whether the requirement should be eliminated or whether the reports should be made more prompt, analytical, in-depth, and meaningful. Nor did it discuss the suggestion that the interpretation of the requirement or the requirement itself be broadened to include peacekeeping operations, a method of U.N. action not fully envisioned at the time the charter was adopted and thus not necessarily within the precise context of the current requirement. Such an interpretation would assure that Congress receive current reports on the status of all current United Nations peacekeeping operations, that is, those in Cyprus and the Middle East, and of U.S. participation in them, as well as enforcement actions such as the Rhodesian sanctions.

VII. INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS

A. Information Program

36. SEMIANNUAL REVIEW OF OPERATIONS OF THE UNITED STATES INFORMATION AGENCY [1] (CRS–A236)

USIA reply

[Excerpts; for full text see appendix A.]

"The Congressional study provides valuable guidance for future USIA reports to the Congress by helping clarify Congressional expectations and requirements for information concerning the Agency's activities.

"As related to USIA, the Congressional study suggests action in the following areas: (1) identification of reporting requirements; (2) late submittal of reports; (3) length and amount of detailed information in reports; (4) organization of report's contents; and (5) change from semiannual to annual reports.

"The following Agency comments and proposed actions are organized under these five categories.

"1. *Identification of Reporting Requirements*

"With respect to reporting requirements, USIA agrees with and will pursue the study's recommendation that section 401 of the 1948 act should be reviewed to determine whether this provision is obsolete.

"2. *Late Submittal of Reports*

"The study notes that while USIA reports appear regularly, they appear late. Every effort will be made to speed up the reports so that they will be available for Congressional review shortly after the period covered. It should be noted that in order to be available to Congress within the month after the reporting period, the report would have to be written and sent to the printer half way through the six-month period covered. This problem would be alleviated if the requirement were changed to annual reports. (See 5 below.)

"3. *Length and Detail*

"The Congressional study recognizes the dilemma faced by many agencies in seeking to anticipate the amount of detailed information expected by the Congress and 'striking a balance between too much and too little information.'

"In recognition of the need for more in-depth information prior to receipt of the Congressional study, USIA's 38th and 39th Reports contain considerably greater detail than the reports covered by the

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[1] Required by sec. 1008 of the United States Information and Educational Exchange Act of 1948 (Public Law 80–402), as amended.

Most recent report received: U.S. Information Agency. 40th Semiannual Report to the Congress. Jan. 1–June 30, 1973. 40 pp.

study. In addition, USIA forwarded to each Member of Congress with the 38th report, its annual publication *Agency in Brief 1973.*

* * * * * * *

"This publication describes the Agency's history, its organization and operations (including policy planning procedures and the kind of material disseminated), and its relationships to other branches and agencies of the government. It also includes lists of personnel and maps of overseas posts, a description of programming, budget development and personnel systems, and a summary of laws and other authorities governing the Agency.

"In other words, some of the information specified by the study as needing fuller treatment is available in *The Agency in Brief.*

"This suggests possible combination of the two reports which will be discussed under (5) below.

"With respect to substance and depth, the study mentions two areas which invite comment:

"—The study states that the reports 'do not provide country-by-country appraisals of the effectiveness of the USIA program' and refers to the reporting requirement for 'appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted.'

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"USIA's 39th Semiannual Report includes efforts at appraisal. For example, an article describing USIA's coverage of the 1972 Presidential campaign and efforts to explain the issues, candidates and our electoral process gives some indication of the interest and receptivity of foreign audiences by showing the turnout of foreign officials and citizens at USIA election information centers. * * *

"Future reports will include similar attempts at appraisal. However, a summary of effectiveness of USIA programs in each of 109 countries in each semiannual report is clearly not feasible.

"On the other hand, the study's suggestion that 'more evaluation of effectiveness, discussion of the problems of appraising effectiveness, and information on research efforts in this field would be helpful' will be implemented in future reports.

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"The study also states:

"'. . . Although a description of the content of the materials disseminated by USIA would be voluminous, further efforts to summarize the content seem needed'.

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"On the other hand, in its 38th and 39th reports, USIA has sought to describe the content of some materials disseminated. * * *

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"Future reports will aim at summarizing and describing the content and policy objectives of material disseminated by the Agency.

"4. *Organization of contents*

"The Committees' study points out that the organization of the USIA semiannual report has varied from issue to issue and that each report described selected USIA activities during the time covered,

some in response to events and others representing USIA initiatives and continuing programs. The reports, it is noted, have all contained similar statistical tables on USIA appropriations and personnel and Voice of America weekly language broadcasts. The study states:

"The varied pattern followed in the organization of the reports, providing coverage of different subjects to illustrate USIA operations, does not permit comparisons year-by-year. Perhaps if the report were organized by program, or by geographical region, it would provide a more useful index to USIA operations.

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"Future reports will attempt to substitute the 'Here and There' section with summaries of USIA activities by each of the seven geographical regions into which USIA activities abroad are organized and by the four media services which support these activities: Broadcasting Service (VOA), Motion Picture and Television Service, Press and Publications Service and Information Center Service. This will provide a basis for year-to-year comparisons but will also necessitate a longer report to provide the in-depth information needed for meaningful comparison.

"5. *Change to Annual Report*

"The Committees' study notes:

"The advantages of a more comprehensive, better organized report might appear to warrant changing the requirement of publication from semiannual to annual and specifying subjects on which information should be submitted.

"USIA would welcome a change to an annual report and believes such change is essential to meet the requirements for information by Congress as outlined in the study. An annual report would permit:

"More comprehensive and detailed information, summaries of activities by regions and media services, and more detailed financial tables as suggested by the study.

"Year-by-year comparisons of agency activities by regions and media services in the depth necessary to provide meaningful interpretation.

"Implementation of the study's suggestion for 'more evaluation of effectiveness, discussion of the problems of appraising effectiveness, and information on research efforts in this field.'

"Sufficient time for the preparation and printing of a comprehensive report available to the Congress at the beginning of each year for use as 'background reports in preparation for hearings' as suggested by the study.

"A single, comprehensive document responsive to the needs of Congress in fulfilling its constitutional responsibilities in the foreign policy field."

Comments

The 40th semiannual report marked a definite change from previous reports and seemed to reflect the comments in the CRS study and the agency reply quoted above. Its basic organization was more systematic than that of previous reports. It discussed the organization of the agency, briefly outlined major issues treated in agency programs, and described programs according to country or geographic region. Subsequent reports should be monitored for consistency with this format, one goal voiced by the agency in its reponse. The changed format and expanded content seemed to make the report more useful in meeting congressional needs, although more detail could still be added in some places.

Since the agency welcomed the proposal that the time interval for the report be changed from semiannual to annual, congressional action

along this line might be given further consideration at this point. The word "semiannual" in section 1008 of the United States Information and Educational Exchange Act of 1948, as amended, could simply be changed to annual, or a deadline and additional specific requirements could also be incorporated. In addition, the necessity of the reporting requirement in section 401 (pertaining to utilization of services of other agencies) should be given further review when the agency completes its study of that issue.

37. REPORT OF THE U.S. ADVISORY COMMISSION ON INFORMATION [2] (CRS–A241)

Advisory Commission reply

[Excerpts from interim reply of staff director; for full text see Appendix A.]

"First let me express appreciation for the systematic efforts made by those responsible for the study to consider seriously this hitherto neglected but important subject. The summary was crisp, cogent and is to be commended.

"The excerpts I have seen are perceptive. The authors of this report appear to have labored long and have reduced their observations to what would appear to be highly useful generalizations and conclusions. I hope their recommendations and suggestions will be seriously considered.

"I have been involved with the Commission in the preparation of its report to Congress for the past 17 years. This is the first time that I have noticed any evidence of an attempt to systematically analyze sample reports to the Congress, and I am encouraged.

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"I hope that as a result of your efforts it will become easier to implement the Commission's purposes."

Comments

The interim response quoted above apparently came to be regarded as a final response. The most recent report of the Advisory Commission (the 26th) was issued in February 1973, too early to reflect any comments in the CRS report. The 26th report differed from the report treated in the first CRS analysis. It was considerably longer, and approximately half of the report was devoted to specific recommendations, including one for an independent comprehensive reexamination of USIA's mission and operation by an outside organization. Further discussion of the Commission's relationship with the agency, and whether or not the agency had attempted to respond to the Commission's recommendations, might be helpful and complete the fulfillment of the reporting requirement.

Consideration might be given to legitimizing the practice of the Advisory Commission through changing the interval requirement from semiannual to annual. This change would be welcomed by the Com-

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[2] Required by sec. 606 of the United States Information and Educational Exchange Act of 1948 (Public Law 402), as amended.

Most recent report received: U.S. Advisory Commission on Information. 26th Report of the U.S. Advisory Commission on Information. Washington, U.S. Government Printing Office, 1973. (93d Congress, 1st sess. House. Document No. 93–50), 37 pp.

mission, which realizes it is not fulfilling the time requirement but believes it is not possible to issue the kind of report at which it aims on a semiannual basis.[3] The objective could be accomplished by changing the word "semiannual" in section 603 to "annual", or a deadline might be added such as January 31 of each year so that the commission's recommendations would be available at the time of consideration of USIA legislation.

Like other advisory committees, the role of the U.S. Advisory Commision on Information is being given new study under the provisions of the Federal Advisory Committee Act (Public Law 92–463).

38. ANNUAL REPORT OF THE U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS [4] (CRS–A246)

State Department reply

"No further comment to favorable evaluation by CRS".

Comments

Although the ninth annual report of the Commission was issued too early to reflect any reaction to the CRS analysis, it differed markedly from that of the previous year. Rather than formulating or commenting on specific recommendations, the report took a broad view of the exchange program in relation to general foreign relations, and posed a series of questions intended to set the tone for future deliberations. Developments such as the renewal of relations with China and awareness of the contribution of black Americans to the exchange program have added new meaning to their mission, in the opinion of the Commission.

Like other advisory committees the role of the U.S. Advisory Commission on International Educational and Cultural Affairs is being given new study under the provisions of the Federal Advisory Committee Act (Public Law 92–463).

39. ANNUAL REPORT OF THE BOARD OF FOREIGN SCHOLARSHIPS [5] (CRS–A249)

State Department reply

"No further comment to favorable evaluation by CRS".

Comments

The tenth annual report, covering 1972, was submitted in September 1973 and was similar to previous reports in content, providing a brief overview of the entire exchange program, as well as spotlighting the activities of the board itself.

The Board of Foreign Scholarships, which supervises the educational exchange programs and the selection of grantees, is not con-

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[3] Telephone conversation with Louis Olom, Staff Director, Dec. 20, 1973.

[4] Required by sec. 107 of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256), as amended.

Latest report received: U.S. Advisory Commission on International Educational and Cultural Affairs. Ninth Annual Report * * * Communication from the Chairman * * * transmitting the Ninth Annual Report of the Commission, Pursuant to Public Law 87–256. Jan. 3, 1973. Washington, U.S. Government Printing Office, 1973. 5 pp. (House Document No. 93–35. 93d Cong., 1st sess.)

[5] Required by sec. 107 of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256), as amended.

Most recent report received: U.S. Board of Foreign Scholarships. Report on Exchanges, December 1972. Tenth Annual Report, Washington, U.S. Government Printing Office, 1973. 40 pp.

sidered an advisory committee within the meaning of the Federal Advisory Committee Act (Public Law 92–463) and thus it is not being studied under the provisions of that act.

40. ANNUAL REPORT OF THE BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS ON INTERNATIONAL EXCHANGE [6] (CRS–A252)

State Department reply

"The format of the annual report which we submit in accordance with Section 108(b) of the MECEA of 1961, while designed and written with the Congress in mind, receives wide distribution to the general public as well. For this reason (as the CRS notes), the report changes its program emphasis from year to year and omits some very detailed funding statistics. Nevertheless, when the report is taken together with the record of our annual appearances before the Appropriations Committee of both Houses and the House Foreign Affairs and Senate Foreign Relations Committees, we believe we meet the requirements for a full description of the activities carried on and expenditures made in furtherance of the purpose of the Act. The text of international agreements other than treaties entered into by the United States are now transmitted to the Congress within sixty days after their execution thereof, in accordance with the terms of Public Law 92–403 of August 22, 1972 (86 Stat. 619, 1 U.S.C. 112b)."

Comments

The Department defended the format and content of the report and did not indicate any plan to change the report in order to reflect the reporting requirement. The Department noted that the report was used for public distribution and that statistics were omitted for this reason. However, the reporting requirement states:

> The President shall submit annual reports to the Congress of activities carried on and expenditures made in furtherance of the purposes of this Act. Each such report shall include the texts of agreements made with other nations during the period covered by the report, a full description of the program and the funds expended with respect to each country in which activities have been carried on in furtherance of the purpose of this Act.

The question is whether the report should reflect the congressional need for information or the Bureau's need for a document for public dissemination. Availability of statistics in the annual report, as well as in the material submitted for hearings, might permit more widespread study of them prior to the hearings. On the other hand, if Congress agrees that the present report is adequate, consideration might be given to removing some of the unfilled specifications from the requirement.

One of the unfilled specifications is the requirement that the annual reports "include the texts of agreements made with other nations during the period covered by the reports . . ." As mentioned in the State Department reply, Congress is getting copies of them anyway, sprinkled through a large number of agreements on other subjects,

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[6] Required by sec. 108(b) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256), as amended.

Latest report received: U.S. Department of State. Bureau of Educational and Cultural Affairs. International Educational and Cultural Exchange, 1972. A Human Contribution to the Structure of Peace. Mimeo., 25 pp. (Printed version comes out later.)

under the provisions of Public Law 92–403 which require the Secretary of State to transmit to Congress the text of any international agreement, other than a treaty, to which the United States is a party. The following agreements relating to educational exchange have been transmitted to Congress under the latter act: [7]

Agreement between the United States and the Federal Republic of Germany supplementing the agreement of November 20, 1962, as supplemented, for conducting certain educational exchange programs. Effected by exchange of notes at Bonn and Bonn-Bad Godesberg, March 2 and 9, 1973. Entered into force March 9, 1973.

General agreement between the United States and the Union of Soviet Socialist Republics on contacts, exchanges and cooperation, with annex and related notes. Signed at Washington June 19, 1973. Entered into force June 19, 1973.

Agreement between the United States and Yugoslavia on scientific and technological cooperation. Signed at Washington May 18, 1973. Entered into force May 18, 1973.

Agreement between the United States and the Netherlands for the financing of certain educational exchange programs. Signed at The Hague October 16, 1972. Entered into force August 8, 1973.

Agreement between the United States and the Federal Republic of Germany supplementing the agreement of November 20, 1962, as supplemented (TIAS 5518; 15 UST 78, TIAS 7386; 23 UST 1209, TIAS 7505; 23 UST 3489, TIAS 7607; 24 UST 963), for conducting certain educational exchange programs. Effected by exchange of notes at Bonn and Bonn-Bad Godesberg September 3 and 18, 1973. Entered into force September 18, 1973.

The Bureau's report submitted in October 1973, covering 1972, discussed major aspects of the exchange program in relation to specific regions: Eastern European countries, especially the Soviet Union, the People's Republic of China, and the Middle East. In addition, topics such as drug abuse and environmental programs were discussed in relation to various exchange efforts.

41. ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS [8]

(CRS–A259)

USIA reply

"Pursuant to Section 2(b) of Executive Order No. 11034, as amended, USIA also is required to prepare and transmit to the President the annual report which the President is required to submit to the Congress pursuant to Section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961, as amended. Although the Congressional Research Service study relates only to the Agency's semiannual report, it should be noted that these reports generally also include information concerning educational and cultural exchange activities sponsored by the USIA.

"The Information Center Service carries out USIA's responsibilities under the Mutual Educational Cultural Exchange Act of 1961, as amended. Section 108(b) of this act requires a separate USIA report which is transmitted by the President to the Congress . . . In considering USIA's recommendation for a change to annual reports, Congress might also find it desirable to permit the inclusion of Section 108(b) data in such a comprehensive report covering all USIA activities."

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[7] Compiled from lists supplied by the Department of State in accordance with Public Law 92–403.

[8] Submitted under sec. 108(b) of Public Law 87–256, as amended.
Most recent report received: U.S. Information Agency. Annual Report. Special International Exhibitions. July 1, 1970–June 30, 1971, 52 pp.

Comments

Apparently the USIA, in preparing its response on the Semiannual Review of Operations of the U.S. Information Agency, did not realize the study dealt also with the USIA report on Special International Exhibitions. However, the Agency's above comment suggests that information on Special International Exhibitions could be included in the USIA report on its operations. Or, as an alternative, consideration might be given to including the same material, although prepared by USIA, in a single State Department report covering all activities under the exchange act. Although it would not appear that such changes would necessarily require legislative action, legislation could serve to ensure such action.

42. ANNUAL REPORT OF THE EAST-WEST CENTER [9] (CRS–A255)

State Department reply

"The unique nature of the East-West Center as a national educational institution is demonstrated by the existing grant-in-aid agreement between the Department of State and the Board of Regents of the University of Hawaii. The agreement provisions not only define the relationship of the Chancellor of the Center to the Board and to the Department but also provide that the Center: formulate policies and procedures for programs and personnel; determine both the educational contents of its programs and select participants for scholarships and grants; operate its own personnel and accounting systems; and insure that Congressionally-appropriated funds are used solely for Center programs.

"The National Review Board was established by the Secretary of State to represent the national interest and review the operations of the Center and report the extent to which the Center is fulfilling the objectives of the U.S. Government.

"We consider the annual report of the East-West Center, complemented by reports prepared by the National Review Board, provide a thorough review of the policies and actions which the Center undertakes to carry out its responsibilities and reflect accurately the Center's relationship with the Department of State. Transmittal of the Center report and Review Board enclosures by the Secretary of State constitutes Department compliance with legislative requirements. The transmittal document, when appropriate, would include comments about the Center and National Review Board reports."

Comments

The annual report of the East-West Center for 1973, like the previous ones, was a detailed description of the activities of each institute in the Center for the fiscal year. While containing a great deal of information about the Center, the 1973 report did not appear to meet the requirement which calls on the Secretary of State to "make an annual

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[9] Required by Public Law 86–472, sec. 704(c).
Latest report received: Center for Cultural and Technical Interchange between East and West. Thirteenth Annual Report. For the Fiscal Year Ending June 30, 1973. (Office of Publications and Public Affairs), 263 pp.

report to the Congress with respect to his activities under the provisions of this chapter, and such report shall include any recommendations for needed revisions in this chapter." [10] Nor did it contain a detailed indication of how Federal funds were being used, along the lines of information submitted at the hearings on appropriations. The State Department comments did not indicate that any changes were planned.

The State Department did not point out that reports of the National Review Board, deemed by the Department to be a complement to the Center report, do not appear on a regular, consistent basis.

Further consideration might be given to revision of the reporting requirement. One alternative is to change the requirement to suit the report currently being submitted, by requiring a report on the activities of the Center instead of a report on the activities of the Secretary of State in regard to it. Another is to require regular reports from the National Review Board or the Department of State itself, or to spell out more precisely the information to be included.

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[10] Public Law 86–472, sec. 704(c).

VIII. MISCELLANEOUS

43. ANNUAL REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION [1]

(CRS–266)

Reply

[The Foreign Claims Settlement Commission was not included in the survey.]

Comments

The CRS study found this report very useful and raised only one question relating to a decrease in the number of claims decisions included in the report. The number of decisions included had dropped from 27 in the 1970 report to 17 in the 1971 report. The 1972 report submitted in 1973, however, contained the text of 62 decisions (47 made in completion of the Cuban Claims Program and 15 in completion of the China Claims Program, both under Title V of the International Claims Settlement Act of 1949.)

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[1] Required by the International Claims Settlement Act of 1949 (Public Law 81–455), as amended, sec. 3(c), and Micronesian Claims Act of 1971 (Public Law 92–39).

Latest report received : U.S. Foreign Claims Settlement Commission of the United States. Annual Report to the Congress for the Period Jan. 1–Dec. 31, 1972. Washington, U.S. Government Printing Office, 1973, 510 pp.

APPENDIX A

Compilation of Replies From Agencies

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Letter From the Chairmen to Agencies Concerning Study on Reporting Requirements

(Following is the text of a letter which was sent on April 17, 1973, to the Secretary of State, the Administrator of the Agency for International Development, the Director of ACTION, the Secretary of Defense, the Director of the United States Information Agency, the Director of the United States Arms Control and Disarmament Agency, the United States Advisory Commission on Information, and the Chancellor of the East-West Center.)

House of Representatives,
Committee on Foreign Affairs,
Washington, D.C., April 17, 1973.

In a joint effort to enhance their legislative and review functions, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House have ordered an extensive study of reports to Congress in the foreign affairs field which are required by legislation.

The results of this study are embodied in the enclosed report, "Required Reports to Congress in the Foreign Affairs Field," which was prepared by the Foreign Affairs Division, Congressional Research Service, Library of Congress.

As you will note, the report makes a variety of suggestions for improving the reporting process which would require remedial action both by the Congress and by the reporting executive agencies. We believe these recommendations deserve serious consideration and, in many cases, appropriate action.

For that reason, we are requesting that you provide our committees by June 30, 1973, with—

(1) comment on the study as it relates to reports required from your agency and

(2) a statement on remedial actions which you plan in those instances, if any, where reports have been found not to meet the letter or spirit of reporting requirements in law.

Because of the complexity of improving the reporting process, we expect this effort to be a continuing and long-term one. For that reason, we request you to appoint a single official or designate a special group of officials in your agency to provide a single focal point for working with our two committees and the Congressional Research Service on this matter.

We respectfully ask your prompt attention to this report and the problems which it raises. We look forward to having your cooperation and response.

Sincerely,

Thomas E. Morgan,
Chairman.
J. W. Fulbright,
Chairman.

30-661—74——6

1. Department of State

DEPARTMENT OF STATE,
Washington, D.C., May 7, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to respond to your letter of April 17 concerning "Required Reports to Congress in the Foreign Affairs Field." The Department is now studying the Library of Congress report which you enclosed, and we expect to be able to give you our comments prior to June 30, as you requested.

We are also considering how we can best contribute to the continuing and long-term review of the reporting process which you anticipate. In that connection, I expect to be able to pass to you in the near future the name or names of those persons who will serve as the focal point for working with the Congress on this matter.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary
for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., May 22, 1973.

Hon. THOMAS R. MORGAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to my letter dated May 7, 1973 concerning "Required Reports to Congress in the Foreign Affairs Field".

John M. Thomas, Deputy Assistant Secretary for Operations, has been assigned responsibility for this project. He and members of his staff will work with the Congress and the Congressional Research Service on this matter.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary
for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., July 23, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Department has completed its review of the study of "Required Reports to the Congress in the Foreign Affairs Field," which you forwarded to Secretary Rogers on April 17.

The enclosed paper presents the Department's comments on the evaluations of individual reports contained in the study. Where remedial action to correct reporting deficiencies is needed, the paper discusses the actions we are taking.

We look forward to working with your Committee and with the Congressional Research Service on the specific matters raised in the CRS study, as well as on overall improvements in the reporting process.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary
for Congressional Relations.

DEPARTMENT OF STATE COMMENTS ON INDIVIDUAL REPORTS

Under the heading *Unfulfilled Requirements*, page 30, the study contains the following statement:

"In at least one case, the Department of State appears to have completely forgotten about a century-old reporting requirement. An act of July 27, 1868 (22 U.S.C. 1732) states:

" 'Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of

any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.' "

The aforementioned act is cited in Volume 7, Section 352.1 of the Foreign Affairs Manual of the Department of State which contains regulatory material and guidance to United States consular officers. In accordance with instructions contained therein, consular officers report to the Department of State all cases involving the arrest of United States citizens abroad with the facts and action taken in each case.

There was undoubtedly a legitimate concern with the wrongful seizure and imprisonment of American citizens in 1868, and the language of the act perhaps reflects the injustices which were inflicted on American citizens, as well as citizens of other countries, in the less advanced countries at that time. However, under the terms of existing consular conventions or treaties, our consular officers have the right to prompt access to American citizens under detention; they can attend trials in an observer status; and they are in a position to make appropriate representations at the local level to see to it that the American citizen is given fair treatment under the laws of the host country.

If there has been no reporting to Congress, "at least in recent years," under the act, it is due to the circumstances that under modern practices, which provide ample opportunities for legal and diplomatic remedies, situations such as those envisaged by the act have not occurred. If such a case should arise where what appears to be an injustice cannot be corrected by normal processes, the matter will be reported pursuant to the act.

CRS–A4—REPORT OF THE SECRETARY OF STATE ON FOREIGN POLICY

Comment

There is no legislative requirement for the Secretary's Report. It is submitted voluntarily and seems to go far towards satisfying the desires of the two Committees. The comments as to its possible improvement have been noted, and will be kept in mind as planning for the next edition of the report goes forward.

CRS–A7—ANNUAL REPORT ON PROCEEDS OF SALES UNDER THE FOREIGN SERVICE BUILDINGS ACT

Comment

We agree that this report can be improved and we welcome the opportunity to provide additional information. In future reporting we will provide necessary information on gifts and payments for damages received in the prior fiscal year, as required by Section 9 of the Foreign Service Buildings Act.

CRS–A10—SEMIANNUAL REPORT ON SHORT-TERM LEASES REQUIRING AN ANNUAL PAYMENT IN EXCESS OF $25,000

Comment

We will provide more detail with the semiannual report of approvals of leases requiring annual payments in excess of $25,000 a year.

CRS–A13—ANNUAL REPORT OF THE VISA OFFICE

Comment

The study is complimentary of this report but recommends inclusion of its preparation date. Future reports will include the date upon which the Administrator signs the preface as representing the date upon which preparation was completed.

CRS–A103—ANNUAL REPORT ON INTERNATIONAL COFFEE AGREEMENT

Comment

We would like to note that the title of the report should be amended to read, "Annual Report of the President to the Congress on the International Coffee Agreement."

In view of the evaluation of the Congressional Research Service, no remedial action appears required to make the report conform to either the spirit or letter of the law.

While the information required by the legislation is certainly appropriate in terms of United States participation in the International Coffee Agreement, we have the impression that the report is not useful to the Congress. Since the legislative reporting requirement is due to expire on September 30, 1973, the question of its elimination is academic.

CRS–A113—THE BATTLE ACT REPORT

Comment

With regard to two points made in the evaluation section concerning frequency of report submission and presentation of trade statistics, we would like to offer the following clarification:

A formal published report is submitted to the Congress once each year. While two published reports a year were made during the early 1950's, there really is not a need for such frequent reporting on this subject. Moreover, it has been the practice of the Bureau of Economic and Business Affairs to submit less formal reports at appropriate times to the six Congressional committees named in the Battle Act—summarizing COCOM list reviews, or showing trends or changes in the pattern of East-West trade. The formal annual report is a costly operation and since the Act does not specify the precise manner in which the reporting shall be done, and only states "not less than once every six months", we believe we are satisfactorily meeting the intent of the obligation by transmitting interim or more detailed information to the interested committees in letter form. We therefore do not think it is necessary to change the law.

With regard to the data presented in the narrative portion of the Report, the intent is to show the recent trends in trade between the East and the West, but for a more precise view the statistical tables are supplied at the end of the Report. The difficulty is that because of their comprehensive global character, the latter tables are necessarily a year behind for total trade and two years for commodity data. Only in the case of U.S. trade do we have current data. We plan to try for a more current trade analysis as an interim report this year, leaving the annual report to cover the official figures.

CRS–A125—PRESENTATION MATERIAL ON THE SECURITY ASSISTANCE PROGRAM

Comment

Since the Library of Congress report was issued, the Department of State's Congressional Presentation Summary for FY–1974 has been submitted. The form of this presentation was determined by the Office of the Under Secretary of State for Security Assistance after extensive informal consultations with Senators, Members of the House of Representatives, and their staffs. In the Presentation Summary for FY–1974, every effort was made to conform to the informally voiced consensus from Congress that busy Congressmen needed to have a concise, easy-to-handle unclassified document, and that classified material details should be relegated to the more detailed Department of Defense presentation. The Department would appreciate any reactions from Senators, Congressmen, and their staff to the FY–1974 Unclassified Summary, so that changes or improvements requested by Congress could be incorporated in the FY–1975 Presentation.

CRS–A135—ANNUAL REPORT ON COUNTRY ALLOCATIONS OF GRANT MILITARY ASSISTANCE

The study makes the following principal comments and suggestions:

It is noted that the Executive Branch submitted two separate reports on allocations for Fiscal Year 1972: one report from AID for programs it administers; the other from the State Department for grant military assistance. This is described as a shortcoming, although evidently not a serious one since the study recommends that "if separate reports are to be submitted", the Security Supporting Assistance figures be included in the State Department report since it is considered part of the Security Assistance Program.

Comment

If the programs proposed by the Administration for FY–1974 are approved by Congress, Foreign Economic Assistance would be administered independently by AID. The country allocations would therefore normally be reported by AID.

The proposed FY–1974 Security Supporting Assistance Program has been reduced to $100 million in FY–1974 and related increasingly to the Security Assistance Program. As such, it should be reported by the Department of State.

The study notes that the report does not recapitulate the countries and amounts of aid as they appear in the Congressional Presentation Document (CPD) and that the CPD appears many months earlier. The study suggests that the report would be more useful if the figures for the previous year were included in order to facilitate a comparison, e.g., whether there have been any "significant changes" in the allocations.

Comment

No significant additional burden would be imposed by listing the allocations for the previous year as well as the current year. On the other hand, the recapitulation of material listed in the CPD is a clear example of duplication. In view of the apparent interest, however, this will be done in the next report. The study alludes to the delay in reporting the FY–1973 allocations (April 12, 1973). This was due to the necessity of taking into account changing needs reflecting developments in areas of tension and conflict in the world.

The study contains two additional observations that merit comment: first, it states that report and controls established by Section 653 do not apply in the case of any law making continuing appropriations—a gap which it is proposed be filled by either (a) stipulating that the allocations of the previous year serve as the country ceilings or (b) requiring supplemental reports on allocations made under continuing appropriations.

Comment

Although the report on allocations under Section 653 was not legally required for FY–1973, it was submitted in accordance with the policy of maximum openness, including providing Congress all possible information on the Security Assistance programs.

The comment in the study that the report is classified secret is no longer valid; the FY–1973 report of allocations is unclassified.

CRS–A144—REPORT SUBMITTED PURSUANT TO SECTION 507(B) OF THE FOREIGN ASSISTANCE ACT CONCERNING THE MILITARY ASSISTANCE FURNISHED TO LATIN AMERICAN REPUBLICS

Comment

Pursuant to Executive Order 10973, as amended, this report is now prepared by the Department of Defense.

CRS–A148—QUARTERLY REPORT ON OBLIGATIONS IN, FOR, AND ON BEHALF OF CAMBODIA

Comment

The evaluation of the report, submitted in accordance with Section 655(f) of the Foreign Assistance Act of 1961, was based on the third quarter FY–1972 submission. This was the first full quarterly report submitted under the new law. The report concludes that the submission did not:

1. Include figures on excess defense articles;
2. Administrative costs of U.S. agencies operating in Cambodia;
3. Information on economic or supporting assistance; or
4. Cumulative or year-to-date figures.

The report on page 230 has a footnote that items 1 and 3 have been included in later reports. Administrative costs have also been included in the reports; DOD Administrative costs under "services and training"; pertinent AID administrative cost under "Security Supporting Assistance, Technical Support and Administrative Cost."

This leaves only a cumulative or year-to-date figure. This will be included in later reports.

CRS–A152—QUARTERLY REPORT ON EXPENDITURES IN, FOR, AND ON BEHALF OF LAOS

Comment

The evaluation of this report is that it is not specific enough and:

1. It excludes excess defense articles
2. It excludes cost of U.S. combat air operations
3. Possibly excludes the normal personnel and operating cost of the U.S. Embassy.

Since the report is unclassified, more specific information cannot be included. The General Accounting Office is now conducting a complete audit of the reports and has been given full access to the classified backup information.

The cost of excess defense articles is included in the report. This fact will be footnoted in future reports.

The cost of combat air operations and the normal operating costs of the Embassy have not been included because they do not come under the ceiling.

CRS–A166—REPORT ON THIRD COUNTRY TRANSFERS OF U.S. ORIGIN DEFENSE ARTICLES

Comment

The evaluation of this report, submitted in accordance with Section 3(a)(2) of the Foreign Military Sales Act, is that:

(a) It included information not required by the legislation; specifically data on the denials of transfer requests, and approvals of transfer requests for grant articles.

(b) It is submitted on a semiannual basis rather than on the implementation of each transfer agreement.

The inclusion of the additional information and the semiannual submission of the report is in accordance with Senator Fulbright's letter of January 15, 1970 (copy attached) which requests more information and concurs in submitting the report on a semiannual basis.

CRS–A176—SEMIANNUAL REPORT OF THE SECRETARY OF STATE ON EXPORTS OF SIGNIFICANT DEFENSE ARTICLES ON THE U.S. MUNITIONS LIST

This report is prepared in accordance with Section 36(a) of the Foreign Military Sales Act. The principal Library of Congress comment is that it is not submitted in a timely manner. The late submission is a reflection of the amount of work involved in the preparation of the report and as soon as an automatic data system, now being installed, is fully operational the reports should be submitted more promptly.

The Library of Congress report does not include any comment on the report required by Section 657(a)(3) of the Foreign Assistance Act. The data required by this Section will in many instances duplicate that required by the report on Exports of Significant Defense Articles.

CRS–A213—ANNUAL REPORT ON U.S. PARTICIPATION IN THE UNITED NATIONS

Comment

The study reports that "on the whole the President's Annual Report to Congress meets the requirements and intent of the first part of section 4 of the United Nations Participation Act of 1945.

It concludes that "despite any shortcomings it may have, the President's report to Congress as presently conceived, is probably the most complete, prompt, and historical reference document of its kind available."

The CRS pointed out two major ways that it believes the report could be improved: (1) earlier submission, and (2) more consistent presentation.

With regard to earlier submission, though the CRS saw it as desirable, it conceded that earlier publication would be very difficult to accomplish given the many problems militating against an earlier report. In addition to those mentioned, there are two more critical problems. First, the heaviest workload for everyone working with the United Nations falls in the last four months of the year when the General Assembly is in session. It is therefore impractical and virtually impossible for anyone to begin work on the annual report before the Assembly concludes. Second, the publication process itself is slow and becomes more difficult each year as the workload of the Government Printing Office grows.

Nevertheless we will make every effort to speed processing and aim at publication by the end of August.

With regard to a more consistent presentation, this is a desirable aim but attainable only to a limited degree because the UN system itself is unsystematic. It is not a unified, consistent organization but a conglomerate of independent organizations and programs loosely related and coordinated, each separately constituted, and often with overlapping interests and activities. The operations vary from organization to organization, and so does the involvement and participation of the United States.

The CRS suggested that introductory, summary chapters might be helpful in focussing the report. We will keep that suggestion in mind, though with the inauguration of the Secretary's annual foreign policy report to the Congress, which presents a record of events and policies across the board, there may be less need for the kind of overview suggested and indeed it might be redundant. We are taking another look at the problem of balancing the requirements of comprehensiveness and cohesiveness.

CRS–A223—ANNUAL REPORT ON U.S. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Comment

The Library of Congress report concludes that "This report meets the reporting requirements and the intent of the legislation, as contemplated in the Senate report and floor debate on Section 2". However, it questions whether the report is promptly fulfilling the reporting requirement.

The report also makes a number of comments with respect to the content of the report and suggestion for its improvement which may be summarized as follows:

1. The relationship between the organization's calendar year and the U.S. fiscal year and how the timing of appropriations affects U.S. payments.
2. Under some of the special program items the heading "pledges and contributions" is used and is ambiguous.
3. Bilateral organizations are excluded from the report.
4. Strengthening the legislation to encourage a more centralized approach within the U.S. government to U.S. participation in international organizations.

Timeliness of the report.—There is a valid concern with respect to the timing of the submission of the report and the period covered by the report. It is something we have been striving to improve. However, it must be understood that in many instances the U.S. fiscal year appropriation covers a calendar year contribution which doesn't end until six months *after* the fiscal year ends. In addition, the audits and other financial reports of the organizations are not available until three or four months after the end of the calendar year. Consequently, in many cases, it is almost nine or ten months after the fiscal year is over before those parts of the report can even be started.

Relationship of U.S. contributions to fiscal year appropriations.—The pattern of the use of U.S. fiscal year appropriations to the fiscal period of the organization is governed by the manner in which Congress appropriates the funds and is not determined administratively by the Executive Branch. Given a situation where as many as five or six different fiscal periods might be used by the individual organization the Congress has followed the practice of having a fiscal year appropriation cover a particular fiscal period of an organization's budget rather than splitting the U.S. contribution over two different fiscal year appropriations.

Effect of timing of U.S. payments on the international organizations.—Since the U.S. is the largest contributor, it has been made clear to the organizations when and under what conditions U.S. payments will be made. Therefore, they have been able to gear their financial planning to the U.S. schedule. To the extent that some of the organizations have found themselves in a financial crisis it has been for reasons other then the U.S. payment schedule.

The heading "pledges and contributions" is ambiguous.—This is a valid criticism and we will attempt to work out a better heading in future reports.

Bilateral organizations are excluded from the report.—It is not deemed appropriate to include bilateral commissions in which the expenses of each party are basically met by themselves as compared to multilateral organizations where independent secretariats are established and the members contribute to an

international fund which is not managed by each of the member countries individually.

Encouraging a more centralized approach to U.S. participation in international organizations.—This concept has been endorsed by both the House Foreign Affairs and Senate Foreign Relations Committees and the Department is studying the matter in depth. It is difficult to see how the report could add anything to the information already provided to these committees and the appropriations committee except for the historic totality of U.S. contributions already provided under the present format.

CRS–A246—ANNUAL REPORT OF THE U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Comment

No further comment to favorable evaluation by CRS.

CRS–A249—ANNUAL REPORT OF THE BOARD OF FOREIGN SCHOLARSHIPS

Comment

No further comment to favorable evaluation by CRS.

CRS–A252—ANNUAL REPORT OF THE BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS ON INTERNATIONAL EXCHANGE

Comment

The format of the annual report which we submit in accordance with Section 108(b) of the MECEA of 1961, while designed and written with the Congress in mind, receives wide distribution to the general public as well. For this reason (as the CRS notes), the report changes its program emphasis from year to year and omits some very detailed funding statistics. Nevertheless, when the report is taken together with the record of our annual appearances before the Appropriations Committees of both Houses and the House Foreign Affairs and Senate Relations Committees, we believe we meet the requirements for a full description of the activities carried on and expenditures made in furtherance of the purpose of the Act. The text of international agreements other than treaties entered into by the United States are now transmitted to the Congress within sixty days after their execution thereof, in accordance with the terms of Public Law 92–403 of August 22, 1972 (86 Stat. 619, 1 U.S.C. 112b).

CRS–A255—ANNUAL REPORT OF THE EAST-WEST CENTER

Comment

The unique nature of the East-West Center as a national educational institution is demonstrated by the existing grant-in-aid agreement between the Department of State and the Board of Regents of the University of Hawaii. The agreement provisions not only define the relationship of the Chancellor of the Center to the Board and to the Department but also provide that the Center: formulate policies and procedures for programs and personnel; determine both the educational contents of its programs and select participants for scholarships and grants; operate its own personnel and accounting systems; and insure that Congressionally-appropriated funds are used solely for Center programs.

The National Review Board was established by the Secretary of State to represent the national interest and review the operations of the Center and report the extent to which the Center is fulfilling the objectives of the U.S. government.

We consider the annual report of the East-West Center, complemented by reports prepared by the National Review Board, provide a thorough review of the policies and actions which the Center undertakes to carry out its responsibilities and reflect accurately the Center's relationship with the Department of State. Transmittal of the Center report and Review Board enclosures by the Secretary of State constitutes Department compliance with legislative requirements. The transmittal document, when appropriate, would include comments about the Center and National Review Board reports.

2. Agency for International Development

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., January 31, 1974.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is the response of the Agency for International Development to your request for comment on "Required Reports to Congress in the Foreign Affairs Field," a study prepared by the Foreign Affairs Division of the Congressional Research Service of the Library of Congress.

The attached memorandum goes into the existing reporting requirements applicable to A.I.D. in some detail. Upon a review of the memorandum, I am convinced that careful consideration should be given to the possibility of consolidating to the maximum extent possible the various reports which Congress considers relevant and responsive to its needs into a single comprehensive annual report. The A.I.D. annual Congressional Presentation is submitted to the Congress each Spring. Perhaps it would be appropriate for the annual report also to be submitted in the Spring so as to give Congress timely information as it begins consideration of foreign assistance legislation. The reporting periods should coincide with the periods used in the Congressional Presentation, so that information in both documents would be comparable.

To the maximum extent possible information directly relevant to the bilateral program should be included in the Congressional Presentation itself. The comprehensive annual report could contain residual information about the bilateral foreign assistance program as well as all other information requested by the Congress. Thus, the comprehensive report would deal with such items as resources transferred through Ex-Im Bank transactions, contributions to the IFIs, etc., as well as information about designated types of commercial transactions (i.e. commercial arms sales) which are now required to be reported.

We believe that this approach could be developed to meet our mutual objective of having information relevant to our foreign assistance program available to the Congress on a comprehensive and timely basis.

We look forward to further consultation with representatives of the staff of your Committee and such other additional action on the subject as you deem appropriate.

Sincerely yours,

DANIEL PARKER, *Administrator.*

AGENCY FOR INTERNATIONAL DEVELOPMENT

COMMENTS AND RECOMMENDATIONS REGARDING REQUIRED REPORTS TO THE CONGRESS IN THE FOREIGN AFFAIRS FIELD

The purpose of this memorandum is to comment on the recommendations set forth in the report prepared by the Foreign Affairs Division of the Congressional Research Service entitled "Required Reports in the Foreign Affairs Field".

I. MAJOR REPORTING REQUIREMENTS RELATING TO THE FOREIGN ASSISTANCE PROGRAM

The report isolates four major reports that form the nucleus of information available to the Congress regarding the foreign assistance program. They are:

Section 657 report (annual report on foreign assistance);
Section 634(d) report (comparison of programs presented to Congress with the actual programs implemented);
Section 653 report (allocations of foreign assistance funds); and
Presentation material required for new authorizations and appropriations (commonly referred to as that Congressional Presentation).

The first three reports respond to specific legislative requirements. The last does not—the requirement for it is implied in various references in the Foreign Assistance Act (Section 451(b), 634 (d), (e), (f) and Section 620(u)) and in

the prior notification requirements in the annual Appropriations Act. The Congressional Presentation is essentially a budget request document; it will be submitted each year so long as bilateral foreign assistance appropriations are sought on an annual basis. Thus, this analysis assumes that it will continue to be submitted and will serve as one important source of information to the Congress.

Each of the three other major reporting requirements will be discussed separately below:

Section 657 report.—The statute requires a report that purports to be the annual report on the Foreign Assistance Program. It is not. The statute requires the report to lump together assistance, certain business transactions, and other transactions that are a combination of the two. For example, the report must include information regarding Export-Import Bank transactions—which are normally negotiated at close-to-commercial terms. It also includes all private commercial sales of arms, ammunitions and implements of war. The failure of the statute to clearly and unambiguously distinguish between assistance that reflects cost to the U.S. Government and business transactions that reflect no such cost results in a misleading, distorted report.

Further, the statute intermingles the activities of various Federal agencies and calls them all the "foreign assistance program". The statute fails to make a clear distinction among programs designed primarily to aid recipient countries (the foreign assistance program) versus those designed primarily to benefit U.S. business (i.e., Export-Import Bank activities).

Because it intermingles activities with disparate objectives, Section 657, as presently written, fails to provide a clear picture of the foreign assistance program.

Another factor that should be kept in mind regarding this report is that it is not the only annual compilation of data regarding foreign transactions furnished to the Congress. At present, there are three other compilations of data regarding foreign transactions of the U.S. Government. They are:

Military and Economic Assistance Data—by country for the budget year (Senate Foreign Relations Committee request);

Transfers of U.S. Resources to Foreign Nations—by country and region for the preceding, current and budget years. (Senate Appropriations Subcommittee on Foreign Operations request);

U.S. Overseas Loans and Grants and Assistance from International Organizations for the preceding fiscal year. (Commonly called the "Green Book"; requested originally by the House Foreign Affairs Committee).

None of these compilations are required by legislation; they all present data in different formats, reflect different definitions of foreign transactions, and all do not account for data in the same manner. The three presentations and the Section 657 report have never been reconciled because it is probably impossible to do so. Yet, the requestor of each compilation or report considers that particular presentation to be definitive with regard to the Foreign Assistance Program. Thus, when all four of the presentations are considered together, the only results are confusion, distortion, and mis-information.

Section 634(d) report.—Ostensibly the report contains information of use to the Congress. However, the timeliness of the information, and the need for a separate reporting requirement are questionable. The report duplicates information already presented in the budget presentations of A.I.D., the Department of Defense, and the Peace Corps with regard to prior, current, and proposed fiscal year program levels. Although the information provided could be more comprehensive, it should be noted that similar information is already furnished to the Congress in the Section 657 report and the three other compilations of data on foreign assistance noted in the section discussing that report. Thus, Congress has requested essentially similar information in at least five different instances, instead of in one, comprehensive report pursuant to a single legislative requirement.

With regard to the requirement to report substantial changes in the prior and current fiscal year programs as compared to their respective Congressional presentation levels, these could be included in each presentation rather than as a separate report. This would allow for timely comparison with the proposals for the upcoming fiscal year.

Section 634(d) also requires details of proposed contributions to international financial institutions and a statement of each project for which financing was supplied by the Export-Import Bank in the preceding fiscal year. Neither one of these subjects is included in A.I.D.'s budget request, nor are they authorized by the Foreign Assistance Act. They would more appropriately appear in a more broadly focused report.

Section 653 report.—The report presently provides Congress with a picture of the Agency's operational budget for the current fiscal year. If it is expanded to include information required by Section 634(d) the report will duplicate information already provided to the Congress in the Section 634(d) report. And given the late timing of appropriations in the last few years, such an expanded report would be presented within a short time of the presentation of the Agency's request for the upcoming fiscal year, which contains virtually the same information.

Remedial actions

The Committees requested that the Agency provide a statement on remedial actions in those instances where reports have been found not to meet the letter or spirit of the law.

Section 657 report.—The Congressional Research Service study indicated that the report submitted in the Spring of last year did not contain the information required by Section 657(a)(3). Information meeting this requirement was prepared by the Department of State and submitted on October 24, 1973. Explanatory material regarding the report will be made available as it is requested.

II. RECENT ADDITIONAL REPORTING REQUIREMENTS

The Foreign Assistance Act of 1973 added three more reporting requirements and amended Section 657, requiring additional information regarding defense article exports.

Two of the new requirements concern specific aspects of either for foreign assistance program or transactions under the FAA, Foreign Military Sales Act, P.L. 480, and the Export-Import Bank Act.

New section 634(f).—This subsection requires a semi-annual report itemizing the status of every transaction (loan, contract, sale, credit, etc.) over $1 million for which there remains an outstanding unpaid obligation or potential liability entered into under the FAA, P.L. 480, the Foreign Military Sales Act, and the Export-Import Bank Act.

This new requirement is contrary to the suggestion made in the Congressional Research Service study that the number of separate reports be reduced and replaced by a single, comprehensive annual reporting requirement on foreign assistance activities.

Furthermore, the information required is in part already available:

The status of loans made under the Foreign Assistance Act is available in the Agency's annual budget presentation; and

The status of all loans made by the Export-Import Bank is available as a Bank publication.

Thus, Section 634(f) will result in a duplication of effort and in added administrative burden and costs for the reporting agencies. The requirement for reporting guaranties will impose an especially heavy administrative burden on the reporting agencies as it will require the development of a complex new data system to process the information.

The new section will also further fragment the flow of information at a time when the trend should be towards consolidating reporting to the Congress.

New section 634(g).—This provision requires a comprehensive annual report on debt-servicing problems, debt-relief and net aid flow from the United States to the less-developed countries.

As is the case with the report required by Section 634(f), this report further disperses the information flow to the Congress rather than consolidating it. It also adds another report to the growing list of reports required of A.I.D. The only result will be to increase the administrative burden of the Agency and provide more information independent of and unrelated to any other informa-

tion regarding foreign aid that is supplied to the Congress. Specifically, the requirement for reporting net aid flow to the less-developed countries will only confuse an unsuspecting reader who also reads the Section 657 report, the Agency's annual budget presentation, the publication, "U.S. Overseas Grants and Loans", the Senate Appropriation Committee's tables on the transfer of U.S. resource abroad, or, the new report required by Section 634(f) discussed above.

One of the new reporting requirements is general in nature, only in part referring to foreign assistance activities:

New section 640–B.—Requires an annual report on all United States' actions affecting the development of the less-developed countries and the impact of those actions on the domestic U.S. economy.

A.I.D. concurs with the House Committee on Foreign Affairs Report that makes it clear that a report fulfilling this requirement may be included in the NAC, Council on International Economic Policy or State Department annual report.

III. OTHER REPORTS AND COMPILATIONS

In addition to reports required by the Foreign Assistance Act, the Agency for International Development has, over the years, provided at the request of Congressional committees, individual Members and Senators, and pursuant to statute other than the Foreign Assistance Act, various reports and compilations of data concerning the foreign assistance program. The three major annual compilations concerning the overall foreign assistance program are cited in the section that discusses the Section 657 Report. With these compilations and the Section 657 Report, A.I.D. is in effect supplying four annual reports on foreign assistance programs to the Congress. And, as it indicated in the discussion of the Section 657 Report, no two of the reports or compilations can be reconciled. Each report counts different elements as foreign assistance; as a result, there are inconsistencies not only in totals, but also in scope. Thus the user is confronted with a plethora of data, all purporting to be a measure of the totality of foreign assistance programs in a given year.

A.I.D. also furnishes, on a periodic basis, or as requested, the following reports about specific aspects of the foreign assistance program:

(1) *Section 220 (Peaceful Communications for Development).*—Prepared at Congressman Zablocki's request. Not requested in FY 1973.

(2) *Civilian Casualties in Vietnam.*—Submitted to Senator Kennedy on a recurring basis as the information is received from the U.S. A.I.D. Mission in Vietnam.

(3) *Federal Advisory Committee Report.*—Submitted annually through the Office of Management and Budget (pursuant to P.L. 92–463) to the Congress.

(4) *Financial Report on Excess Property Revolving Fund.*—Submitted monthly to the House and Senate Government Operations Committees.

(5) *Utilization of Excess Property.*—Submitted annually to the House and Senate Government Operations Committees.

(6) *Utilization of Experts and Consultants.*—Submitted to Senator Fulbright on a quarterly basis.

(7) *Cargo Preference Report.*—Submitted annually to the Senate Commerce Committee and the House Merchant Marine and Fisheries Committee.

(8) *Manpower Utilization Report.*—Submitted quarterly to Congressman Henderson.

(9) *Management Review and Improvement Program.*—Submitted annually to the Speaker of the House, the House Foreign Affairs Committee, the Senate Foreign Relations Committee and the House and Senate Appropriations Committees.

(10) *Whitten Amendment Report.*—Submitted annually (pursuant to P.L. 82–253) to the House and Senate Appropriations Committees and the House Post Office and Civil Service Committee.

IV. RECOMMENDATIONS

(1) The Agency recommends a single, comprehensive annual report to replace *all* the major reporting requirements of the Foreign Assistance Act and the three compilations presently supplied to the Congress by the Agency. Thus, Sections

657, 653, and 634(d) should be repealed and the requirements presently contained in those sections be consolidated into one statutory section.

(2) The requirements of Section 634(d) be eliminated as they can be met either in a single annual report or as a part of the Agency's annual budget request. More specifically, the requirements for Export-Import Bank projects and contributions to the international banks would more appropriately appear in a comprehensive annual report.

(3) New Sections 634(g) should be repealed and the information required be provided in the annual report.

(4) The many informal reports that the Agency furnishes the Congress should be reviewed as to their usefulness to the members or committees concerned in order to determine if the reports can be eliminated or the information furnished as part of a single annual report.

The Agency further recommends that the following statutory requirements be repealed:

Section 217 (used equipment).—Due to the restructuring of the Agency's programs as exemplified in the functional authorizations in the Foreign Assistance Act of 1973, this report would serve no useful purpose. Moreover, A.I.D. has determined that no legislative changes regarding the use of used equipment in development activities are required.

Section 295 (title XI—Food production and population growth in the less-developed countries).—As recommended in the Congressional Research Service study, this report requirement could be deleted and the information supplied in a comprehensive annual report. Indeed, since the information is in part already presented in the sector narratives pertaining to Food Production and Nutrition and Population Planning and Health in the Agency's annual budget request, the reporting requirement is to that extent redundant. Further, the President is now required to report on world food shortages pursuant to Section 39 of the Foreign Assistance Act of 1973.

Section 304.—This requirement is obsolete. The required information was submitted on May 14, 1968.

Section 451(b) report (contingency fund quarterly report).—As the Congressional Research Service study points out, this report could be eliminated. The Contingency Fund at the present time does not represent a significant proportion of foreign assistance funds and does not, as indicated in the study, appear to raise as many questions as other programs for which a quarterly report is not required. In addition, since the uses of the Contingency Fund are discussed at some length in the annual budget presentation to the Congress, the requirement for information contained in Section 451(b) is fulfilled on an annual basis.

Section 461(b).—The information required by this section was provided in the Agency's fiscal year 1969 budget presentation and has since become a part of the Food Production and Nutrition sector narrative of each annual budget request. Therefore, a separate legislative requirement is redundant.

Section 620(u).—As the study points out, this report could be included as part of the President's Annual Report on U.S. Participation in the United Nations. Thus it could be eliminated as a separate reporting requirement under the Foreign Assistance Act.

Section 620(w).—The section is obsolete. The report required by this section was submitted on February 16, 1972.

Section 621-A(c).—The study suggests that this reporting requirement can be incorporated into a comprehensive annual report and eliminated as a separate reporting requirement. A.I.D. concurs with the suggestion.

Section 634(b).—The information requested in the section is presented in various reports and compilations prepared for the Congress and in the Agency's annual budget presentation. Therefore, a separate statutory requirement is redundant.

Section 634(c).—The time limitation on grant assistance (three years with further justification required for extension beyond) contained in Section 110(b) of the Foreign Assistance Act of 1973 appears to render this subsection obsolete.

Section 655(c).—The information required under this subsection is presented to the Congress as part of the Agency's annual budget presentation. Therefore, a separate reporting requirement is redundant.

Section 658.—The requirement is obsolete. The report was submitted on May 3, 1972.

3. ACTION (Peace Corps)

ACTION,
Washington, D.C., May 21, 1973.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of April 17 in which you request our comments in relation to the report, "Required Reports to Congress in the Foreign Affairs Field."

I am happy to inform you that a working group of officials has been named within ACTION to comment on the above mentioned study as it pertains to Peace Corps. I have also asked this group to propose remedial action if it is found that we have not been complying with the reporting requirements as stated in Section 11 of the Peace Corps Act.

I have asked Mr. Tony Evans, a member of our International Operations staff, to be chairman of the working group and Mr. José del Valle (382–6825) of our Congressional Affairs staff to be the liaison person between ACTION and your committee.

I want to assure you of our complete cooperation in this and in any other such matter which will make ACTION more responsive to the needs of Congress.

With best wishes, I am

Sincerely,

MICHAEL P. BALZANO, JR., *Director.*

ACTION,
Washington, D.C., June 29, 1973.

Hon. THOMAS E. MORGAN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: As requested in your April 17, 1973 letter, we have reviewed the report "Required Reports to Congress in the Foreign Affairs Field" with respect to the Peace Corps.

We find the report helpful and will comply with its recommendation that the Peace Corps submit reports on its annual operations in a timely, objective, and analytical manner. We appreciate the guidance clarifying how we can be more responsive to the Congress' needs and fully accountable to the American public for all aspects of our operations.

Although ACTION proposes to continue publication of its Annual Report which will include all programs administered by the Agency, we will prepare an additional report on the Peace Corps for the Congressional committees having jurisdiction over the Peace Corps.

This Report will be more analytical than the Annual ACTION Report and will be designed primarily for Congressional use, as required by Section 11 of the Peace Corps Act.

We anticipate that the Report will analyze the Peace Corps efforts during the prior fiscal year in fulfilling its mandate as set forth in the Peace Corps Act. The Report will contain a discussion of major accomplishments and assess the Peace Corps' impact on the countries it serves. Special problems and difficulties and important past and future trends will be treated. It will analyze major operational aspects such as the recruiting, placement, training, programming, implementation, and evaluation of Volunteer projects. It will also present operational statistical summaries, including budgetary information.

In order to comply with the request for timeliness, the Peace Corps' Reports will be submitted to Congress no later than October 30.

We welcome any further suggestions which might strengthen our reporting procedures.

Sincerely,

MICHAEL P. BALZANO, JR., *Director.*

4. Department of Defense

SECRETARY OF DEFENSE,
Washington, D.C.

HON. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As requested in the joint letter addressed by you and Chairman Fulbright to Secretary Richardson on April 17, comment on the enclosed report, "Required Reports to Congress in the Foreign Affairs Field," is being prepared by appropriate elements of this Department. These comments and a statement with respect to any remedial actions we may plan to take, where reports have been found not to meet the letter or spirit of the reporting requirements in law, will, also as requested, be provided to your committees by June 30, 1973.

The official whom you asked to be appointed as a single focal point for working with your two committees and the Congressional Research Service on this matter is Mr. Stanley S. Stack, Chief of the Data Systems and Reports Division in the Office of the Comptroller, Defense Security Assistance Agency.

I am sending Chairman Fulbright an identical reply to your joint letter, and I want to assure you both that you may count upon the full cooperation of the Department of Defense in your joint effort to enhance the legislative and review functions of your respective committees.

Sincerely,

W. P. CLEMENTS, Jr., *Deputy.*

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., October 17, 1973.

HON. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: In reference to Mr. Clements' letter of June 8, 1973 concerning the report, "Required Reports to Congress in the Foreign Affairs Field," Mr. Stack has requested that we forward the consolidated DoD comments.

The sections of the report which are the specific responsibility of the Department of Defense are addressed, section by section, in the attached statement. Some sections of the study are the responsibility of the Department of State with input from the Department of Defense. No comments are provided on these sections pending the outcome of the meetings with the Department of State action officers.

Comments of a more general nature are provided below. Where appropriate, they are referenced to the Summary of Findings which appears on pages 3 and 4 of the report.

Under the caption of ways in which Congress can improve the reporting requirements, the Summary of Findings states as item 5(a) that Congress should: "Make sure every major piece of legislation contains a reporting requirement which calls upon the executive branch to supply information at regular intervals on how the legislation is being carried out;"

There is no disagreement that specific legislation should provide for reporting requirements considered essential for Congressional overview. If implemented, without this selectivity, however, a policy that every piece of major legislation contain a reporting requirement could generate excessive, costly and inefficient reporting and data systems which could contribute little either to the agency program manager or the Congressional surveillance of the program.

We believe that statutes should avoid general provisions for reporting or information requirements. These often result in varying interpretations among agencies. Consequently, the feedback provides little valid basis upon which an evaluation of performance can be made. Congressional staff analysis would derive greater benefit from reports submitted by the Executive Branch if the

sponsoring legislation were written in specific terms regarding reporting requirements.

Finally, we suggest mutual effort by Congressional and agency staffs in the development and use of data systems for information collection and reporting. The objectives would be due consideration in agencies' developments for Congressional requirements, with comparable consideration in Congressional requirements for existing agencies' systems.

Sincerely,

TERENCE E. MCCLARY,
Assistant Secretary of Defense.

Section 634(d) of the FAA, Grant Aid Program Changes—The study contains the first indication we have received that this report is either inadequate or may not constitute a proper response to a reporting requirement set forth in the law. Page 206 of the study points out that the reports contained in the FY 1972 and FY 1973 Congressional Presentation Documents "do not reflect and in some instances tend to obscure the fact that important changes had occurred" and cites, as an example, failure to report program changes resulting from Presidential Determinations. Because copies of all Presidential Determinations are provided to the Congress, the fact that these reports have not cited the Presidential Determinations made prior to the time the Congressional Presentation Documents were prepared should not be construed as an intent to obscure or withhold information from the Congress. In addition, certain budget year requirements are presented in the Congressional Presentation Document with the full knowledge that a Presidential Determination will be required prior to program implementation. Thus, the subsequent receipt of a Presidential Determination covering these already budgeted requirements does not in itself generate a substantial change which should be reported under Section 634(d). Otherwise, complete programs for such countries as Spain and Portugal (Section 620(m) of the Foreign Assistance Act), and the Philippines and Thailand (Section 514, Foreign Assistance Act) would have been omitted from the Congressional Presentation Document, in which case a subsequent determination to continue grant aid to these countries would have generated a substantial change and a reporting requirement under Section 634(d).

Section 36(a) of the Foreign Military Sales Act (should be Section 36(b)), Report on Commercial and Governmental Foreign Military Sales—Current reporting does not include "commitments to order". This practice is consistent with the Department of Defense recommendation to suspend this portion of the reporting requirement because of the complexity and cost of gathering meaningful data in this category, particularly in regard to commercial sales. Further, "commitment to order" constitutes a major portion of "estimated future orders", and separate listing would result in duplicate reporting. In many instances, because of limited country resources or credit funds, materiel programs span several years; and future year projections reflect these ongoing programs.

"Commercial sales orders" represent deliveries. This is the only commercial sales information available at the present time. To attempt to provide commercial sales on an orders basis would require an inordinate expenditure of time and money. It is recommended that commercial sales continue to be reported on the same basis as at present. In future reports, all sales, commercial and Foreign Military Sales can be broken down by individual country and/or summarized on an economically developed-economically less developed country basis.

Section 634(h) of the Foreign Assistance Act, Military Assistance Programs in Southeast Asia—Starting with FY 1974, the information on programs for Laos and Vietnam can be expanded from the current one line statistical entry to include data comparable to that shown for other Military Assistance Program countries. If the legislation so directs, information on past programs could also be provided.

Section 738(b) of the Department of Defense Appropriations Act for FY 1972, Quarterly Report on Support Furnished to Vietnamese and Other Free World Forces in Vietnam and Local Forces in Laos and Thailand—The Department of Defense takes the position that the report as submitted contains the data requested, in a format which shows the total for the fiscal year. This should make it possible to determine whether the limitation was exceeded. While the

transfers of materiel were not included in this report, such data was contained in the Annual Foreign Assistance Report.

Data on transfers of materiel to Military Assistance Service Funded recipients contained in that Annual Report could be incorporated in this quarterly report which could also be expanded to reflect types of material transferred.

Section 35(b) of the Foreign Military Sales Act, Report on Foreign Military Sales to Less Developed Countries—This report is submitted both as a separate report and as a part of the Congressional Presentation in lieu of a separate submission.

The current legislative requirement does not call for data on portions delivered and/or undelivered of the sales consummated to date during the fiscal year. Since administrative lead time for implementing a case can be a matter of several months it is not likely that much material would be delivered the same year as ordered, therefore such data would be of little significance to the Congress. On a cumulative basis (all orders accepted) we can readily make available the status of deliveries on an annual and/or quarterly basis.

Projections of sales based on credit applications and anticipated credit extensions cannot be reported since actions to be taken by the foreign governments cannot be forecast with accuracy. Preliminary inquiries are quite voluminous and too often do not materialize. Any attempt to prepare such reports would, therefore, be quite time consuming, and the reports themselves of questionable value. If called for in the reporting requirement, specific information on the type of equipment sold to less developed countries, during any period, could be made available.

Section 8(d) of the Foreign Military Sales Act, Report on Decision to Furnish Excess Defense Articles which are Major Weapons Systems and not Previously Reported—The study concludes from the legislative history of this reporting requirement that the report is required well in advance of the projected delivery date so as to provide the Congress sufficient time to express its views as to the desirability of providing the weapon system in question. To this extent, the study provides clarification as to when this report is required. On the other hand, the study tends to add confusion to the problem of what should be reported. Section 8(d), of the Foreign Military Assistance Act requires a report on "major weapons systems", and those major items of equipment identified on the country pages of the Congressional Presentation Document have been reported. The extract of the Senate floor debate included in the study indicates that the sponsor of this reporting requirement was interested in "sophisticated weaponry". Section 504(a) of the Foreign Assistance Act refers to "sophisticated weapons systems, such as missile systems and jet aircraft for military purposes". More explicit information is needed as to how the committees concerned define major weapons systems for purposes of this report. It is doubtful that projected delivery date could be made a part of the report without jeopardizing provision of the report on a timely basis. To provide "individual reports on each decision, not a cumulative report submitted after the fact" (quoted from the study) would mean, in many cases, a report a week as the MAP orders are issued. Since this report is sent by the Department of State to the Congress, after receipt of information from the Department of Defense, it could still not be very timely. Acting upon the study recommendation that each report include all major weapons systems transferred for the fiscal year could result in weekly reports too voluminous to be useful.

Section 8(d) of the Foreign Military Sales Act, Quarterly Report on DoD Excess Defense Articles Deliveries—The reports being submitted could be expanded to include data for the fiscal year to date, as well as for the quarter covered by the report, as suggested in the study. However, it should be noted that the ceiling established by Section 8(b) applies to programs and the subject report sets forth deliveries. Therefore, a comparison of deliveries during the fiscal year (which include deliveries against current and prior years programs) with the program ceiling is not valid.

Information as to quantity and type of articles being delivered could be made available if the legislation specifically required it.

Submission of Department of Defense reports through the Department of State tends to delay their receipt by the Congress.

Section 202(c) of the National Security Agency, 1946, Annual Report of the Department of Defense—In accordance with Secretary Laird's letter of Novem-

ber 13, 1971, to the Honorable John C. Stennis, Chairman of the Senate Committee on Armed Services, the requirement set forth in Section 133(c) of Title 10, United States Code, is being met by the personal reports of the Secretary of Defense and other senior officials of the Department during the opening months of each session of the Congress.

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5. U.S. Arms Control and Disarmament Agency

U.S. ARMS CONTROLS AND DISARMAMENT AGENCY,
Washington, D.C., July 16, 1973.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to the letter of April 17 from you and Chairman Morgan, concerning "Required Reports to Congress in the Foreign Affairs Field," a study prepared by the Library of Congress. As requested, I am pleased to transmit herewith Agency comments on the study, in particular its evaluation of the Agency's annual report (p. 281 of the Joint Committee Print of April 22, 1973).

While gratified to note that the evaluation of our annual report is generally favorable, we also note that it calls for remedial action in several respects.

(1) The Agency's report is described as being "often too brief in its discussion of political and military developments which affect arms control policy; additional detail and explanation would be helpful." We will endeavor to be more complete in this regard in the next report.

(2) The study remarks that "more data on ACDA budgetary requirements would help Congress to evaluate subsequent appropriation requests." Here again, we will endeavor to comply in our next report.

(3) Finally, the study comments that the report does not "provide adequate information on ACDA research projects, whether 'in-house' or contracted out to academic or professional institutions." We will supply additional information on this subject in our next annual report.

Your letter further requests that I "appoint a single official or designate a special group of officials" in this Agency to provide a focal point for working with your two Committees and with the Congressional Research Staff of the Library of Congress on this matter. I have appointed the following member of the Agency staff to perform this role: Ralph Stuart Smith, Acting Public Affairs Adviser, (Tel. 632-3583).

We shall look forward to cooperating with your Committees and with the Congressional Research Service in this field as in others.

Sincerely,

FRED C. IKLE.

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6. U.S. Information Agency

U.S. INFORMATION AGENCY,
Washington, July 2, 1973.

HON. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: On behalf of Mr. James Keogh, Director of the United States Information Agency, I am pleased to respond to your letter of April 17 requesting USIA's comment on the report "Required Reports to Congress in the Foreign Affairs Field."

The Agency's comments and its plans and proposals for action based on the Report are attached. Because the U.S. Advisory Commission on Information is an independent body submitting separate reports to the Congress, the Committees' request is understood to apply only to USIA's semiannual report to Congress.

Mrs. Margita E. White, Assistant Director of USIA (Public Information), under whose jurisdiction the Agency's semiannual reports to the Congress are prepared, has been designated to work with your Committees and The Congressional Research Service.

Sincerely,

GEORGE J. ARGERIS,
Acting General Counsel and Congressional Liaison.

U.S. INFORMATION AGENCY

Comments on "Required Reports to Congress in the Foreign Affairs Field," Prepared for the Committee on Foreign Affairs, U.S. House of Representatives, and the Committee on Foreign Relations, United States Senate, by the Foreign Affairs Division, Congressional Research Service, Library of Congress. April 12, 1973

The U.S. Information Agency's semiannual reports to the Congress are submitted in accordance with Section 1008 of the United States Information and Educational Exchange Act of 1948, as amended. Reporting requirements pertaining to USIA's reports are cited in the attached appendix.*

The Congressional Research Service study is based on the four semiannual reports covering calendar years 1970 and 1971. USIA has since forwarded to the Congress its 38th Report (January–June, 1972). The 39th Report (July–December, 1972) is currently being printed and work has begun on the 40th Report for the six-month period ending June, 1973.

The Congressional study provides valuable guidance for future USIA reports to the Congress by helping clarify Congressional expectations and requirements for information concerning the Agency's activities.

As related to USIA, the Congressional study suggests action in the following areas: (1) identification of reporting requirements; (2) late submittal of reports; (3) length and amount of detailed information in reports; (4) organization of report's contents; and (5) change from semiannual to annual reports.

The following Agency comments and proposed actions are organized under these five categories.

1. IDENTIFICATION OF REPORTING REQUIREMENTS

USIA semiannual reports clearly indicate the dates covered and each is identified as a "Report to Congress." The 39th Report also specifies the provision of law under which the Report is submitted. Future reports will cite the law's reporting requirements to assist Congressional review.

With respect to reporting requirements, USIA agrees with and will pursue the study's recommendation that section 401 of the 1948 act should be reviewed to determine whether this provision is obsolete.

2. LATE SUBMITTAL OF REPORTS

The study notes that while USIA reports appear regularly, they appear late. Every effort will be made to speed up the reports so that they will be available for Congressional review shortly after the period covered. It should be noted that in order to be available to Congress within the month after the reporting period, the report would have to be written and sent to the printer half way through the six-month period covered. This problem would be alleviated if the requirement were changed to annual reports. (See 5 below.)

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*Pursuant to Section 2(b) of Executive Order No. 11034, as amended, USIA also is required to prepare and transmit to the President the annual reports which the President is required to submit to the Congress pursuant to Section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961, as amended. Although the Congressional Research Service study relates only to the Agency's semiannual report, it should be noted that these reports generally also include information concerning educational and cultural exchange activities sponsored by the USIA.

3. LENGTH AND DETAIL

The Congressional study recognizes the dilemma faced by many agencies in seeking to anticipate the amount of detailed information expected by the Congress and "striking a balance between too much and too little information." Referring to USIA, the study states:

> . . . The semiannual report of the Agency does not go far enough toward providing the information necessary to the oversight function. At the same time, it is recognized that a report cannot supply all the information on USIA needed by Congress to exercise comprehensive oversight.
>
> There are some activities of the Agency, however, which might actually be treated more fully in the semiannual report. These categories include such matters as self-evaluation plans and procedures, the nature of policy planning, and the kind of material disseminated. The reports analyzed in this study do not include a systematic review of the agency's efforts by country or a detailed breakdown of expenditures. . . .

In recognition of the need for more in-depth information prior to receipt of the Congressional study, USIA's 38th and 39th Reports contain considerably greater detail than the reports covered by the study. In addition, USIA forwarded to each Member of Congress with the 38th Report, its annual publication *Agency in Brief 1973*. (Copy attached). As noted in this booklet's foreword, it is "intended for use primarily as a training document for new employees and as background information for Members of Congress and their staffs, members of the Advisory Commission, and consultants on Agency programs."

This publication describes the Agency's history, its organization and operations (including policy planning procedures and the kind of material disseminated), and its relationships to other branches and agencies of the government. It also includes lists of personnel and maps of overseas posts, a description of programming, budget development and personnel systems, and a summary of laws and other authorities governing the Agency.

In other words, some of the information specified by the study as needing fuller treatment is available in *The Agency in Brief*.

This suggests possible combination of the two reports which will be discussed under (5) below.

With respect to substance and depth, the study mentions two areas which invite comment: The study states that the reports "do not provide country-by-country appraisals of the effectiveness of the USIA program" and refers to the reporting requirement for "appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted."

USIA's mission, as defined in its enabling legislation, subsequent amendments and in the President's memorandum of January 25, 1963, is primarily to "help achieve U.S. foreign policy objectives by . . . influencing public attitudes in other nations."

The semiannual reports describe how USIA seeks to accomplish this mission. Measuring the impact and effectiveness of the Agency's cultural and informational efforts is far more difficult. Some indications of influence on public attitudes can be noted through the actions of other governments, the votes by their people, in their press and available polls and in figures showing participation in USIA-sponsored programs. In closed societies measurement is especially elusive.

The U.S. Information Agency's role in effecting public attitude changes is also hard to trace since many non-agency influences are at work.

USIA's 39th Semiannual Report includes efforts at appraisal. For example, an article describing USIA's coverage of the 1972 Presidential campaign and efforts to explain the issues, candidates and our electoral process gives some indication of the interest and receptivity of foreign audiences by showing the turnout of foreign officials and citizens at USIA election information centers. Another story on USIA's Foreign Press Centers in New York and Washington, D.C. quotes several foreign newsmen whose reporting on the United States was facilitated by the centers. A photo caption mentions that the Voice of America received 182,976 letters from overseas listeners in 1972 and yet another story tells how USIS in Managua served as the source of news and information for the world following the Nicaragua earthquake.

Future reports will include similar attempts at appraisal. However, a summary of effectiveness of USIA programs in each of 109 countries in each semiannual report is clearly not feasible.

On the other hand, the study's suggestion that "more evaluation of effectiveness, discussion of the problems of appraising effectiveness, and information on research efforts in this field would be helpful" will be implemented in future reports.

It should also be noted that country plans which provide the basis for USIA activities in each country are available to the Congressional committees concerned to facilitate comprehensive oversight of Agency activities. Furthermore, the Foreign Assistance Act of 1971 initiated the requirement of periodic authorization of appropriations for USIA. Accordingly, the Agency has appeared before the Senate Foreign Relations Committee and the House Foreign Affairs Committee in each of the last two years to support its authorization requests. Prior to each appearance, the Committees have been provided Authorization Presentation Documents containing detailed program and financial data. Such presentations, which will continue, provide further in-depth information to supplement the semiannual report.

This study also states: "The USIA only briefly discussed the American policy it conveys abroad. The reports primarily describe *how*, not *what*, foreigners learn of American foreign policy. Thus, they do not facilitate efforts by Congress to evaluate the policy voiced by USIA. Although a description of the content of the materials disseminated by USIA would be voluminous, further efforts to summarize the content seem needed."

Reorganization Plan No. 8 of 1953, which established USIA as a separate agency within the Executive Branch and transferred to its Director many functions therefore vested in the Secretary of State, stipulated that "the Secretary of State shall direct the policy and control the content of a program, for use abroad, on official United States positions . . . (and) continue to provide to the Director on a current basis full guidance concerning the foreign policy of the United States."

Hence, the policies voiced by USIA are the official United States positions directed by the Secretary of State and reported under the Congressional reporting requirements applicable to the Secretary of State as well as in the annual reports to Congress on foreign policy submitted by the President and the Secretary of State.

On the other hand, in its 38th and 39th reports, USIA has sought to describe the content of some materials disseminated. In the 38th report, a story on the President's trips to the Soviet Union and People's Republic of China describes publications and films produced by the Agency. Another story "USIA's Printed Words" describes all Agency publications and other printed material distributed by the Press and Publication Service.

The 39th Report's features on the 1972 elections, economics and Apollo 17 illustrate the Agency's multimedia approach to telling America's story through descriptions of films, radio and television, and publications.

Future reports will aim at summarizing and describing the content and policy objectives of material disseminated by the Agency.

4. ORGANIZATION OF CONTENTS

The Committees' study points out that the organization of the USIA semiannual report has varied from issue to issue and that each report describes selected USIA activities during the time covered, some in response to events and others representing USIA initiatives and continuing programs. The reports, it is noted, have all contained similar statistical tables on USIA appropriations and personnel and Voice of America weekly language broadcasts. The study states: "The varied pattern followed in the organization of the reports, providing coverage of different subjects to illustrate USIA operations, does not permit comparisons year-by-year. Perhaps if the report were organized by program, or by geographic region, it would provide a more useful index to USIA operations."

The varied subjects in previous reports reflects attempts to portray the great variety and complexity of USIA activities. However, in recent years each report has followed the general pattern of (1) focusing on one or more major events (the President's trips to Peking and Moscow in the 38th report; the Elections of 1972 and Apollo 17 in the 39th) to illustrate how USIA's resources have been applied to complement each other in reporting these events to the world; and (2) highlighting USIA activities in a selection of countries around the world in a section titled "USIS Around the World" or "USIA Here and There."

The first approach is essential in at least one feature of each report to illustrate how USIA uses a broad range of communications techniques (films, publications, lectures, etc.) to explain a specific policy, event or aspect of our society to foreign audiences. Compartmentalized summaries by activities or geographical divisions cannot alone provide the reader with a perspective of USIA's overall efforts.

Related is the study's reference to the fact that, in addition to the foremost function of reports to supply information to Congress, a second major function is to keep the public informed. Executive Order 10477 delegates to the Director of the USIA the responsibility of keeping "the American public informed about the international information aspects of the United States foreign affairs." USIA is unique in that while its functions are carried out abroad, the Agency is prohibited by law from dissemination of its material within the United States. Therefore, in responding to requests from the public for information about the Agency, USIA is essentially limited to the distribution of the semiannual report and/or the *Agency in Brief*. In preparing these reports, USIA must then be mindful of is responsibility to provide comprehensive information upon which the American public bases its evaluation of the Agency's activities.

The "USIA Here and There" sections highlight USIA activities in a wide range of countries. However, because different countries are covered in each report, there is no opportunity for the kind of comparison the study recommends.

Future reports will attempt to substitute the "Here and There" section with summaries of USIA activities by each of the seven geographical regions into which USIA activities abroad are organized and by the four media services which support these activities: Broadcasting Service (VOA), Motion Picture and Television Service, Press and Publications Service and Information Center Service.[1] This will provide a basis for year-to-year comparisons but will also necessitate a longer report to provide the in-depth information needed for meaningful comparison.

5. CHANGE TO ANNUAL REPORT

The Committees' study notes: "The advantages of a more comprehensive, better organized report might appear to warrant changing the requirement of publication from semiannual to annual and specifying subjects on which information should be submitted."

USIA would welcome a change to an annual report and believes such change is essential to meet the requirements for information by Congress as outlined in the study. An annual report would permit:

More comprehensive and detailed information, summaries of activities by regions and media services, and more detailed financial tables as suggested by the study.

Year-by-year comparisons of agency activities by regions and media services in the depth necessary to provide meaningful interpretation.

Implementation of the study's suggestion for "more evaluation of effectiveness, discussion of the problems of appraising effectiveness, and information on research efforts in this field."

Sufficient time for the preparation and printing of a comprehensive report available to the Congress at the beginning of each year for use as "background reports in preparation for hearings" as suggested by the study.

A single, comprehensive document responsive to the needs of Congress in fulfilling its constitutional responsibilities in the foreign policy field.

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[1] The Information Center Service carries out USIA's responsibilities under the Mutual Educational and Cultural Exchange Act of 1961, as amended. Section 108(b) of this act requires a separate USIA report which is transmitted by the President to the Congress (see footnote on p. 77). In considering USIA's recommendation for a change to annual reports, Congress might also find it desirable to permit the inclusion of Section 108(b) data in such a comprehensive report covering all USIA activities.

APPENDIX

UNITED STATES INFORMATION AGENCY CONGRESSIONAL REPORTING REQUIREMENTS

1. Section 1008 of the United States Information and Educational Exchange Act of 1948, as amended, 22 U.S.C. 1439:

   The Secretary shall submit to the Congress semiannual reports of expenditures made and activities carried on under authority of this Act, inclusive of appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted.

2. Section 401 of the United States Information and Educational Exchange Act of 1948, as amended, 22 U.S.C. 1456:

   The Secretary shall include in each report submitted to the Congress under section 1008 a statement of the services, facilities, and personnel of other Government agencies utilized in carrying on activities under the authority of this Act, showing the names and salaries of the personnel utilized, or performing services utilized, during the period covered by such report, and the amounts paid to such other agencies under this section as payment for such performance.

3. Section 2(a) of the Reorganization Plan No. 8 of 1953, 22 U.S.C. 1461 (note).

   . . . there are hereby transferred to the Director, (1) the functions vested inthe Secretary of State by Title V of the United States Information and Educational Exchange Act of 1948, . . . by other provisions of the said Act as is incidental to or is necessary for the performance of the functions under Title V. . . .

4. Section 3(f) of Executive Order No. 10477, as amended, 22 U.S.C. 811 (note).

   The Director is authorized to exercise the authority available to the Secretary of State—under the following provisions of law—Section 202 of the Revised Statutes of the United States (5 U.S.C. 156), so far as it authorizes the Secretary of State to keep the American public informed about the international information aspects of the United States foreign affairs.

5. Section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (Fulbright-Hays Act), 22 U.S.C. 2458(b).

   The President shall submit annual reports to the Congress of activities carried on and expenditures made in furtherance of the purposes of this Act. Each such report shall include the texts of agreements made with other nations during the period covered by the report, a full description of the program and the funds expended with respect to each country in which activities have been carried on in furtherance of the purposes of this Act.

6. Section 2(b) of Executive Order No. 11034, as amended, 22 U.S.C. 2454 (note).

   The Director of the United States Information Agency shall prepare and transmit to the President the reports which the President is required to submit to the Congress by Section 108(b) of the Act to the extent that they are with respect to activities carried out by the United States Information Agency pursuant to Section 102(a)(2)(iii) and Section 102(a)(3) of the Act.

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7. U.S. Advisory Commission on Information

U.S. ADVISORY COMMISSION ON INFORMATION,
Washington, D.C., June 20, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of April 17, 1973 to the Honorable James Keogh, Director of the U.S. Information Agency, has just been referred to this office for reply with regard to Reports of the U.S. Advisory Commission on Information.

Mr. Louis T. Olom, the Staff Director, is on vacation and will return to the office on or about July 9. Upon his return he will give prompt attention to your inquiry.

We would like to suggest that in order to avoid any future delay of this kind communications from Congress be directed to the Chairman of the U.S. Advisory Commission on Information, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547.

Sincerely,

NANCY B. CHAPPELEAR.

U.S. ADVISORY COMMISSION ON INFORMATION,
Washington, D.C., July 17, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The following is an interim reply, pending the Commission's next meeting, to your letter of April 17 addressed to Mr. Keogh, the Director of USIA, with excerpts from a report entitled "Required Reports to Congress in the Foreign Affairs Field." The Commission meeting is presently scheduled to take place July 29–30 when the pertinent parts of your report will be brought to their attention.

First let me express appreciation for the systematic efforts made by those responsible for the study to consider seriously this hitherto neglected but important subject. The summary was crisp, cogent and is to be commended.

The excerpts I have seen are perceptive. The authors of this report appear to have labored long and have reduced their observations to what would appear to be highly useful generalizations and conclusions. I hope their recommendations and suggestions will be seriously considered.

I have been involved with the Commission in the preparation of its report to Congress for the past 17 years. This is the first time that I have noticed any evidence of an attempt to systematically analyze sample reports to the Congress, and I am encouraged. Inasmuch as we have received only excerpts, would it be possible to receive a copy of the entire report?

The purpose of this Commission's existence, as outlined in the basic legislation that created it and as updated by Executive Orders, is to advise the Director of the U.S. Information Agency concerning the policies and programs that he has undertaken in pursuance of Public Law 402, with a view towards improving them, and to conduct appraisals "wherever feasible" with respect to these programs and policies. Second, it is the purpose of the Commission to alert the Congress to the results of its observations and findings in order that the professional advice of private American citizens may be brought to bear at a time when Congress reviews USIA's programs and policies in its authorization and appropriations hearings. Finally, it is the purpose of the Commission to make available to the President and to his principal associates in the foreign policy field the Commission's expert views on international communications that bear on the overall conduct and assessment of this country's foreign affairs and relations. I hope that as a result of your efforts it will become easier to implement the Commission's purposes.

I will confine myself to the above comments until after the Commission has had an opportunity to review the suggestions contained in your report concerning those Commission reports to Congress that the authors of the study sampled in their analysis.

Sincerely,

LOUIS T. OLOM, *Staff Director.*

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8. East-West Center

THE EAST-WEST CENTER,
Honolulu, Hawaii, May 10, 1973.

Hon. J. W. FULBRIGHT,
Committee on Foreign Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I am in receipt of your letter of April 17 regarding reporting procedures in the foreign affairs field. As you have suggested, I have appointed the Director of the Publications and Public Affairs Office to work on this matter.

I am happy to cooperate with you on this worthwhile endeavor and will submit a complete response to the report before June 30 as you requested.

Sincerely,

EVERETT KLEINJANS, *Chancellor.*

APPENDIX B

Model of a Reporting Requirement for the Foreign Assistance and Foreign Military Sales Acts

(Working Paper prepared according to the instructions of the House Foreign Affairs and Senate Foreign Relations Committees)

This draft was prepared prior to any appropriate consultation with the legislative attorney of the office of the Legislative Counsel or the American Law Division of the Congressional Research Service.

PREFACE

The following working paper consolidates and revises the reporting requirements in the Foreign Assistance Act of 1961, as amended. Under the tentative model all existing reporting requirements in the act would require repeal, and reporting requirements to be retained would be relocated in a new Part IV of the act.

The model has four major objectives:

(1) To insure that Congress has the information it needs for legislative and oversight purposes and to correlate foreign aid policy with other foreign and economic policies. It adds some new reporting requirements and significantly revises others in an effort to obtain better information.

(2) To eliminate obsolete and unnecessary reports. Approximately twenty-five current reporting requirements are not reincorporated into the model.

(3) To consolidate overlapping and similar reports. The model combines at least eleven separate reports into four reports and groups together all Presidential Determinations.

(4) To provide a framework in which reporting requirements can easily be identified and amended. Reports on military and economic assistance programs are separated and one chapter provides for coordination of information between the two. In addition, there is a section for housing requirements for non-recurring reports until they are fulfilled.

This working paper is primarily concerned with the substance of the reporting requirements. No attempt has been made to draft final, legal language. After consultation on the substance of the requirements among those concerned, the model requires referral to attorneys in an appropriate organization to provide proper legal language.

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Provisions	Explanation
PART IV. REPORTS AND INFORMATION	This model is contemplated as a guide to drafting a new and separate part of the Foreign Assistance Act of 1961, as amended, and is intended to cover all reports under the Act. The first chapter houses policy statements and provisions which apply to all reports under the Act.
CHAPTER I. POLICY AND GENERAL PROVISIONS	
Sec. 701. Statement of Policy The purpose of this part is to assure that the information necessary to plan and carry out the programs authorized under this Act and to evaluate their effectiveness is available to the President and the Congress. Part of the funds authorized under each section of this Act shall regularly be used for developing and maintaining this information and transmitting it to Congress.	Sec. 701 is a new section stating the purpose of the reporting requirements. Instead of authorizing special funds to meet the requirements, the record-keeping and reporting system is explicitly stated to be an integral part of carrying out the program.
Sec. 702. Public Information and Injunction of Secrecy (a) The President shall, in the reports required under this Act and in response to requests from Members of the Congress or inquiries from the public, make public all requested or required information concerning operations under this Act not deemed by him to be incompatible with the security of the United States.	(a) This is a revision of Section 634(b).
(b) A public report shall be provided for each report required under this Act. In the case of any item of information to be included in any report to Congress under this Act that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall transmit the information under an appropriate injunction of secrecy in a supplemental report which also explains why publication of each specific item would be detrimental to the security of the United States. The supplemental report shall be transmitted to the Congress at the same time that the public report is transmitted. The injunction of secrecy shall be removed only upon the direction of the President or by concurrent resolution of the Congress.	(b) This is a revision of Section 657(b). It requires a public version of all reports. The injunction of secrecy language is similar to that contained in P.L. 92–403 relating to the transmittal of international agreements. It suggests one important change, namely, that the injunction of secrecy could be removed by concurrent resolution as well as by the President.
(c) If the Congress is not in session at the time a report or supplemental report is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall	This is a revision of Sec. 657(c) providing for transmittal of reports when Congress is out of session to the Chairmen of the Foreign Relations and Foreign Affairs Committees.

Provisions	Explanation
accept the report or supplemental report on behalf of their respective Houses of Congress and present the report or supplemental report as soon as possible to the Chairmen of the Senate Foreign Relations and House Foreign Affairs Committees. (d) The Secretary of the Senate and the Clerk of the House of Representatives shall have listed in the Daily Digest section of the Congressional Record all reports received by Congress under this Act.	This is an addition to insure that the receipt of all reports is noted in the Congressional Record. It suggests the Daily Digest to avoid having the list duplicated in the House and Senate portions of the Congressional Record.
Sec. 703. Provision of Information to Committees (a) The agencies administering this Act shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities under the Act. Any Federal Department, agency, or independent establishment shall furnish any information requested by either committee or the Comptroller General relating to such activity.	This is a new section similar to Section 15(b) of the Act providing certain basic authority for the Department of State (P.L. 84–855, as amended.)
(b) None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or for any program after the expiration of the thirty-five-day period which begins on the date any committee of the Congress charged with considering legislation, appropriations, or expenditures under this Act, has delivered with the approval of a majority of its members to the office of the head of any agency carrying out such provision, written notification that it or the General Accounting Office has requested in writing and not been furnished within thirty days any document, audit, review, finding, recommendation, report, or other material or information in its custody or control relating to the administration of such provision, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, the document, audit, review, finding, recommendation, report, or other material or information so requested, or unless a concurrent resolution of Congress is passed determining that the requested information need not be furnished.	This is a revision of Sec. 634(c) which substitutes a concurrent resolution of Congress for the certification by the President as the means for stopping a cut-off of funds. It also requires a majority of the members of a committee to agree to invoking the clause, lengthening the process to sixty-five days.

Sec. 704. Review by Comptroller General

The Comptroller General shall maintain a continuing review of the audits and auditing procedures of the agencies administering programs under this Act and, as he deems advisable, conduct additional audits to ascertain the effective utilization of funds authorized under this Act in meeting the objectives of the Act. In addition his review shall include an assessment of the operation of the management system in accordance with Sec. 621(A). The Comptroller General shall report his findings to Congress in January of each year.

This is a new section specifically directing the Comptroller General to oversee the auditing of the program by the executive branch, and to report to Congress each January. It can apply whether or not the Act contains provisions prescribing methods of inspection to be followed in the executive branch, as in Sec. 624(d) relating to the Inspector General. Currently the Inspector General is not required to make a report of his activities. The General Accounting Office now conducts audits of various aspects of the foreign aid program upon request or on its own initiative. This section also transfers to the Comptroller General the overseeing of the management practices prescribed by Sec. 621(A). The report required by Sec. 621A(c) is among the repeals suggested by this model.

Sec. 705. Presidential Findings and Determinations

(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

(b) No action shall be taken pursuant to any finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

(c) Each such finding or determination shall be published in the Federal Register within fourteen days after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

This is the current Sec. 654, with the date of publication in the Federal Register revised from "as soon as practicable" to "within fourteen days".

Provisions	Explanation
(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.	
CHAPTER II. REPORTS FOR COORDINATING PURPOSES	
Sec. 711. Report on Transfers of U.S. Resources to Foreign Nations As part of the background information necessary for Congress to render a considered judgment on the requests in the budget for economic and military assistance, the President shall submit no later than March 15 of each year a comprehensive report indicating, country-by-country, the value of all the categories of U.S. resource transfers to foreign nations with actual amounts for the past fiscal year, estimated amounts for the current fiscal year, and proposed amounts for the next fiscal year.	A similar report is now prepared by the executive branch at the request of the Senate Appropriations Committee. Since the information contained in the report is of general interest to both the authorizing and appropriating committees, and since the report would continue to be prepared by request, this section simply officially requires the submission of the report. Hopefully this will increase the availability and circulation of the report.
Sec. 712. Annual Report on U.S. Overseas Loans, Grants, and other Transactions. (a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, not later than December 31 of each year the President shall transmit to the Congress an annual report showing:	Although this provision is similar to the current Sec. 657, it proposes several modifications in existing law.
(1) The aggregate dollar value of all U.S. Government grants, loans, transfers, sales, guaranties, and insurance to all foreign countries, international organizations, international financial institutions and other recipients; and the aggregate dollar value of such assistance by category provided by the U.S. Government to each	(1) It substitutes the non-required report titled "U.S. Overseas Loans and Grants" for the Sec. 657(a)(1) report currently being submitted. Both contain essentially the same data. However, the former report also provides cumulative statistics back to the beginning of the U.S. aid program. Only minor revisions in the format

such country, organization, and institution, cumulatively through the preceding fiscal year;

(2) the aggregate dollar value of all assistance received by each country from any international organization or international financial institution during the preceding fiscal year;

(3) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1) through (2) of this subsection.

(b) For the purposes of this section—

(1) 'Foreign assistance' means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organizations, 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 owned by the United States Government of any foreign country; 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.

of the report would be necessary so that it would contain data on all economic and military aid programs. These revisions should be spelled out in any committee report explaining this provision.

Two additional changes should be noted. Rather than calling for the value of all foreign assistance provided by the U.S. Government it specifically asks for data on all "U.S. Government loans, grants, transfers, sales, guaranties and insurance", thus specifically identifying the contents of the report. Finally, it requires data on U.S. contributions to international financial institutions to be included in the report.

(2) Sec. 657(a)(2) has been deleted since information on the payment and receipt of foreign currencies will be included in the revised Sec. 613(c) report (see Sec. 714 of model). This subsection of the model now deals with data on assistance received by each country from international organizations and international financial institutions. This data is currently supplied by the aid report "U.S. Overseas Loans and Grants" and does not constitute an additional burden.

This is identical to Sec. 657(d).

Sec. 713. Annual Report on U.S. Government and Commercial Transfers of Defense Articles Abroad.

In order that the Congress and the American people may be better informed regarding the distribution of U.S. defense articles

This provision combines and revises the Sec. 657(a) (3) & (4) reports to require one comprehensive report on all deliveries of

Provisions	Explanation
abroad, not later than December 31 of each year the President shall transmit to the Congress an annual report on the aggregate dollar value of all weapons, weapons systems, munitions, aircraft, military boats, military vessels, and other implements of war, and the aggregate dollar value of each such category of such implements of war, transferred through governmental and commercial channels to all foreign countries and international organizations, and to each such country and organization during the preceding fiscal year.	defense articles abroad, whether through governmental or commercial channels. The two former reports were restricted to military equipment exported under license and would have overlapped somewhat. The revised report would include data on non-licensed U.S. Government transfers as well as on licensed exports.
Sec. 714. Semiannual Report on Foreign Credits and Guaranties The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a comprehensive report showing, as of June 30 and December 31 of each year, the status of each loan and each contract of guarantee or insurance theretofore made under this Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of defense articles or defense services on credit terms, and each contract of guarantee in connection with any such sale, theretofore made under the Foreign Military Sales Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of agriculture commodities on credit terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954, with respect to which there remains outstanding any unpaid obligation; and the status of each transaction in which a loan, contract of guarantee or insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945, with respect to which there remains outstanding any unpaid obligation or potential liability. Such report shall include individually only any loan, contract, sale, extension of credit, or other transaction listed in this subsection in excess of $1,000,000.	This is identical to Sec. 634(f) as revised in the Foreign Assistance Act of 1973.
Sec. 715. Semiannual Report on Foreign Currencies Held by the U.S. Government The Secretary of the Treasury shall submit to the Congress by June 30th and December 31st of each year a report on foreign	This is a revision of Section 613(c) to consolidate four reports now being prepared into one. It is aimed at having the report

currencies held by the United States Government, listing by countries and international organizations and by executive agencies the purchased and non-purchased foreign currencies and their dollar equivalents acquired and expended by program in the preceding six-month period, and showing an inventory of the balances available for the use of the U.S. Government at the end of the reporting period. The report submitted for the six-month period ending June 30th shall show, in addition, the total expenditures of dollars and of foreign currencies in each foreign country made during the preceding year by the U.S. Government, broken down by executive agencies and by countries and international organizations.

Sec. 716. Annual Summary on Foreign Trade

To help Congress assess the relationship between foreign aid and trade, the President shall submit by December 31 of each year a summary overview of U.S. trade with each foreign country during the fiscal year. This should include the percentage of the total imports of each country made up of U.S. goods, the major categories of U.S. goods imported, the major categories of goods imported from all countries by each country, and the major categories of goods exported by each country.

Sec. 717. Annual Report on Debt Servicing

The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, not later than January 31 of each year, a comprehensive report, based upon the latest data available, showing—

(1) a summary of the worldwide dimensions of debt-servicing problems among such countries, together with a detailed statement of the debt-servicing problems of each such country;

(2) a summary of all forms of debt relief granted by the United States with respect to such countries, together with a detailed

"Foreign Currencies Held by the U.S. Government", which the Treasury Department prepares semiannually for its own use, submitted in lieu of (1) the Treasury Department report "Inventory of Nonpurchased Foreign Currencies", formerly called the "Semiannual Consolidated Report of Balances of Foreign Currencies Acquired without Payment of Dollars", required by Section 613 (c);

(2) "Report on Overseas Expenditures by the U.S. Government," submitted each fiscal year by the Treasury Department in response to a requirement in the Interest Equalization Tax Extension Act (sec. 6(c) of P.L. 89–243, as amended) which expires on June 30, 1974, unless extended; and

(3) The tables on Foreign Currency Transactions submitted under Section 657(a)(2).

This represents a new report. The purpose is to obtain a usable summary of foreign trade less detailed than the current 455 FT (Foreign Trade) series put out by the Department of Commerce.

This is identical to the new Sec. 634(g) added in 1973.

Provisions	Explanation
statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted; (3) a summary of the worldwide effect of the debt relief granted by the United States on the availability of funds, authority, or other resources of the United States to make any such loan, sale, contract of guarantee or insurance, or extension of credit, together with a detailed statement of the effect of such debt relief with respect to each such country; and (4) 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, together with a detailed analysis of such net aid flow with respect to each such country.	
CHAPTER III. REPORTS ON ECONOMIC DEVELOPMENT AND HUMANITARIAN ASSISTANCE	
Sec. 721. Presentation Material When requests are presented to the Congress for authorizations or appropriations to carry out programs under Part I of this Act, the President shall submit to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives a presentation document including, but not limited to, the following information: (a) A brief overview of the proposed program for the coming fiscal year, and the total amount requested, compared with the amounts requested and appropriated for the past and current fiscal years; (b) A detailed breakdown by functional category of the major programs proposed and appropriations requested and a comparison with the amounts requested and appropriated for the past and current fiscal years; (c) A country-by-country breakdown of planned expenditures by functional category and by budget classification and a comparison with the amounts requested and appropriated for the past and current fiscal years;	This spells out in one section the information to be included in the presentation document for the economic assistance program. Information relating the economic assistance program to other aid programs would be found under reports required under Chapter II of the model, "Reports for Coordination Purposes."

(d) Regional summaries of active and planned programs, including contributions by the multilateral development institutions;

(e) The relationship between the U.S. economic assistance program and the development assistance efforts of other countries and the multilateral developmental institutions, including the most recent available development budgets of other countries, particularly the members of the Organization for Economic Cooperation and Development, and the multilateral institutions;

(f) Detailed summary totals for the past five years of U.S. contributions to all international development and financial institutions, including the percentage of the total paid by the United States and proposed contributions for the next year;

(g) A narrative justification of the proposed programs for the particular countries, including a brief description of the major political and economic problems of each recipient nation and its relationship with the United States, a description of prospective U.S. development goals in the country for the next three years and progress which has been made in the past year toward achievement of the goals, and the interrelationship between the U.S. program and the activities of other countries and multilateral institutions;

(h) A review of the management and administration structure of the principal agency administering U.S. assistance and a statement of the amounts programed for expenditures on such activities;

(i) Statistical material giving at least the following information in one location:

(1) Appropriation data for total program availability;

(2) Summary of program expenditures by area and appropriation account;

(3) Disbursements and unobligated balances remaining from prior appropriations;

(k) In those instances in which the President finds that a substantial food deficit exists, the presentation material should include:

This is the current Sec. 295 requirement, for which a separate report has been submitted.

Provisions	Explanation
(1) descriptions of proposed programs, if any, in the areas of food production, storage, and distribution, and voluntary family planning; (2) information on achievement targets in food production, storage, and distribution, and their relationship to expected changes in total population; and (3) a detailed report on progress with respect to food production, storage, and distribution, and the relationship of this progress to population.	
Sec. 722. Annual Reports of Foreign Assistance Agencies (a) Based on information provided in the presentation material each agency established under this Act shall submit to the Congress by March 1, a report, for public distribution, of its operations during the past fiscal year. In addition to a description of the activities of the agency during the year, the annual report shall include: (1) a description of the organization of the agency and the number of employees in each activity; (2) an accounting of the use of funds allocated to it during the year; (3) a complete list of the recipients and amounts of all grants, insurance guarantees, direct investments, loans, or other project assistance during the year. (b) The annual report of the Overseas Private Investment Corporation shall also include a complete list of all claims and the disposition of them.	This would supersede Section 240A(a) requiring an annual report from OPIC and would reinstate the annual report formerly required from AID under section 634(a) which was repealed when Section 657 was added. It would apply to any new agency which might be established. The purpose is to have a record of the activities of every agency available to both Congress and the public.
Sec. 723. Coordination Reports on U.S. Policy in Developing Nations The President shall keep the Congress advised of his actions under subsection 640(b) relating to coordination of U.S. policies and programs affecting developing nations. He shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of the low-income countries and on the impact of those undertakings upon the national	This information is considered essential to make the current annual report of OPIC more useful. This is the last sentence of current Section 640B(b) and all of Section 640B(d).

income, employment, wages, and working conditions in the United States.

Sec. 724. Reports on International Narcotics Control

(a) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, on a calendar quarter basis, of funds under chapter 8 prior to such date.

(b) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under chapter 8 prior to such date. Such semiannual report shall include, but shall not be limited to—

(1) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

(2) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to such date—

(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

This is almost identical to section 481(b), added in 1973.

Provisions	Explanation
(C) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.	
Sec. 725. Presidential Findings and Determinations The President or his delegate shall provide to Congress within thirty days written notification and justification of: (a) any determination under Sec. 303, 610(b), 613(d), 614(d), 620(e)(1), and 620(q);	This is to contain all reporting requirements for determinations relating to economic assistance. (a) An alternative to citing the determinations required to be reported would be to require reporting of "any determination or finding made for the purpose of waiving a provision of law or to undertake an action not authorized in the absence of such a determination or finding."
(b) any decision to furnish assistance to any country not justified in the most recent presentation document; (c) increases of 10 percent or more in the value of assistance allocated from the amounts justified in the most recent presentation document; (d) any expenditures under Sec. 451(a), the contingency fund, when used for purposes other than disaster relief.	(c) This is to furnish a method of keeping track of important changes made in the program after presentation to Congress. It is intended to serve the purpose of the Sec. 653 report. (d) This replaces the requirement in Sec. 451(b) for a quarterly report on the contingency fund.
Sec. 726. Further Justification Required No grant assistance shall be disbursed by the United States Government under sections 103 through 107 of this Act for a project, for a period exceeding thirty-six consecutive months, without further justification satisfactory to the Congress and efforts being made to obtain sources of financing within that country and from other foreign countries and multilateral Organizations.	This was added in 1973 as Section 110(b).
Sec. 727. Nonrecurring Reports (a) The Overseas Private Investment Corporation shall, on or before January 15, 1975, make a detailed report to the Congress on the results of the pilot programs established under Sec. 240, together with such recommendations as it may deem appropriate.	This section is intended to house requirements which can be fulfilled with a single report. It is envisioned as a revolving section, in which a requirement may be repealed as soon as it has been fulfilled and any special reporting requirement may be added. This is a relocation of the requirement in Sec. 240(g) for which the final report has not yet been submitted.

(b) The President shall report to Congres as soon as possible on solutions to the problem of famine in the Sahelian nations of Africa and further propose how any of these solutions may be carried out by multilateral organizations.

(c) Not later than June 30, 1974, the Secretary of State shall submit to the Congress such recommendations (including recommendations concerning which agency of the United States Government should administer such assistance) as he considers desirable for assistance to schools, libraries, and hospital centers for medical education and research, outside the United States, founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States.

(d) Reports received by the United States representative to international organizations under subsection 301(e) and related information on actions taken as a result of recommendations made therein shall be submitted promptly to the President for transmittal to the Congress and to the Comptroller General. The Comptroller General shall review such reports and related information and shall report simultaneously to the Congress and to the President any suggestions the Comptroller General may deem appropriate concerning auditing and reporting standards followed by such groups, the recommendations made and actions taken as a result of such recommendations.

This is a relocation of last sentence of current Sec. 639A(a), added in 1973.

This is a relocation of the current Sec. 214(e), added in 1973.

This is a relocation and revision of Sec. 301(e)(3), added in 1973.

Chapter IV. Reports on Military Assistance and Foreign Military Sales

Sec. 731. Presentation Document

(A) PRESENTATION DOCUMENT: SCOPE

When requests are presented to the Congress for authorizations and appropriations to carry out programs under the Military Assistance portion of the Foreign Assistance Act or under the Foreign Military Sales Act, the President shall submit a presentation

Over the past several years Congress has expressed concern that the proliferation of military assistance related programs among different agencies, under different legislative authorities, and involving different committees of Congress has made it difficult to

Provisions	Explanation
document. The presentation document shall contain data on the following categories of transfers or expenditures to each recipient of any military grant, loan, or guarantee: (1) Grant military assistance under authority of the Foreign Assistance Act; (2) Security supporting assistance under authority of the Foreign Assistance Act; (3) Military assistance training programs under authority of the Foreign Assistance Act; (4) Transfers of defense articles, services and training under authority of the Armed Forces Appropriation Authorization Act; (5) Transfers of U.S. owned vessels or boats (including but not limited to any battleship, aircraft carrier, cruiser, destroyer, or submarine) under authority of the Foreign Assistance Act, or Title 10 Sections 2667 and 7307 U.S.C., or by any other means; (6) Transfers of foreign currencies under Sec. 104(c) of the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480) used to procure equipment, materials, facilities, and services for the common defense, including internal security. (7) Transfers of excess defense articles by any department, agency, or independent establishment of the United States; (8) Transfers by the Department of Defense of real property owned by the United States (including but not limited to military buildings, fixtures, and other facilities); (9) Export-Import Bank credit authorizations for the purchase of military equipment; (10) Foreign military credit sales under authority of the Foreign Military Sales Act, specifying separately the value of Department of Defense direct and guarantee credit sales; (11) U.S. Government cash sales under the Foreign Military Sales Act; (12) Commercial sales of defense articles, services, and training; (13) Cost of Military Assistance Advisory Groups including any contributions by host countries (both local currency and assistance in kind) to offset MAAG administrative costs; (14) Third country transfers of U.S. origin defense articles to recipients of any U.S. military grant, loan, or guarantee;	exercise satisfactory program control and oversight in the military assistance area. Thus Congress has had to consider new military assistance budget requests without comprehensive data on all transfers of U.S. military equipment and support to recipient countries. This provision attempts to insure that the authorizing committees have access to the necessary information on all defense transfers to recipients of U.S. military aid. First, it enumerates those transfers which have an impact on the character and scope of the U.S. military assistance and foreign military sales program; second, it requires that data on each such transfer be included in the presentation document.

(15) The transfer by any other means of U.S. defense articles, services, and training.

(B) PRESENTATION DOCUMENT: STATISTICAL DATA

The presentation document shall set forth on a country-by-country basis:

(1) The quantity and value of defense articles and services proposed to be provided through each of the various channels enumerated in Sec. 731(a) to each recipient during the next fiscal year;

(2) The quantity and value of defense articles and services provided through each of the various channels (enumerated in Section 731(a)) to each recipient during the past two and current fiscal years, including data on estimated allocations for the current fiscal year as compared to the original request.

(3) An inventory of the military forces of each recipient of any grant, loan, or guarantee;

(4) For recipients of any grant (excess and non-excess), credit, loan, or guarantee, the presentation material shall provide the projected total remaining materiel requirements of defense articles and services of the United States approved forces for each such country. Increases during succeeding fiscal years in the value of remaining materiel requirements of defense articles and services shall be accompanied by a full explanation of the reasons for such changes;

(5) A breakdown by country of grant aid by cost category (operating and investment costs) for the past two and current fiscal year and proposed for the next fiscal year:

(6) The value and character of military assistance and sales of third countries to recipients of any U.S. military grant, loan or guarantee, for the past two and current fiscal years and estimated for the next fiscal year;

(7) The cost and number of U.S. military and civilian and local and indigenous personnel assigned to each country Unified Com-

Most of the provisions of Section 732 are intended to make current practice a legislative requirement. The legislation will then act as an "index" to the information contained in the presentation document, a "guide" to those required to prepare it, and standard on which to judge its adequacy.

This provision is based on a recommendation made by the GAO in a report titled "Use of Excess Defense Articles and Other Resources to Supplement the Military Assistance Program" (Rpt. No. B–163742).

This requirement simply asks for information currently being supplied.

The presentation document currently only indicates the value of third country assistance. This requirement would expand that information to include data on the type of assistance given by other countries.

This requirement simply asks for information currently being supplied.

Provisions	Explanation
mand, and Component Command in a military staff capacity, including but not limited to MAAG personnel and personnel detailed or assigned to the Chief, U.S. Diplomatic Mission, serving in a military assistance staff capacity, specifying separately the costs charged to military assistance and military department appropriations; (8) Data on Defense Department funded military assistance similar to the data supplied on programs funded under the Foreign Assistance and Foreign Military Sales Acts.	Currently the presentation document contains very little information on the MASF (Service Funded Military Assistance) Program. In its reply to the CRS study Required Reports in the Foreign Affairs Field, the Defense Department indicated that data comparable to that supplied on grant aid recipients could be provided on MASF supported countries. This requirement simply asks for information currently being supplied.
(9) A chart indicating separately the value of Defense Department cash, credit, and guarantee sales under the Foreign Military Sales Act to developed and less-developed countries and international organizations from fiscal year 1968 through the current fiscal year and proposed for the next fiscal year. (10) A legislative history of authorizations and appropriations for military assistance programs funded under the Foreign Assistance Act, the Foreign Military Sales Act, and the Armed Forces Appropriations Authorization Act; (11) A table summarizing the total value, by country, region, and worldwide of each category of assistance, transfer, or expenditure, enumerated in Sec. 731(a).	This requirement simply asks for information currently being supplied. It would add information on MASF which is not now included in this particular chart. This information is currently being supplied.
(C) PRESENTATION DOCUMENT: NARRATIVE INFORMATION	
In conjunction with the above statistical information, the presentation document shall also contain a narrative explanation of the program for each recipient. The narrative explanation shall address the following issues: (1) The impact—internally and externally—of alternate programs, one 30% above and one 30% below the request for the next fiscal year; (2) An identification of the specific aspects of the recipient's defense program which the Secretary of State has determined are important to U.S. objectives or interests;	Perhaps one of the least satisfactory aspects of the presentation document is the narrative justification for the proposed military transfers and expenditures. Currently there are no requirements concerning such a justification. This provision, by requiring that specific issues be addressed in the presentation document, will hopefully encourage the executive branch to prepare a program justification that avoids rhetoric and concentrates on thoughtful analysis.

(3) A rank ordering of program priorities for each recipient;
(4) An estimate of the future supply and maintenance costs to the United States which would arise as a result of the proposed transfers;
(5) Any specific political or military benefits to the United States that are anticipated as a result of the proposed transfers of defense articles and services;
(6) An analysis of the impact of the proposed transfers on the defense programs (actual capabilities and anticipated response) of neighboring countries;
(7) An analysis of the impact of the proposed military transfers on the foreign exchange resources, future budgets, and overall development effort of recipient nations.

Sec. 732. Annual Report on the Cost of U.S. Participation in Regional Security Organizations.

To assist the Congress in its review of the international security assistance program, the Secretary of State shall submit in March of each year a comprehensive consolidated report on the total direct, indirect, and unallocated costs of U.S. participation in NATO, SEATO, CENTO, and ANZUS for the prior and current fiscal years and proposed for the next fiscal year.

(a) the term "direct costs" includes funds the United States contributes directly to any budget of such organization (including the infrastructure program);

(b) the term "indirect costs" includes funds the United States spends to assign and maintain United States civilian employees for such organization, funds spent for Government research and development attributable to such organization, contributions to other organizations sponsored by any such organization, and military assistance furnished under part II of the Foreign Assistance Act of 1961 (or sales or loans of defense articles or services under the Foreign Military Sales Act) to nations who are members of such organization; and

This provision is similar to a requirement in the House passed version of the Foreign Assistance Act of 1973. However, the House provision required an annual report to Congress concerning the expenditures for U.S. participation in NATO only. The provision was subsequently deleted in conference. It was first recommended by a February 23, 1973, GAO study titled "How the U.S. Finances Its Share of Contributions to NATO." (Rpt. No. B–156489). This provision incorporates the original GAO recommendation to require data on U.S. participation in all regional security organizations.

Provisions	Explanation
(c) the term "unallocated costs" includes funds the United States spends to maintain United States Armed Forces committed exclusively or primarily for such organization in foreign countries, the United States, or on the open seas, or to remove such armed forces from such commitment, and funds the United States spends on facilities constructed and maintained for such forces. For each such direct, indirect, and unallocated cost, the Acts of Congress authorizing such costs and appropriating funds for such cost shall be listed next to such cost in the report.	
Sec. 733. Quarterly Report	
Within thirty days after the end of each quarter of each fiscal year the Secretary of State shall transmit to the House Foreign Affairs and Senate Foreign Relations Committees a report containing, on a country-by-country basis, the value of each of the various categories of transfers or expenditures (enumerated in Sec. 731(a) above) provided during the preceding quarter:	This provision consolidates several already existing quarterly and semiannual reports and requires some information to be submitted for the first time. Some of the language was adopted from a provision of the Senate passed Foreign Military Sales and Assistance Act, S. 1443. This provision provides information found in the following separate reports currently being submitted: (1) Quarterly report on "Obligations in, for and on behalf of Cambodia," Sec. 655(f) FAA;
(a) The value of deliveries of excess defense articles shall specify for each country the aggregate original acquisition cost and the aggregate value at the time of delivery;	(2) Quarterly report on "Deliveries of Excess Defense Articles," Sec. 8(d) FMSA;
(b) With respect to Military Assistance Advisory Groups, the report shall indicate (1) the number of U.S. Government personnel detailed or assigned to each military assistance advisory group. military mission, or other organization of the U.S. Government performing activities similar to any such group or mission in each foreign country; (2) the number of such personnel detailed or assigned to the Chief of the U.S. Diplomatic Mission to that country performing primarily military advisory duties; (3) the number of such personnel detailed or assigned to each such group, mission, organization, and diplomatic mission on the first day of the fiscal year with respect to which such report pertains; and (4) the number of such personnel so detailed or assigned to each such group, mission, organization, or diplomatic mission on the last day of the quarter of the fiscal year with respect to which that report pertains.	(3) Semiannual Report on "Foreign Military Sales to Less Developed Countries," Sec. 35(b), FMSA;
(c) In addition data shall be included on the value of commercial and DOD cash sales, credit sales, and credit guaranty sales for the quarter just ended,	(4) Annual report on "Exports of Significant Defense Articles on the U.S. Munitions List," Sec. 657(a)(4). [P.L. 93–189, the Foreign Assistance Act of 1973, changed the requirement from a semiannual to an annual report]

(d) The report shall also include a table summarizing the total in each country for every category of transfer or expenditure by region and worldwide; data provided in such quarterly reports shall be cumulative for the fiscal year covered by the report.

Sec. 734. Determinations

The President or the Secretary of State shall provide to the House Foreign Affairs and Senate Foreign Relations Committees, with thirty days advance notice, a detailed justification of any of the following proposed actions;

(a) Decision to furnish any defense articles or services through any of the various channels enumerated in Sec. 731(a) above to a country not justified in the most recent presentation document. Such justification shall conform to the requirements spelled out in Sections 731(b) and 731(c) above;

(b) Any previously unjustified decision to approve or permit the purchase, lease, transfer, or grant of any major weapon or weapons system to any country; for purposes of this section major weapon or weapons system shall include but not be limited to any aircraft, ship, combat vehicle, artillery, missile, or missile launcher set.

(c) Intention to extend a credit or guarantee for coproduction or licensed production outside the United States of U.S. origin defense articles, the justification to include but not be limited to the following information: a description of the particular defense article(s) to be produced, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States;

(d) Use of authority under Section 506 or transfer of funds under Sections 610 and 614, the justification to set forth in detail the reasons for such use or transfer, the defense articles or services to be provided under the authority of such provisions, and the impact of a transfer of funds on the programs of other recipients;

Sec. 734 consolidates all determinations relating to the foreign military sales and assistance programs.

This provision replaces the determinations required by Sec. 620 (f) FAA and 620(p) FAA. It would also insure that the Congress receive adequate information on a program for a country not justified in the most recent presentation document. The need for such a requirement is illustrated by the example of Cambodia where the President initiated a program using Sec. 614 and 610 FAA.

This requirement is similar to determinations required by Sec. 504 (FAA), Sec. 4 (FMSA) and Sec. 8(d) of P.L. 91-672, Sec. 3(a)(2) FMSA, and 505(e) FAA.

Same as determinations required by Sec. 42(b) FMSA

Similar to reports required by Section 634(d) and 652 FAA.

Provisions	Explanation
(e) Changes in the value of transfers of any military grant, loan, or guarantee to a recipient by 10 percentum or more from the amounts justified in the most recent presentation document;	Concept adapted from determinations required by Section 653 FAA but expanded to include other categories of military transfers.
(f) Intention to terminate or resume sales, credits, or guarantees under Section 3(b) of the Foreign Military Sales Act;	Same as report required by Sec. 3(b) FMSA
(g) Any fixed price sales agreements under Section 22 of the Foreign Military Sales Act in which the aggregate cost to the U.S. exceeds the aggregate amount required to be paid by the purchasing country or international organization;	Same as report required by Sec. 22 FMSA
(h) Decision that it is in the interests of the U.S. to continue to furnish defense articles, services, or training under the Foreign Assistance or Foreign Military Sales Acts to any country which is in default during a period in excess of six calendar months in payment to the U.S. of principal or interest on any loan made under the Foreign Assistance Act;	Report currently required under Sec. 620(q) FAA
(i) Determination pursuant to Sec. 620(e)(1) that it is important to the national interest of the U.S. to continue assistance to a country which expropriates American-owned property without just compensation.	Relocation of reporting requirement in Sec. 620(e)(1) FAA, added in 1973.
Sec. 735. Nonrecurring Reports	
REPORT CONCERNING CERTAIN USE OF MILITARY ASSISTANCE IN AFRICA	This provision was added by P.L. 93–189, the Foreign Assistance Act of 1973.
The President of the United States shall, as soon as practicable following the date of the enactment of this Act, make a determination and report to Congress with respect to the use, if any, by any non-African country in support of its military activities in its African territories of—	
(1) assistance furnished under the Foreign Assistance Act of 1961 after the date of the enactment of this Act;	
(2) defense articles or services furnished after such date under the Foreign Military Sales Act; or	
(3) agricultural commodities furnished after such date under the Agricultural Trade Department and Assistance Act of 1954.	

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