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Foreign Assistance Authorization: Background and Issues

Introduction

Congress has the power to authorize, fund, and oversee the implementation of U.S. foreign policy. In carrying out such responsibilities, Congress has set requirements for foreign affairs appropriations to be authorized prior to expenditure. For foreign assistance, specifically, such requirements can be found in Section 10 of An Act to amend the Foreign Military Sales Act (P.L. 91-672, 22 U.S.C. 2412) and Section 15 of the State Department Basic Authorities Act of 1956 (P.L. 84-885, 22 U.S.C. 2680). Historically, Congress has enacted two types of foreign affairs authorization legislation: (1) foreign assistance authorizations, which include development, security, humanitarian, and multilateral aid, among other programs, and (2) foreign relations authorizations, which include State Department operations, diplomacy, and international broadcasting. This product focuses on the former; for more information on the latter, see CRS In Focus IF10293, *Foreign Relations Reauthorization: Background and Issues*.

The Foreign Assistance Act of 1961 (FAA; P.L. 87-195; 22 U.S.C. §2151 et seq.) is the authorizing framework for most modern foreign assistance activities. The FAA set U.S. foreign assistance policy and authorized appropriations for economic development, voluntary contributions to international organizations, and selected military assistance, among other programs. From 1961 to 1981, Congress usually debated an FAA reauthorization every two years, often amending the original legislation. In the early 1980s, issues such as budgetary constraints and the perceived unpopularity of foreign assistance measures among the American public, and therefore among some Members of Congress, started to erode the FAA authorization process. In 1985, after three years with no FAA reauthorization, Congress enacted the International Security and Development Cooperation Act of 1985 (P.L. 99-83), authorizing foreign assistance programs for fiscal years 1986 and 1987. Congress has not enacted a comprehensive FAA reauthorization since.

Other Foreign Assistance Authorizing Legislation

While the FAA remains the cornerstone foreign assistance authorizing legislation, Congress established certain foreign assistance programs in other laws. Examples include food aid programs in the Agricultural Trade Development and Assistance Act of 1954 (P.L. 83-480; 7 U.S.C. §1691 et seq.), selected military assistance in the Arms Export Control Act (P.L. 90-629; 22 U.S.C. §2751 et seq.), migration and refugee assistance in the Migration and Refugee Assistance Act of 1962 (P.L. 87-510; 22 U.S.C. §2601 et seq.), economic growth in the Millennium Challenge Act of 2003 (P.L. 108-199; 22 U.S.C. §7701 et seq.), and development finance in the Better Utilization of Investments Leading to Development Act of 2018 (P.L. 115-254; 22 U.S.C. §9612 et seq.), among others.

Proposed FAA reauthorizations faced numerous challenges, including contentious debate over proposed funding restrictions, reductions, and earmarks; the perceived preference of the American public for Congress to focus on domestic issues; disagreement between Congress and the executive branch over potential reorganization of foreign assistance agencies; and debate of non-germane amendments during floor debate. Examples of past debates include those over the inclusion of abortion and family planning-related provisions, requests for greater flexibility in foreign aid management, and proposed reductions in authorized funding for selected foreign assistance sectors.

The House Foreign Affairs Committee (HFAC) and Senate Foreign Relations Committee (SFRC) have jurisdiction over foreign assistance authorization legislation. In the absence of regular reauthorizations, however, a significant amount of foreign assistance policymaking has moved into annual Department of State, Foreign Operations, and Related Programs (SFOPS) appropriations laws. Such measures typically include a provision that waives statutory reauthorization requirements, allowing programs to continue; the FY2024 SFOPS appropriations bill, Division F of P.L. 118-47, included that waiver as Section 7022.

Recent Congressional Action

While Congress has not enacted a comprehensive foreign assistance authorization since 1985, it has amended the FAA in more recent legislation (see [Table 1](#)).

Table 1. Selected Laws Amending the FAA, 2015-2025

Legislation	Section	Provision
Department of State Authorization Act of 2021 (Division E of P.L. 117-81)	Section 5701	Amends Section 602(q) of the FAA to limit assistance to countries in default to the United States for more than one calendar year.
Blocking Deadly Fentanyl Imports Act (P.L. 117-81)	Section 6610	Amends provisions within Section 489 of the FAA (International Narcotics Control), including by adjusting the definition of “major illicit drug producing country” and adding sections to the annual International Narcotics Control Strategy Report.

Legislation	Section	Provision
Eastern Mediterranean Security and Energy Partnership Act of 2019 (P.L. 116-94)	Section 205(b)	Amends Section 620C(e) of the FAA to allow the lifting of restrictions on the transfer of defense articles to the Government of the Republic of Cyprus under certain conditions.
Tropical Forest Conservation Reauthorization Act of 2018 (P.L. 115-440)	Not applicable	Reauthorizes Section 801 of the FAA, the Tropical Forest and Coral Reef Conservation Act of 1998, and authorizes new appropriations for debt reduction and program oversight.
Women's Entrepreneurship and Economic Empowerment Act of 2018 (P.L. 115-428)	Section 4	Amends multiple sections of the FAA to expand and target assistance to micro, small, and medium-sized businesses in developing countries, in particular those owned by women.
Reinforcing Education Accountability in Development Act (Division A of P.L. 115-56)	Section 3	Amends Section 105 of the FAA to establish U.S. policy related to international basic education.
Global Food Security Act of 2016 (P.L. 114-195)	Section 7(c)	Amends Sections 491 and 492 of the FAA to establish and authorize appropriations for the Emergency Food Security Program.

Congressional Considerations

Legislative Approaches: Role of Authorization and Appropriations

Members of Congress may consider whether the FAA and other laws authorizing foreign assistance sufficiently address congressional priorities for U.S. foreign assistance. Legislative options to address potential concerns are described below.

Comprehensive reauthorizations. Some Members may seek to enact regular, comprehensive reauthorizations of the FAA and other foreign assistance authorizing legislation, as was done from the 1960s to the mid-1980s. This would afford Members the opportunity to regularly review and update existing laws to address current global challenges, including by removing provisions that may no longer be relevant. It would also reduce the need for appropriators to continue setting policy through appropriations measures. Such action, however, could also renew previously contentious reauthorization debates and be time consuming.

Narrowly scoped reauthorizations. Congress may continue with the status quo, enacting legislation amending certain parts of the FAA and other foreign assistance authorizing legislation. This approach allows Members to consider and respond to global issues as they emerge, while avoiding debates of the past. The approach, however, does not address laws that may no longer be relevant today.

New authorizations. Members may seek to enact new legislation authorizing foreign assistance. Such legislation could replace and/or add to existing law, addressing current issues while potentially avoiding past debates. Congress has taken this approach occasionally, including with laws such as the Global Fragility Act of 2019 (enacted as part of Division J of P.L. 116-94). This approach does not include a comprehensive review of existing law, which may remain in place even if no longer relevant to current global challenges or if it contradicts or duplicates other laws.

Appropriations. Congress may choose to not pursue authorizing legislation for foreign assistance programs, instead making foreign assistance policy in annual appropriations bills. While such an approach would ensure that certain issues and programs are evaluated on an annual basis, it would shift power from HFAC and SFRC to the House and Senate Appropriations Committees.

Use of Other Legislative Vehicles

Members may consider the appropriate legislative vehicle for foreign assistance reauthorization proposals. While regular reauthorizations were largely enacted as stand-alone measures from the 1960s to 1980s, Congress has enacted some foreign assistance authorization measures as part of annual National Defense Authorization Acts (NDAA) or appropriations packages. For example, the Global Food Security Reauthorization Act of 2022, reauthorizing the programs within that act through 2028, was enacted as Section 5588 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (P.L. 117-263). The Reinforcing Education Accountability in Development Act was enacted as part of the Continuing Appropriations Act, 2018, and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (P.L. 115-56).

Attaching authorization proposals onto “must pass” bills like the NDAA or annual appropriations packages could in some cases make their enactment smoother by avoiding some floor debate. At the same time, Members outside the committees of jurisdiction may be able to exert greater influence on the final laws. Considering stand-alone foreign assistance authorizing legislation would allow for the measures to remain in their committees of jurisdiction and potentially be subject to robust floor debate. However, that could result in stalemate over contentious issues and a lack of support among some Members who may be reticent to vote on foreign affairs issues broadly.

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