

# Calendar No. 111

107TH CONGRESS  
1ST SESSION

# S. 367

To prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2001

Mrs. BOXER (for herself, Ms. SNOWE, Mrs. CLINTON, Mr. CHAFEE, Mr. REID, Ms. COLLINS, Mr. LEAHY, Mr. JEFFORDS, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Mr. BAUCUS, Mr. BIDEN, Mr. FEINGOLD, Mr. SPECTER, Ms. STABENOW, Mr. TORRICELLI, Ms. CANTWELL, Mr. KERRY, Mr. SCHUMER, Mr. SARBANES, Mr. KENNEDY, Mrs. CARNAHAN, Mr. DAYTON, Mr. DASCHLE, Mr. REED, Mr. CARPER, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

AUGUST 1, 2001

Reported by Mr. BIDEN, without amendment

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## A BILL

To prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Global Democracy Pro-  
3 motion Act of 2001”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) It is a fundamental principle of American  
7 medical ethics and practice that health care pro-  
8 viders should, at all times, deal honestly and openly  
9 with patients. Any attempt to subvert the private  
10 and sensitive physician-patient relationship would be  
11 intolerable in the United States and is an unjustifi-  
12 able intrusion into the practices of health care pro-  
13 viders when attempted in other countries.

14 (2) Freedom of speech is a fundamental Amer-  
15 ican value. The ability to exercise the right to free  
16 speech, which includes the “right of the people  
17 peaceably to assemble, and to petition the govern-  
18 ment for a redress of grievances” is essential to a  
19 thriving democracy and is protected under the  
20 United States Constitution.

21 (3) The promotion of democracy is a principal  
22 goal of United States foreign policy and critical to  
23 achieving sustainable development. It is enhanced  
24 through the encouragement of democratic institu-  
25 tions and the promotion of an independent and po-  
26 litically active civil society in developing countries.

1           (4) Limiting eligibility for United States devel-  
2           opment and humanitarian assistance upon the will-  
3           ingness of a foreign nongovernmental organization  
4           to forgo its right to use its own funds to address,  
5           within the democratic process, a particular issue af-  
6           fecting the citizens of its own country directly under-  
7           mines a key goal of United States foreign policy and  
8           would violate the United States Constitution if ap-  
9           plied to United States-based organizations.

10           (5) Similarly, limiting the eligibility for United  
11           States assistance on a foreign nongovernmental or-  
12           ganization's willingness to forgo its right to provide,  
13           with its own funds, medical services that are legal in  
14           its own country and would be legal if provided in the  
15           United States constitutes unjustifiable interference  
16           with the ability of independent organizations to serve  
17           the critical health needs of their fellow citizens and  
18           demonstrates a disregard and disrespect for the laws  
19           of sovereign nations as well as for the laws of the  
20           United States.

21 **SEC. 3. ASSISTANCE FOR FOREIGN NONGOVERNMENTAL**  
22                                   **ORGANIZATIONS UNDER PART I OF THE FOR-**  
23                                   **EIGN ASSISTANCE ACT OF 1961.**

24           Notwithstanding any other provision of law, regula-  
25           tion, or policy, in determining eligibility for assistance au-

1 thorized under part I of the Foreign Assistance Act of  
2 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental  
3 organizations—

4           (1) shall not be ineligible for such assistance  
5           solely on the basis of health or medical services in-  
6           cluding counseling and referral services, provided by  
7           such organizations with non-United States Govern-  
8           ment funds if such services do not violate the laws  
9           of the country in which they are being provided and  
10          would not violate United States Federal law if pro-  
11          vided in the United States; and

12          (2) shall not be subject to requirements relating  
13          to the use of non-United States Government funds  
14          for advocacy and lobbying activities other than those  
15          that apply to United States nongovernmental organi-  
16          zations receiving assistance under part I of such  
17          Act.



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