

not done their homework. They have done an enormous disservice to their members, in my judgment. And I will say that to them directly when they come to see me about this farm bill. They have done an enormous disservice by telling people money is available, don't worry about it, when, with absolute assurance, we can see the money is not going to be available in the same amount that is available in this year's budget.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. DAYTON. If I understand the chairman of the Senate Budget Committee correctly, in this body, the Senate, we have to pass a farm bill this year. Then do we also have to have it conferenced and sent to the President in this calendar year as well, in order to protect these funds?

Mr. CONRAD. We do. The hard reality is this, in my judgment. In the budget resolution, those funds are available to us until the next budget resolution is passed. But there is another thing that is going to happen. In January of next year a new economic assessment is going to be made by the Congressional Budget Office, by the Office of Management and Budget, and it is going to show significant deterioration. That is going to change the dynamics very significantly, and that is going to make the ability to use this money in this budget resolution now to write a new farm bill much less real next year.

So nobody should be under any illusions. A lot is at stake for agriculture. This is not agriculture somehow separate and distinct from the rest of the economy because we know agriculture plays a key role, right at the heart of this economy. We know if agriculture is hurting, Main Street businesses are hurting. Certainly that is true in our State. Certainly that is true in the State of the distinguished Chair.

The irony is, right at the time we are considering writing a stimulus package for the national economy, we are getting advice to forget about writing a strong farm bill this year when we know the money that is available now will not be available next year. That is reality.

For these farm groups to write to our leadership and say to them, don't worry about it, we have assurances that the resources necessary to fund a farm bill that is above the baseline will be there next year, they have completely bought a pig in a poke.

I hope the members of these organizations will call their associations and ask them: What are you doing? What kind of advice are you giving down there? It is not advice that is good for the people you represent. This may be good advice for the administration. This may be the advice the administration wants to give. Why are they signing up for that? Why are they endorsing the administration's position when the administration is taking the posi-

tion that is totally counter to what is good for not only I believe the farmers of America but for the national economy?

One of the things the economists have been telling us about the stimulus package is that one of the most effective things you can do is get money into the agricultural sector because, No. 1, that money gets out quickly to the farmers and, No. 2, because there is such economic hard times for farmers.

We have the lowest farm prices in real terms in 50 years. That makes farmers have a greater dispensation to spend the money that is part of the farm program.

Mr. DAYTON. Mr. President, the Senator and I share a common border. I know our farmers are in a similar predicament. These dollars are going to be central to the survival of farmers in Minnesota, and I dare say in North Dakota as well.

It seems to me that somebody is playing a very dangerous game with literally the lives and the livelihoods of a lot of farmers in my home State of Minnesota, and I expect others as well. It makes me wonder who is looking out for whom here. How could it be there are those who are so active in trying to postpone action on a bill with the result being that farmers are going to receive less money. It will take longer one way or the other.

The bottom line, from what I hear from the Senator from North Dakota on the Budget Committee, is that they may be out of money entirely if we don't act this calendar year.

Mr. CONRAD. I believe these groups have been flimflammed. I do not know a nice way to say it. I don't think they understand how the budget process works—for them to be realigned on the representation from the administration about money that is going to be available in the next budget resolution. The administration doesn't have any role in writing the next budget resolution. That is written in the House of Representatives and the Senate. The administration has absolutely nothing to do with writing the budget resolution. That is what makes the resources available next year. Just a little bit of commonsense analysis would tell you that the same amount of money is not going to be available next year. Receipts are going down. Expenses are going up. That means there will be less money available.

When a budget resolution is written next year, there will not be anywhere close to this amount of money available for writing a farm bill. That puts all of the people who we represent in jeopardy. That puts their financial lives on the line.

For the farm organizations that are supposed to represent these very people to send up a letter such as this tells me one of two things: No. 1, either they have been totally hoodwinked about the budget circumstances we face next year, or, No. 2, they aren't thinking very carefully about who they have a

responsibility to represent. No. 3, perhaps they have just not done their homework and don't know the circumstances that we will be facing.

Mr. DAYTON. I know the time under the previous order is about to expire. I thank the Senator from North Dakota for sounding this alarm. I was not aware of this situation. I thank the Senator for making it very clear to the Members of the Senate and to farmers throughout this country what is at stake. My hope is that our colleagues will join with us in insisting that we have a farm bill passed so we don't leave our farmers back home seriously in the lurch.

Mr. CONRAD. I thank the Senator from our neighboring State, who is a member of the Senate Agriculture Committee. Already, just in the first months of his term, he has demonstrated a real commitment to family farmers, and also to an understanding of the budget process. I wish that same understanding had been evidenced by these farm organizations that sent this advice to the leadership that could be so very harmful to the very people they seek to represent.

I conclude by saying to my colleagues that we need to write the farm bill now. We need to use the money that is in the budget resolution now. No one should be under any illusion that this money is going to be available next year. Most assuredly it is not.

Let's be crystal clear about what is at stake; that is, the economic lives of tens of thousands of farm families.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:*

#### TITLE I—EXPORT AND INVESTMENT ASSISTANCE

##### EXPORT-IMPORT BANK OF THE UNITED STATES

*The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during*

the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act.

#### SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, \$753,323,000 to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2020 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2002, 2003, 2004, and 2005: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

#### ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, \$64,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2002.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$38,608,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

#### PROGRAM ACCOUNT

Such sums as may be necessary for administrative expenses to carry out the credit program

may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

#### FUNDS APPROPRIATED TO THE PRESIDENT TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,024,000, to remain available until September 30, 2003.

#### TITLE II—BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2002, unless otherwise specified herein, as follows:

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, family planning/reproductive health, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, \$1,455,500,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health programs: Provided further, That of the funds appropriated under this heading, not to exceed \$125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: \$325,000,000 for child survival and maternal health; \$25,000,000 for vulnerable children; \$415,000,000 for HIV/AIDS including \$40,000,000 which may be made available, notwithstanding any other provision of law, for a United States contribution to a global fund to combat HIV/AIDS, malaria, and tuberculosis, and not less than \$15,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; \$175,000,000 for other infectious diseases; \$120,000,000 for UNICEF: Provided further, That of the funds appropriated under this Act, not less than \$450,000,000 shall be made available to carry out the purposes of section 104(b) of the Foreign Assistance Act of 1961, of which not less than \$395,000,000 shall be made available from funds appropriated under this heading and not less than \$55,000,000 shall be made available from funds appropriated under other headings in this title: Provided further, That of the funds appropriated under this heading, up to \$50,500,000 may be made available for a United States contribution to The Vaccine Fund, and up to \$10,000,000 may be made available for the International AIDS Vaccine Initiative: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary

sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

##### DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$1,235,000,000, to remain available until September 30, 2003: Provided, That \$135,000,000 should be allocated for children's

basic education: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, \$30,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than \$2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than \$500,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than \$19,000,000 shall be made available for the American Schools and Hospitals Abroad program.

#### ENVIRONMENT, CLEAN ENERGY, AND ENERGY CONSERVATION PROGRAMS FUND

Of the funds appropriated under the heading "Development Assistance", not less than \$295,000,000 should be made available for programs and activities which directly protect tropical forests, biodiversity and endangered species, promote the sustainable use of natural resources, and promote a wide range of clean energy and energy conservation activities, including the transfer of cleaner and environmentally sustainable energy technologies, and related activities: Provided, That of the funds appropriated by this Act, not less than \$175,000,000 should be made available to support policies and actions in developing countries and countries in transition that measure, monitor, report, verify, and reduce greenhouse gas emissions; increase carbon sequestration activities; and enhance climate change mitigation programs.

#### CYPRUS

Of the funds appropriated under the heading "Economic Support Fund", not less than \$15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

#### LEBANON

Of the funds appropriated under the heading "Economic Support Fund", not less than \$35,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided, That, notwithstanding section 534(a) of this Act, none of the funds appropriated under the heading "Economic Support Fund" may be made available for assistance for the Central Government of Lebanon until the Secretary of State determines and certifies to the Committees on Appropriations that the Government of Lebanon has enforced the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon.

#### INDONESIA

Of the funds appropriated under the headings "Economic Support Fund", "Child Survival and Health Programs Fund" and "Development Assistance", not less than \$135,000,000 should be made available for Indonesia: Provided, That not less than \$10,000,000 should be made available for humanitarian, economic rehabilitation, and related activities in Aceh, West Papua and Maluku: Provided further, That funds made

available in the previous proviso may be transferred to and merged with the appropriation for Transition Initiatives.

#### BURMA

Of the funds appropriated under the heading "Economic Support Fund", not less than \$6,500,000 should be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by section 101(a) of Public Law 106-429, is amended, under the heading "Burma", by inserting ", 'Child Survival and Disease Programs Fund'," after "Fund".

#### INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$255,000,000, to remain available until expended.

#### TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$52,500,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

#### DEVELOPMENT CREDIT AUTHORITY

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, up to \$25,000,000, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961: Provided, That such funds shall be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, and under the heading "Assistance for Eastern Europe and the Baltic States": Provided further, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$7,500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That funds appropriated under this heading shall remain available until September 30, 2003.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$44,880,000.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, \$549,000,000: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed \$1,000,000: Provided further, That of the funds appropriated under this heading, up to \$10,000,000 may remain available until expended for overseas facilities construction, leasing, and other security-related costs.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, \$32,000,000, to remain available until September 30, 2003, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

#### OTHER BILATERAL ECONOMIC ASSISTANCE

##### ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,239,500,000, to remain available until September 30, 2003: Provided, That of the funds appropriated under this heading, not less than \$720,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That not less than \$655,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than \$160,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, \$150,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for assistance for East Timor of which up to \$1,000,000 may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, \$12,000,000 should be made available for Mongolia: Provided further, That up to \$10,000,000 of the funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term

"assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.

#### ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$603,000,000, to remain available until September 30, 2003, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 529 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and

that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

#### ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$800,000,000, to remain available until September 30, 2003: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading not less than \$20,000,000 shall be made available solely for the Russian Far East.

(b) Of the funds appropriated under this heading, not less than \$180,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than \$25,000,000 should be made available for nuclear reactor safety initiatives: Provided further, That not later than 60 days after the date of enactment of this Act, and 120 days thereafter, the Department of State shall submit to the Committees on Appropriations a report on progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists.

(c) Of the funds appropriated under this heading, not less than \$90,000,000 shall be made available for assistance for Armenia: Provided, That of this amount, not less than \$5,000,000 shall be made available to the Government of Armenia to support an education initiative in Armenia, including the provision of computer equipment and internet access to Armenian primary and secondary schools.

(d) Of the funds appropriated under this heading, not less than \$90,000,000 shall be made available for assistance for Georgia, of which not less than \$3,000,000 should be made available for a small business development project.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

- (1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201;
- (2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);
- (3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;
- (4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);
- (5) any financing provided under the Export-Import Bank Act of 1945; or
- (6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 8 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(g)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

- (A) has terminated implementation of arrangements to provide Iran with technical expertise,

training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability;

(B) is cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya;

(C) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya; and

(D) is in compliance with article V of the Treaty on Conventional Armed Forces in Europe regarding forces deployed in the flank zone in and around Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Non-proliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(h) Of the funds appropriated under this heading, not less than \$45,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis, and other infectious diseases, and for related activities.

#### INDEPENDENT AGENCIES

##### PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$275,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2003.

##### INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), \$13,106,950.

##### AFRICAN DEVELOPMENT FOUNDATION

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), \$16,542,000: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$217,000,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees

on Appropriations: Provided further, That during fiscal year 2002, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than \$10,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, not more than \$16,660,000 shall be available for administrative expenses.

#### ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, \$567,000,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not less than \$200,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That funds appropriated by this Act that are used for the procurement of chemicals for aerial coca fumigation programs may be made available for such programs only if the Secretary of State, after consultation with the Secretary of the Department of Health and Human Services and the Surgeon General, determines and reports to the Committees on Appropriations that (1) the chemicals used in the aerial fumigation of coca, in the manner in which they are being applied, do not pose an undue risk to human health or safety; (2) that aerial coca fumigation is being carried out according to the health, safety, and usage procedures recommended by the Environmental Protection Agency, the Centers for Disease Control and Prevention, and the manufacturers of the chemicals; and (3) that effective mechanisms are in place to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and provide fair compensation for meritorious claims: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That section 3204(b) of the Emergency Supplemental Act, 2000 (Public Law 106-246) shall be applicable to funds appropriated by this Act: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not more than \$14,240,000 shall be available for administrative expenses of the Department of State.

#### MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee

and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$735,000,000, which shall remain available until expended: Provided, That not more than \$16,000,000 shall be available for administrative expenses: Provided further, That not less than \$60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

#### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), \$15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

#### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, \$326,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 10 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed \$14,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, \$40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed \$500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That of the funds appropriated under this heading, \$3,500,000 should be made available to support the Small Arms Destruction Initiative.

#### DEPARTMENT OF THE TREASURY

##### INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), \$6,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

##### DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$235,000,000, to remain available until expended: Provided, That not less than \$11,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961, and up to \$14,000,000 of unobligated balance of funds available under this heading from prior year appropriations acts should be made available to carry out such provisions: Provided further, That funds appropriated or otherwise made available under this heading in this Act may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
- (2) the African Development Fund;
- (3) the African Development Bank; and
- (4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse

funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(a) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign exchange which are generally referred to as “enclave” loans; and

(b) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: Provided further, That the authority provided by section 572 of Public Law 100-461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.

#### TITLE III—MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$75,000,000, of which up to \$5,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Zimbabwe, Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Zimbabwe, Cote D'Ivoire, The Gambia, the Democratic Republic of the Congo, Algeria, Indonesia and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

##### FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$3,674,000,000: Provided, That of the funds appropriated under this heading, not less than \$2,040,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$535,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than \$75,000,000 shall be made available for assistance

for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than \$10,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2002, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than \$5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than \$35,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than \$348,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2002 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlaid for Egypt during fiscal year 2002 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2001, whichever is later.

##### PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance

Act of 1961, \$140,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

#### TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL FINANCIAL INSTITUTIONS

##### GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$109,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

##### CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$775,000,000, to remain available until expended: Provided, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative: Provided further, That the Secretary of the Treasury shall instruct the United States executive director to the International Bank for Reconstruction and Development to vote against any water or sewage project in India that does not prohibit the use of scavenger labor.

##### CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$9,500,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$50,000,000.

##### CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, \$20,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

##### CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$103,017,050, to remain available until expended.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, \$5,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$79,991,500.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$100,000,000, to remain available until expended.



#### CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

#### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$123,237,803.

#### CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, \$20,000,000, to remain available until expended.

#### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$217,000,000: Provided, That not less than a total of \$18,000,000 should be made available for the International Panel on Climate Change, the United Nations Framework Convention on Climate Change, the World Conservation Union, the International Tropical Timber Organization, the Convention on International Trade in Endangered Species, the Ramsar Convention on Wetlands, the Convention to Combat Desertification, the United Nations Forum on Forests, and the Montreal Process on Criteria and Indicators for Sustainable Forest Management: Provided further, That not less than \$6,000,000 should be made available to the World Food Program: Provided further, That of the funds appropriated under this heading, not less than \$39,000,000 shall be made available for the United Nations Fund for Population Activities (UNFPA): Provided further, That none of the funds appropriated under this heading that are made available to UNFPA shall be made available for activities in the People's Republic of China: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

#### TITLE V—GENERAL PROVISIONS

##### OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

##### PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the ef-

fectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

##### LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed \$126,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

##### LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed \$5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

##### LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed \$95,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed \$2,000 shall be available for entertainment expenses and not to exceed \$100,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed \$2,000 shall be available for representation and entertainment allowances.

##### PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Non-proliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

##### PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

##### MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly

elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

##### TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

##### DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2002.

##### AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

##### LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

##### COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to

the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

#### SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

#### NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified

15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS  
SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2003.

#### INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or non-proliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 518. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsection (a) and (b) are that the country concerned is implementing a system of controls on the export and import of rough diamonds that—

(1) is consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000.

(2) the President determines to be functionally equivalent to the system of controls specified in subparagraph (1); or

(3) meets the requirements of an international agreement which requires controls specified in subparagraph (1) and to which the United States is a party.

#### EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2002, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more



than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

#### SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Burma, Colombia, Haiti, Liberia, Serbia, Sudan, Ethiopia, Eritrea, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

#### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

#### CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to \$14,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

#### PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or Sudan, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

#### NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Ex-

port Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

#### AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings "Peace Corps" and "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

#### DEMOCRACY PROGRAMS

SEC. 526. Funds appropriated by this Act that are provided to the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation: Provided, That notwithstanding any other provision of law, of the funds appropriated by this Act to carry out provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than \$10,000,000 shall be made available for assistance for the People's Republic of China for activities to support democracy and the rule of law in that country, of which not to exceed \$2,500,000 may be made available to nongovernmental organizations located outside the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibet: Provided further, That notwithstanding any other provision of law or regulation, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are available for the United States-Asia Environmental Partnership, may be made available for activities in the People's Republic of China: Provided further, That funds made available pursuant to the authority of this section for programs, projects, and activities in the People's Republic of China shall be subject to the regular notification procedures of the Committees on Appropriations.

#### PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

#### DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds

made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law

which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) **NOTIFICATION.**—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) **EXEMPTION.**—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

#### COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 530. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

#### COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

#### AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURE DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct ac-

tivities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agriculture Development.

#### IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

#### SPECIAL AUTHORITIES

SEC. 534. (a) **AFGHANISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.**—Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) **TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.**—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) **PERSONAL SERVICES CONTRACTORS.**—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; the Bureau for Asia and the Near East; and for the Global Development Alliance initiative: Provided further, That such funds

appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) **WAIVER.**—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) **PERIOD OF APPLICATION OF WAIVER.**—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) **SPECIAL AUTHORITY.**—During fiscal year 2002, the President may use up to \$35,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

#### POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL

SEC. 535. It is the sense of the Congress that—  
(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 536. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

#### ELIGIBILITY FOR ASSISTANCE

SEC. 537. (a) **ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.**—Restrictions contained in this or any other Act with respect

to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) **PUBLIC LAW 480.**—During fiscal year 2002, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) **EXCEPTION.**—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

#### EARMARKS

SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

#### CEILINGS AND EARMARKS

SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

#### PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed \$750,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

#### PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 541. To the maximum extent practicable, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

#### PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 542. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

#### NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 543. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

#### PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 544. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

#### WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 545. (a) **IN GENERAL.**—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia and New York City, New York by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) **DEFINITION.**—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the

Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

#### LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 546. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104-107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

#### WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 547. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to \$35,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

#### LANDMINES

SEC. 548. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 22 U.S.C., 2778 note) is amended by striking "During the 11-year period beginning on October 23, 1992" and inserting "During the 16-year period beginning on October 23, 1992".

#### RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 549. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other

than Jerusalem. As has been true in the past, of-ficers and employees of the United States Gov-ernment may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Pales-tinian Authority), have social contacts, and have incidental discussions.

#### PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 550. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Pro-gram" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obli-gated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, in-cluding entrance fees at sporting events and amusement parks.

#### SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 551. (a) **AUTHORITY TO REDUCE DEBT.**—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obli-gation, to pay for purchases of United States agri-cultural commodities guaranteed by the Com-modity Credit Corporation under export credit guarantee programs authorized pursuant to sec-tion 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, sec-tion 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

#### (b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appro-priations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to bor-row from the International Development Asso-ciation, but not from the International Bank for Reconstruction and Development, commonly re-ferred to as "IDA-only" countries.

(c) **CONDITIONS.**—The authority provided by subsection (a) may be exercised only with re-spect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Re-lations Authorization Act, Fiscal Years 1994 and 1995.

(d) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) **CERTAIN PROHIBITIONS INAPPLICABLE.**—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or

section 321 of the International Development and Food Assistance Act of 1975.

#### AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 552. (a) **LOANS ELIGIBLE FOR SALE, RE-DUCTION, OR CANCELLATION.**—

(1) **AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.**—Notwithstanding any other provision of law, the President may, in accord-ance with this section, sell to any eligible pur-chaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the govern-ment of any eligible country as defined in sec-tion 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the pur-pose of facilitating—

(A) debt-for-equity swaps, debt-for-devel-opment swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible coun-try uses an additional amount of the local cur-rency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference be-tween the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) **TERMS AND CONDITIONS.**—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this sec-tion.

(3) **ADMINISTRATION.**—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agen-cy primarily responsible for administering part I of the Foreign Assistance Act of 1961 of pur-chasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) **LIMITATION.**—The authorities of this sub-section shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) **DEPOSIT OF PROCEEDS.**—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this sec-tion shall be deposited in the United States Gov-ernment account or accounts established for the repayment of such loan.

(c) **ELIGIBLE PURCHASERS.**—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-devel-opment swaps, or debt-for-nature swaps.

(d) **DEBTOR CONSULTATIONS.**—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

#### HAITI COAST GUARD

SEC. 553. The Government of Haiti shall be eli-gible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C.

2751 et seq.), for the Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification pro-cedures of the Committees on Appropriations.

#### LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 554. (a) **PROHIBITION OF FUNDS.**—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the For-ign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) **WAIVER.**—The prohibition included in sub-section (a) shall not apply if the President cer-tifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) **PERIOD OF APPLICATION OF WAIVER.**—Any waiver pursuant to subsection (b) shall be effec-tive for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

#### LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 555. None of the funds made available by this Act may be provided to any unit of the se-curity forces of a foreign country if the Sec-etary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and re-ports to the Committees on Appropriations that the government of such country is taking effec-tive measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided fur-ther, That in the event that funds are withheld from any unit pursuant to this section, the Sec-etary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective mea-sures to bring the responsible members of the se-curity forces to justice.

#### GREENHOUSE GAS EMISSIONS REPORT

SEC. 556. Not later than the date on which the President's fiscal year 2003 budget request is submitted to Congress, the President shall sub-mit a report to the Committees on Appropria-tions describing in detail the following—

(1) all Federal agency obligations and expend-itures, domestic and international, for climate change programs and activities in fiscal year 2002, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Ap-pendix;

(2) all fiscal year 2001 expenditures and fiscal year 2002 projected expenditures by the United States Agency for International Development to assist developing countries and countries in transition in adopting and implementing policies to measure, monitor, report, verify, and reduce greenhouse gas emissions, and to meet their responsibilities under the Framework Convention on Climate Change;

(3) all funds requested for fiscal year 2003 by the United States Agency for International De-velopment to promote the measurement, moni-toring, reporting, verification, and reduction of greenhouse gas emissions reductions, to promote the transfer and deployment of United States clean energy technologies and carbon capture and sequestration measures, and to develop as-sessments of the vulnerability to impacts of cli-mate change and response strategies; and

(4) all fiscal year 2002 obligations and expend-itures by the United States Agency for Inter-national Development for climate change pro-grams and activities by country or central pro-gram and activity.

## ZIMBABWE

SEC. 557. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

## CENTRAL AMERICA RELIEF AND RECONSTRUCTION

SEC. 558. Funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106-31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, shall also be available to the Comptroller General to monitor earthquake relief and reconstruction efforts in El Salvador.

## ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

## CAMBODIA

SEC. 560. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia unless the Secretary of State determines and reports to the Committees on Appropriations that the Central Government of Cambodia—

(A) is making significant progress in resolving outstanding human rights cases, including the 1994 grenade attack against the Buddhist Liberal Democratic Party, and the 1997 grenade attack against the Khmer Nation Party;

(B) has held local elections that are deemed free and fair by international and local election monitors; and

(C) is making significant progress in the protection, management, and conservation of the environment and natural resources, including in the promulgation and enforcement of laws and policies to protect forest resources.

(2) A determination by the Secretary of State under paragraph (1) shall cease to be effective if it becomes known to the Secretary that the Central Government of Cambodia is no longer making significant progress under subparagraph (A) or (C).

(3) In the event the Secretary of State makes the determination under paragraph (1), assistance may be made available to the Central Government of Cambodia only through the regular notification procedures of the Committees on Appropriations.

## FOREIGN MILITARY TRAINING REPORT

SEC. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2002, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2001 and 2002, including those proposed for fiscal year 2002. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report

shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

## KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 562. (a) Of the funds made available under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs", not to exceed \$95,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula;

(2) North Korea is complying with all provisions of the Agreed Framework; and

(3) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (b) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees. No funds may be obligated for KEDO until 15 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2003 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

(e) The final proviso under the heading "International Organizations and Programs" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104-107) is repealed.

## COLOMBIA

SEC. 563. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance for the Colombian Armed Forces only if the Secretary of State has made the determination and certification contained in subsection (b).

(b) DETERMINATION AND CERTIFICATION.—The determination and certification referred to in subsection (a) is a determination by the Secretary of State and a certification to the appropriate congressional committees that—

(1) the Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups, and is providing to civilian prosecutors and judicial authorities requested information concerning the nature and cause of the suspension;

(2) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial au-

thorities (including providing unimpeded access to witnesses and relevant military documents and other information), in prosecuting and punishing in civilian courts those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups; and

(3) the Colombian Armed Forces are taking effective measures to sever links (including by denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary groups, and to execute outstanding arrest warrants for members of such groups.

(c) CONSULTATIVE PROCESS.—Ten days prior to making the determination and certification required by this section, and every 120 days thereafter, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (b).

(d) REPORT.—One hundred and twenty days after the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing actions taken by the Colombian Armed Forces to meet the requirements set forth in subparagraphs (b)(1) through (3); and

(e) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

## ILLEGAL ARMED GROUPS

SEC. 564. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

## PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 565. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

## IRAQ

SEC. 566. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for programs benefitting the Iraqi people and to support efforts to bring about a democratic transition in Iraq: Provided, That funds may be made available through the Iraqi National Congress Support Foundation or the Iraqi National Congress only if the Inspector General of the Department of State determines and certifies to the Committees on Appropriations that

such organizations are implementing adequate and transparent financial controls to ensure that funds are used exclusively for the purposes of this section, and that not more than 14 percent of the funds is used for administrative expenses, including expenditures for salaries, office rent and equipment.

#### WEST BANK AND GAZA PROGRAM

SEC. 567. For fiscal year 2002, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

#### INDONESIA

SEC. 568. (a) Funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Indonesian Ministry of Defense or military personnel only if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations in East Timor and Indonesia;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups in East Timor and Indonesia;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor;

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the armed forces and militia groups responsible for human rights violations in East Timor and Indonesia;

(7) demonstrating a commitment to civilian control of the armed forces by having in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces;

(8) allowing United Nations and other international humanitarian and human rights workers and observers unimpeded access to West Timor, Aceh, West Papua, and Maluku; and

(9) releasing political detainees.

#### RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 569. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous 6 months to the Sierra Leone Revolutionary United Front (RUF), Liberian Armed Forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) None of the funds appropriated by this Act may be made available for assistance for the

government of any country for which the Secretary of State determines there is credible evidence that such government has knowingly facilitated the safe passage of weapons or other equipment to the RUF, Liberian security forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(d) Whenever the prohibition on assistance required under subsection (a), (b) or (c) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

#### VOLUNTARY SEPARATION INCENTIVES

SEC. 570. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106-113), as amended, is amended by striking "December 31, 2001" and inserting in lieu thereof "December 31, 2002".

#### AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 571. (a) To the fullest extent possible information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of six other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) The Department of State is urged to pursue all reasonable avenues in assuring the collection and public release of information pertaining to the murders of the six American citizens in Guatemala.

(c) The President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information.

(d) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

(e) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

#### BASIC EDUCATION ASSISTANCE FOR PAKISTAN

SEC. 572. Funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for assistance for basic education programs for Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries: Provided, That such assistance is subject to the regular notification procedures of the Committees on Appropriations.

#### COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 573. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

#### WAR CRIMINALS

SEC. 574. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the

international financial institutions to vote against any extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been publicly indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the United States executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to a specific project within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal and to provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

#### FUNDING FOR SERBIA

SEC. 575. (a) Of funds made available in this Act, up to \$115,000,000 may be made available for assistance for Serbia: Provided, That none of these funds may be made available for assistance for Serbia after March 31, 2002, unless the President has made the determination and certification contained in subsection (c).



(b) After March 31, 2002, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

#### USER FEES

SEC. 576. The Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of such institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' lending programs.

#### HEAVILY INDEBTED POOR COUNTRIES TRUST FUND AUTHORIZATION

SEC. 577. Section 801(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106-429) is amended by striking "\$435,000,000" and inserting "\$600,000,000".

#### FUNDING FOR PRIVATE ORGANIZATIONS

SEC. 578. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

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

#### PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 579. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to

pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

#### CUBA

SEC. 580. (a) AMOUNTS FOR COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS.—Subsection (b), of the amounts appropriated or otherwise made available by this Act, \$1,500,000 shall be available for purposes of preliminary work by the Department of State, or such other entities as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Cuba Government on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) LIMITATION.—The amount in subsection (a) shall not be available under that subsection until the President certifies to Congress the following:

(1) That Cuba has in place appropriate procedures to protect against loss of innocent life in the air and on the ground in connection with the interdiction of illicit drugs.

(2) That there is no evidence of the involvement of the Government of Cuba in drug trafficking.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002".

The PRESIDING OFFICER. Under the previous order, the committee substitute is agreed to.

The Senator from Nevada.

MR. REID. Mr. President, the two managers of the bill, Senators LEAHY and MCCONNELL, are due back any minute. It is my understanding that they are prepared to give their opening statements, and that they have at least a dozen amendments that the two managers have already cleared. We have accomplished a great deal on this bill already.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. LEAHY. Mr. President, I am sorry some of our colleagues have had to wait. Both Senator MCCONNELL and I have been down at the White House meeting with the President and other Members on foreign policy issues. It is a day when I have been wearing two hats—going from the Judiciary Committee, and some of the issues we are handling there, to the foreign policy issues. But I am glad we are going to do the foreign operations appropri-

tions bill. We tried bringing it up a week ago, but it was held hostage by partisan sniping over judicial nominations. I think that is both unnecessary and unwarranted.

I consider it an honor that the desk that I sit in was once held by Senator Vandenberg, who coined the phrase that "politics ends at the water's edge." The senior Senator from Kentucky and I have done this for years in writing the foreign aid bill, alternating as chairman and ranking member of the subcommittee. We work closely together, and I have stated many times how much I respect and admire him for his efforts to get a good, balanced foreign aid bill through.

There are things on which we can have partisan debates, but we should not allow it on this bill, especially today when our Nation is at war.

MR. LEAHY. This bill is of enormous importance to our country. In fact, in the last 15 or 20 years when I have been either chairman or ranking member of this subcommittee, I don't know if I can think of a more critical time when we needed to quickly pass this bill.

Before we start, though, I think it is appropriate to pay tribute to Ken Ludden, an official at the Treasury Department's Office of the Assistant Secretary for International Affairs, and formerly a congressional staff member, who died suddenly of a heart attack on September 10. Senator MCCONNELL's staff, Senator STEVENS' staff and my own staff, knew him well. At an appropriate time, Senator MCCONNELL and I will offer an amendment to name this Foreign Operations Appropriations Act after him in recognition of his years of government service, and in particular for the invaluable assistance he gave to our subcommittee.

MR. PRESIDENT, in the past, there were times when the foreign operations appropriations bill has been the vehicle for divisive and time-consuming amendments on controversial foreign policy issues. But we are in an unusual time. Our country has suffered a grievous loss. This is a time for unity and for getting our work done quickly. I have amendments, Senator MCCONNELL has amendments, and I am sure other Senators have amendments that would be controversial.

Senator MCCONNELL and I do not plan to offer our controversial amendments. This is not the time. We should work together to get this bill passed as quickly as possible.

Frankly, I was impressed this afternoon, listening to the President speak of his discussions with foreign leaders during the APEC summit in Shanghai. The President forthrightly told us what he said. I am sure he did so there. It was not carefully drawn out diplomatic language, it was the President's own words, and I commend him for it.

I think of the situation today. The President has a limited window of opportunity to do a number of things to help counter this long-term threat. Whether the President serves one or

two terms, that threat will continue after he is gone. I am afraid it is going to continue long after every one of us is gone, whether one is new in the Senate and just beginning a career, or those who are winding down their careers in the Senate. No matter who one is, we are going to face this threat of terrorism for years to come. For the sake of our children, grandchildren, and generations to come, we have to make sure to do the right thing and take the steps that diminish the threat of terrorism over the long term.

I know the President feels that way. I suspect all 100 Members of the Senate feel that way.

What does this mean? It means that special forces attacks in Afghanistan, brave and effective as they were—and I think they were the right steps to take—are not enough. It goes well beyond the momentary alliances. It will not even end with the capture or the destruction of Osama bin Laden. All of these things are critical. But, there will be others who will rise in the same kind of milieu that created Osama bin Laden, rise in countries that fear us or hate us or cannot believe in the diversity we relish and practice, the democracy we cherish, the same democracy, Mr. President, that you and I and every Senator take a solemn oath to uphold.

There are people in the world who may fear our Constitution. I have often said that the greatest part of our Constitution is probably the same part they fear—the first amendment. It gives us the freedom of speech. We do not all have to say the same thing. We can say what we want in this country. It also allows us to practice whatever religion we want or to choose to practice no religion at all.

There is this wall, this Jeffersonian wall, between us. Think what that has allowed. It has allowed each one of us to hold whatever beliefs we want, free of any interference by the Government. It allows us to say what we want to say, free of interference from our Government. Perhaps, most importantly, it guarantees we are going to have diversity in this country. It means Nebraska will have its unique nature as will Vermont. It means there will be people in Nebraska who think differently than people in Vermont on some issues and think the same on others. It is this wonderful diversity that helps to guarantee a vibrant democracy in this country.

It is that same diversity and that same attitude that holds totalitarianism to be an anathema to our way of life.

It is this tolerance and diversity which frightens some other parts of the world. Unfortunately, we can build the most powerful army on Earth, and we have, the most powerful air force on Earth, and we have, the most powerful navy on Earth, and we have, and as a proud father of a young marine, the most amazing and powerful marine corps in the world. But none of that by itself can protect us. To truly have se-

curity, we must also do the things that help do away with ignorance and fear, abhorrence of the United States in parts of the world. And, we must sustain this effort for decades to come.

One good example of this are the programs to help combat the spread of disease in the developing world. Many parts of the world, simply do not possess the health care infrastructure to treat a number of life-threatening conditions that are curable with the proper treatment and care. And as a result far too many do not live beyond the age of 3 or 4.

Think what the United States can do to help eradicate disease, not only help eradicate disease but also to make sure diseases stay away, by putting in place the infrastructure so people are there to give the shots—polio vaccines, diphtheria shots—and remove river blindness once and for all. We can do that, and we will have a better and healthier populace in doing it, and we can point to this record and say: This is what the United States stands for. We do not speak your language, we do not follow your culture or customs, but we want your children to be healthier. Don't my colleagues think that in the long run this makes everyone better off and minimizes the kind of terrorist attacks we face?

I would also ask my colleagues to think about the fact that every disease in the world is only an airplane trip away from our shores—or maybe even a postal stamp—away from our shores. Think about the things in this bill that will have countries to identify diseases, such as the ebola plague or some new strain of disease to which we are not resistant, to help isolate them, and to help cure them.

We have a good bill. It was not an easy task. Senator MCCONNELL has been an invaluable partner in putting this together.

We are trying to do many things. We want to help educate people. We want to improve health care around the world. We want people to see and understand the best of the United States.

At the same time, we are trying to combat these global problems by spending less than 1 percent of our budget.

It is embarrassingly little for a superpower that is in a position to lead the world in solving these critical issues that threaten our interests and the health and safety of every American citizen.

As a result, we often find ourselves unable to respond effectively to serious threats. That has proven to be true with international terrorism, but also when you consider what is needed to spot the spread of HIV/AIDS and other infectious diseases.

It is the case when you consider how little we are spending to protect the environment. We are more than \$200 million in arrears in our payments to the Global Environment Facility.

The amount in this bill for family planning, although \$25 million above

the Administrations request, is \$89 million less than we provided in 1995. Yet hundreds of millions of impoverished people who want safe, voluntary family planning services are not able to get them. For those who have concerns about the numbers of abortions worldwide, think of the number of abortions that could be prevented if we had had adequate family planning, voluntary family planning services, in place.

We ought to do a lot more to support the development of free markets and to strengthen democratic institutions, from central Asia to Macedonia to Latin America.

There are major humanitarian disasters today in many regions of the world. We are hearing a lot about the looming catastrophe in Afghanistan, but similar tragedies exist in the Congo and Sudan, and drought and earthquakes have devastated parts of Central America.

We are by far the richest country in the world—the richest country history has ever known—but on a per capita basis we often spend less than other industrialized countries to help people whose lives are hanging by a thread. This bill attempts to respond, within our limited allocation, to these and other problems.

I very much appreciate the support we have received from Chairman BYRD and Senator STEVENS. They have the unenviable task of dividing up a shrinking pie for 13 appropriations subcommittees.

The bill contains \$15.5 billion in discretionary budget authority. Although our 302(b) allocation was higher than the House's allocations, the House cut deeply into many of the President's requests for essential programs—programs which are also Strongly Supported by Senators. The Senate bill has restored many of those cuts.

We restore sufficient funding for the Export-Import Bank to support subsidy financing well above the fiscal year 2000 level. We restore full funding for the foreign military financing program and provide a \$10 million increase above the President's request for international military training.

We restore most of the House cuts in the Economic Support Fund, as well as assistance for the former Soviet Republics.

We provide additional funding for international peacekeeping and for assistance for the former Yugoslavia, including Serbia, Montenegro, and Macedonia.

We include \$450 million to combat HIV/AIDS, including \$50 million for the Global Fund to combat AIDS, TB, and malaria. This falls well short of what we should be spending, it is an increase above last year's level.

We also increase funding against other infectious diseases and for children's health programs, and I would note that both Republican and Democratic Senators have requested this.

These programs are desperately needed to strengthen the capacity of developing countries to conduct surveillance

and respond to diseases such as polio and measles. They are also equally important for combating the spread of biological agents such as anthrax used in acts of terrorism. There are tens of millions of dollars for those programs in this bill.

We provide \$718 million for the Andean countries, primarily Colombia, Bolivia, Ecuador, and Peru, of which over half a billion dollars is for counterdrug programs. That is in addition to the \$1.3 billion for Plan Colombia we appropriated last year. It is interesting, that about—who made requests to our subcommittee—even mentioned the Andean program, items which has not accomplished a great deal.

The bill contains the usual earmarks for Middle East countries. It also continues various limitations or conditions on assistance to several countries.

Senator MCCONNELL and I have a number of amendments, including one to name this bill after Ken Ludden, and another to prohibit U.S. assistance to governments that harbor or provide financing for individuals involved in the September 11 terrorist attacks.

We have a bill that that was reported in record time by the appropriations committee. And while I will now reveal a political secret that has probably gone unnoticed in this body, Senator MCCONNELL and I are not politically ideological soulmates. We have kept this well hidden, but it is a fact. Only because it is late in the evening and the Chamber is nearly empty do I dare whisper that. I would not want anybody to know that outside of this Chamber.

This political odd couple has worked together to bring before this Senate a bill, within the amount of money we had, that I think is well balanced. It is not precisely the bill Senator MCCONNELL would have written by himself, nor that I would have written, but I am proud to join with Senator MCCONNELL in support of this bill. I appreciate his friendship in working with him.

I yield the floor.

THE PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I am indeed shocked to hear that Senator LEAHY does not make a practice of watching how I vote every time so he may be so guided.

In fact, we have had a good relationship over the years and seen many of these issues in like manner, and I commend him for his leadership as chairman of the subcommittee. This is a bill that I can enthusiastically support, and we anticipate it to pass by a large vote sometime tomorrow.

I thank my good friend from Vermont for his leadership, as I said, in crafting this \$15.5 billion bill. This is, I think, probably our ninth bill together. When we started out, he was chairman and I was ranking member. Then I was chairman for a while and he was ranking member. Now the roles are reversed

again. We have throughout, no matter who was in the majority, been able to move in the right direction.

Obviously the world has changed since we marked up this bill on July 26. The horror and grief of the September 11 attacks in New York, Virginia, and Pennsylvania are still very fresh in our hearts and minds. The recent anthrax mailings to Congress and the media are further indications of the diabolical nature of America's enemies. Our thoughts and prayers are with the many victims of these evil deeds.

The President and the administration have done a superb job in responding to this national crisis, both at home and abroad. In the darkest hours of the 21st century the American people have rallied in support of the new war against terrorism. This speaks to the strength of our Nation and the highest principles upon which it was founded.

Within 3 days of the September 11 attacks, the Senate passed a \$40 billion emergency supplemental bill to aid in recovery and reconstruction efforts. I am pleased that a portion of those funds will be used to bolster counterterrorism and other security programs conducted by the State Department.

In addition to the funds contained in the supplemental, the bill now before the Senate fully funds the President's \$38 million request for the State Department's antiterrorism assistance program. These funds will be used to provide training, equipment, and advice to foreign countries to enhance their antiterrorism skills and to increase the capabilities of foreign law enforcement and security officials. Those programs are critical to America's national security and those of our allies.

My colleagues should be aware that Senator LEAHY and I intend to offer an amendment to prohibit assistance to any country that harbors or finances those individuals or organizations responsible for the mass murder of American citizens on September 11. President Bush and Secretary Powell are right to hold those nations who aid and abet terrorism responsible for their actions. They have my full cooperation and support in this endeavor.

Let me offer concrete evidence of that support. Senator FEINSTEIN and I intended to offer an amendment to this bill requiring the President to report on the Palestinian Liberation Organization's compliance with its commitments to renounce terrorism and violence. We were asked by Secretary Powell, in light of his efforts to forge an international coalition against terrorism, to simply not offer that amendment. We agreed to withhold the amendment out of respect for this Nation's desire and demand for justice for the September 11 murders. The administration's request for our foreign policy priorities and needs are, for the most part, met through this bill.

In some accounts, including IMET and the Child Survival and Disease

Programs Fund, the President's request was exceeded. The bill increases the Export Import Bank's subsidy appropriations from the requested amount of \$633 million to \$753 million, and we provide \$450 million for HIV/AIDS programs and activities.

My colleagues will note that while we have provided substantial funding for counterdrug efforts in the Andean Region, the bill does not meet the Administration's \$731 million request for the Andean Counterdrug Initiative. Not everyone may agree with the \$567 million the bill provides for this program. However, funds are still in the pipeline for social, economic, and judicial programs in Colombia. Spillover of the narcotics trade to neighboring countries remains a concern. Successful counterdrug and alternative development programs in countries such as Bolivia must be continued.

Funding is also provided to continue vital democracy building activities in Asia, including Burma, Indonesia, and East Timor. The bill earmarks \$10 million for rule of law programs in China, which are being successfully conducted by a variety of American academic and nongovernmental institutions. I would suggest to my colleagues that advancing democracy and the rule of law abroad is essential in the fight against terrorism.

I want to share with my colleagues an observation on U.S. foreign policy in the wake of the terrible attacks earlier this month. The very nature of our foreign assistance programs and priorities will change as America and its allies wage war against the foes of freedom and democracy. As one who believes that foreign aid is not an entitlement, assistance can—and should—be used as leverage to reward cooperation on common objectives, such as identifying and destroying terrorist networks. Conversely, nations that refuse to join the fight against terrorism should face restrictions on U.S. assistance they receive. As President Bush said, "Every nation in every region now has a decision to make: Either you are with us or you are with the terrorists."

Finally, I want to express my condolences to the family of Ken Ludden, Legislative Coordinator to the Office of the Assistant Secretary for International Affairs who passed away of a heart attack on September 10. Ken will be sorely missed by this subcommittee. Given his long and dedicated service to our country in many capacities, I have joined Senator LEAHY in sponsoring an amendment to designate the bill the "Kenneth M. Ludden Foreign Operations, Export, Financing, and Related Programs Appropriations Act."

Again, I thank Senator LEAHY, and his capable staff—Tim Rieser and Mark Lippert—for their leadership on this bill.

Senator LEAHY and I are open for business and fully intend to finish this bill at the earliest possible time tomorrow.

I see the chairman is on his feet, and I yield the floor.

Mr. LEAHY. Madam President, we have a number of things we can probably do in a couple of minutes to go through here.

I would like to note that there is some promising news from Ireland. The International Independent Commission on Decommissioning, led by GEN John de Chastelain, of Canada, has announced that the IRA has begun to decommission its weapons. The Irish Taoiseach, Bertie Ahern, has appropriately called this an "unparalleled breakthrough." David Trimble, with whom I talked here in Washington a few days ago, has said he will recommend to the Ulster Unionist Council that the party reenter the Northern Ireland Executive.

I commend Gerry Adams and Martin McGuinness from Sinn Féin for their efforts to take this important step. I have been one who has been critical of the IRA taking so long to begin to decommission its weapons.

There are justifiable and long-held grievances on both the Protestant and Catholic sides in Northern Ireland, and there are generations who will never completely forgive or forget. But for the sake of the children in Ireland, both in the Republic of Ireland and Northern Ireland, they must move forward, and this is a critical step. Peace will not be won by assassinations or guns and bullets, whether done by Protestants or by Catholics. Peace will only come about if children are allowed to grow up in peace so we will not have scenes such as we saw just in the opening of school this year of little children, 7- and 8-year-old girls and boys, running terrified past a mob, screaming at them because all they wanted to do was go to school. That cannot continue.

I ask unanimous consent that a number of news items be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Irish Times, Oct. 23, 2001]

DE CHASTELAIN SAYS IRA HAS BEGUN DECOMMISSIONING ARMS

(By Patrick Logue)

The International Independent Commission on Decommissioning, led by General John de Chastelain, has said it has witnessed the IRA begin to decommission its arsenal of weapons, including guns, ammunition and explosives.

"We are satisfied the arms in question have been dealt with in accordance with the scheme and regulations. We are also satisfied it would not further the process of putting all arms beyond use were we to provide further details of this event."

"We will continue our contact with the IRA representative in the pursuit of our mandate." This afternoon the IRA said in a statement that it had begun the process.

In a statement the IRA said its motivation behind the move on weapons was "to save the peace process".

\* \* \* says: "The political process is now on the point of collapse. Such a collapse would certainly, and eventually, put the overall peace process in jeopardy.

"There is a responsibility upon everyone seriously committed to a just peace to do our best to avoid this.

"Therefore, in order to save the peace process, we have implemented the scheme agreed with the IICD in August.

"Our motivation is clear. This unprecedented move is to save the peace process and to persuade others of our genuine intentions".

In August the IICD said in a statement it had agreed a method for putting arms "completely and verifiably beyond use". Details of the method were not made public however.

The move comes in response to a call yesterday by the Sinn Féin president Mr. Gerry Adams for a "ground-breaking" gesture to save the peace process.

Speaking in West Belfast last night Mr. Adams said: "We have put to the IRA the view that if it could make a ground-breaking move on the arms issue that this could save the peace process from collapse and transform the situation".

Sinn Féin this evening welcomed the IRA statement saying it was a courageous initiative to save the peace process".

#### IRA'S ESTIMATED ARSENAL

650 AK47/AKM assault rifles;  
36 Armalite AR-15 assault rifles;  
2 Barret M82A1 sniper rifles;  
60 Webley .455 revolvers;  
20 12.7 × 107mm DshK heavy machine guns;  
12 7.62mm FN MAG machine guns;  
6 LPO-50 flamethrowers;  
1 SAM-7 surface-to-air missile;  
600 bomb detonators;  
3 tons of Semtex plastic explosives

[From the Irish Times, Oct. 23, 2001]

TRIMBLE HINTS UUP WILL REENTER EXECUTIVE

(By Kilian Doyle)

The leader of the Ulster Unionists Mr. David Trimble said tonight he would recommend to his party that they reenter the Northern Ireland executive following IRA weapons decommissioning.

Mr. Trimble was speaking after a meeting with the head of international decommissioning body, General John de Chastelain, where he said he was told the IRA had begun to put its arms beyond use.

"This is the day we were told would never happen", he said. Mr. Trimble said he would attend of meeting of the Ulster Unionists Council later this week, and he would be recommending that they re-enter the Northern Ireland Executive.

UUP ministers could be back in their offices in Stormont as early as next week, Mr. Trimble said.

[From the Irish Times, Oct. 23, 2001]

AHERN HAILS 'UNPARALLELED BREAKTHROUGH'

(By Kilian Doyle)

The Taoiseach, Mr. Bertie Ahern, said the IRA statement was an "unparalleled breakthrough" that was of "profound importance" to the peace process.

He said the IRA had now done enough to satisfy General de Chastelain, but there was still an "enormous" amount of work remaining to be done.

Mr. Ahern paid tribute to the leaders of the IRA, who he said had made a brave and difficult decision in agreeing to decommission.

The Minister for Foreign Affairs, Mr. Brian Cowen, said the statements from the IRA and the International Commission on decommissioning heralded a new era in the history of Ireland.

"That is a moment for political leaders to be responsive and generous. The reaction to

decommissioning will be as important as decommissioning itself," he said.

"It is imperative that politics is made to work and that the nightmarish scenes like those from north Belfast are consigned forever to the pages of history."

"We must harness the new energy that has been released by today's developments and begin a new, dynamic era on this island at all levels, based on partnership, equality and mutual respect.

"We simply cannot afford to let this opportunity slip."

Mr. Michael Noonan, the leader of Fine Gael, said he believed decommissioning had "already occurred" and that General de Chastelain would be confirming that "before too long".

"What we had was the Good Friday Agreement, there is an opportunity now to make it the Good Friday Settlement.

"Now that [decommissioning] has happened, it seems to me that there is no difference in principle between putting some arms beyond use and putting all arms beyond use."

Mr. Ruairi Quinn, the leader of the Labour Party, said we are now witnessing events of "historic proportions."

He said all parties must now intensify efforts to overcome the "distrust and sectarianism that has bedevilled Northern Ireland for so long."

There is a particular obligation on the loyalist paramilitaries to honour the statements made that they would follow suit if the IRA started decommissioning.

Mr. LEAHY. Madam President, as one who, like many here, traces part of his ancestry back to that beautiful and often troubled island of Ireland, I am happy with this news.

#### AMENDMENTS NOS. 1909 THROUGH 1920, EN BLOC

Mr. LEAHY. Madam President, I have a series of managers' amendments: Leahy-McConnell amendment and statement regarding Ken Ludden; McConnell-Leahy, antiterrorism; Brownback, human antitrafficking; Leahy-McConnell, AID operating expenses; Leahy-McConnell, notification; a Leahy endangered species; a Helms-Leahy-McConnell amendment on Iraq; a McConnell-Leahy on Hong Kong; McConnell on Georgia; Leahy-McConnell on Federal Republic of Yugoslavia; Leahy-McConnell on orphans; and McConnell on computer equipment.

I ask unanimous consent that they be considered en bloc, that the statements and colloquies be printed in the RECORD, and they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. MCCONNELL, for themselves and others, proposes amendments numbered 1909 through 1920, en bloc.

The amendments are as follows:

#### AMENDMENT NO. 1909

At the appropriate place in the bill insert the following:

KENNETH M. LUDDEN

SEC. . This Act shall be cited as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002.

## AMENDMENT NO. 1910

(Purpose: To prohibit assistance to the government of any nation that harbored or financed individuals involved in the September 11, 2001 terrorist attacks in the United States)

On page 163, line 19, after "Syria" insert the following: ", or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States".

On page 177, line 19 after "Sudan," insert the following: "or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States,".

## AMENDMENT NO. 1911

(Purpose: To authorize assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking)

On page 212, line 25, after the period insert the following:

(c) Notwithstanding subsection (b) of this section or any other provision of law, funds appropriated by this Act may be made available for assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, subject to the regular notification procedures of the Committees on Appropriations.

## AMENDMENT NO. 1912

On page 144, line 6, after "That", insert: ", in addition to funds otherwise available for such purposes,".

On page 144, line 9, after "State", insert: ", and not more than \$4,500,000 shall be available for administrative expenses of the United States Agency for International Development".

## AMENDMENT NO. 1913

On page 214, line 13, strike "30" and insert in lieu thereof: "15".

## AMENDMENT NO. 1914

On page 121, line 10, after "1961," insert the following: "including in areas where population growth threatens biodiversity or endangered species,".

## AMENDMENT NO. 1915

On page 219, line 15, strike everything after "That" through "equipment" on line 24, and insert in lieu thereof the following: "not more than 15 percent of the funds may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations regarding plans for the expenditure of funds under this section: *Provided further*, That funds made available under this heading are made available subject to the regular notification procedures of the Committees on Appropriations".

## AMENDMENT NO. 1916

(Purpose: To extend the reporting requirements of title III of the United States-Hong Kong Policy Act)

At the appropriate place in the bill, insert the following:

**SEC. . REPORTS ON CONDITIONS IN HONG KONG.**

(a) Section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731) is amended

by striking "and March 31, 2000," and inserting: "March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006".

(b) The requirement in section 301 of the United States-Hong Kong Policy Act, as amended by subsection (a), that a report under that section shall be transmitted not later than March 31, 2001, shall be considered satisfied by the transmittal of such report by August 7, 2001.

## AMENDMENT NO. 1917

On page 155, line 21, after "later" insert the following: "": *Provided further*, That the ninth proviso under the heading "Foreign Military Financing Program" in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by Public Law 106-429, is amended by inserting "or 2002" after "2001".

## AMENDMENT NO. 1918

On page 225, line 18, after "any" insert the following: "new project involving the".

On page 226, line 16, strike "15" and insert in lieu thereof: "10".

On page 227, lines 5 and 6, strike "United States executive directors of the international financial institutions" and insert in lieu thereof: "Secretary of the Treasury".

On page 227, line 17, strike "Agreement and its Annexes" and insert in lieu thereof: "Accords".

## AMENDMENT NO. 1919

On page 125, line 1, strike "\$25,000" and insert in lieu thereof: "\$35,000".

## AMENDMENT NO. 1920

On page 137, strike everything after "available" on line 9 through "schools" on line 12 and insert in lieu thereof: "to support an education initiative in Armenia to provide computer equipment and internet access to Armenian primary and secondary schools".

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments (Nos. 1909 through 1920) were agreed to, en bloc.

Mr. MCCONNELL. Madam President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## HONORING KENNETH MARTIN LUDDEN

Mr. MCCONNELL. Madam President, each year, many people assist in the creation of the Foreign Operations bill. Besides the efforts of our staffs, hundreds of individuals from the Federal Government provide information and expertise on the Administration's funding requests. Unfortunately, on September 10, we lost one of the people who played a very important part of the creation of this bill for a number of years, Ken Ludden. Ken worked at the Department of Treasury as their Legislative Coordinator to the Office of the Assistant Secretary for International Affairs. Ken was a very capable and attentive liaison. Not only did he go the extra mile in trying to answer any questions we had, but he was so good at his job that he would know which member might be more concerned about one issue and provide information before staff would request it.

This was not Ken's first position in Government, in fact he dedicated most of his life to public service. He worked for Congressman Edwin Forsythe, at the United States Agency for International Development, for Senator LUGAR on the Senate Foreign Relations Committee, the Department of State and then Treasury. In between his time at the Departments of State and Treasury, Ken did spend some time in the private sector but then returned to public service to work as a congressional liaison. He seemed to genuinely enjoy working with the Hill. Like many former staff, Ken never forgot his Hill roots. He understood the needs of staff and members and the demands and expectations we face from our constituents. Ken also even made bad news easy to take—he would not stall or press an unworkable position but would work until common ground could be found between the Department and Congress.

In light of his dedicated service to the Committee, Senator LEAHY and I have offered an amendment in the manager's package that would designate the fiscal year 2002 foreign operations bill as the "Kenneth M. Ludden Foreign Operations, Export Financing and Related Programs Appropriations Act, for Fiscal year 2002." This is just a small gesture to acknowledge our appreciation for a life time of service to the American people. On behalf of the Senate, Senator LEAHY and I offer our deepest condolences to his wife, Mary, and their daughters, and his colleagues at the Department. We will miss him.

## THE WHEELCHAIR FOUNDATION

Mr. STEVENS. Madam President, I rise today to express my appreciation to the Secretary of State, Colin Powell, for his assistance in the coming fiscal year to an exceptional organization—the Wheelchair Foundation. Since its launch in June 2000, the Wheelchair Foundation has delivered over 26,000 wheelchairs to individuals in 74 countries and throughout the United States. The World Health Organization estimates that some 25 million people around the world are unable to walk due to one cause or another. Various country officials and non-government officials in different countries around the world put the number at over 100 million.

To date, the foundation has been financed by private donations from the Kenneth E. Behring Foundation, private individuals, corporations, athletic teams and various non-profit organizations. Additionally, partnerships exist with the International Red Cross, Project Hope, Goodwill Global, Rotary International, Ronald McDonald House Charities, and Operations USA, among others. However, the Wheelchair Foundation has decided to intensify its efforts by launching a goal of delivering 1,000,000 wheelchairs to those in need in the next five years. In order to take its efforts to this next level, the foundation is seeking a public/private partnership with the Federal Government.

My staff has been working with the Secretary's office to try and create a workable partnership. One of the Federal programs we believe the Wheelchair Foundation can work with is the Denton Program. The Denton Program allows the Department of Defense, through a memorandum of understanding with the U.S. Agency for International Development to provide space available transportation of humanitarian cargo at little or no cost to the donor. The donor must ensure that (1) there is a legitimate need for the supplies by the people for whom they are intended; (2) that the supplies will in fact be used for humanitarian purposes; and (3) that the beneficiaries are capable of using the donated commodities safely. I think I can safely say that each of these requirements can be easily met by the Wheelchair Foundation. We have had notification from Secretary Powell's office that he agrees with these sentiments.

We have also been notified, that, assuming that we provide the adequate resources in the foreign operations bill, the Secretary will support providing funding to assist the program. The Wheelchair Foundation estimates that it will cost \$150,000,000 to provide the 1,000,000 chairs. This approximately \$150 per chair. Combined with the Denton Program support, any additional financial assistance that the Department of State provides would be greatly appreciated.

Mr. MCCONNELL. Senator STEVENS, would you pause for a question? This program sounds like it has been very successful—but now requires some of the Federal Government's global contacts to make that extra step—is that correct?

Mr. STEVENS. Senator MCCONNELL you are exactly right. The efforts by the foundation will not only utilize the vast resources of the private sector—but combine that with the experience and knowledge of the Department of State and the United States Agency for International Development. State and USAID each have personnel around the globe who are aware of the need for these chairs—from Central America to the nations of Africa to the Balkans to South East Asia. We are confident that these U.S. personnel can utilize their contacts in each of these communities to bring relief to those in need—and in five years—to reach one million people.

Mr. LEAHY. Senator, one more question please? Is there any limitation on who may receive these chairs? Are they designated for one group in particular?

Mr. STEVENS. No—one must only show a need—from innocent victims of landmines to those with muscular dystrophy—the Wheelchair Foundation has a single mission of bringing mobility and independence to those who cannot walk.

Mr. MCCONNELL. Senator LEAHY, it is clear that Senator STEVENS has come to us on behalf of an organization worthy of receiving U.S. support and I look forward to hearing of the accom-

plishments they make in the coming year.

Mr. LEAHY. Senator, I concur with your assessment and hope that the foundation reaches its goals for the coming year.

Mr. STEVENS. Thank you both for your support and, again, for the support of the Secretary. I look forward to working with you all to ensure that this project is a success.

#### TREATMENT FOR PRIMARY IMMUNODEFICIENCIES IN LATIN AMERICA

Mrs. CLINTON. Madam President: I would like to begin by commending my friend from Vermont, Senator LEAHY, for his tremendous work in putting this foreign operations appropriations bill together. I also want to applaud the efforts of USAID for its support of child health programs over the last 25 years, and, particularly, for intensifying its efforts in 1985 with the child survival initiative. Today more than 4 million infant and child deaths are prevented annually due to the critical lifesaving health services provided by USAID and its partners.

It has been estimated that in Central and South America over one million children are afflicted with primary immunodeficiency. Individuals with undiagnosed primary immunodeficiency are a source of viral and bacterial infection. When left undiagnosed and unprotected this population harbors serious viruses, bacteria, fungi and deep-seated infections. I am aware that an immunology infrastructure is in place in several Central and South American countries to conduct early diagnosis and treatment. However, funds are needed to further enhance and develop appropriate treatment. The Jeffrey Modell Foundation has developed a successful model for combating primary immunodeficiencies in the United States and around the world. I am hopeful that USAID, in collaboration with the foundation, will consider this model in Latin America. The components of this program would include physician education and public awareness, prevention, diagnosis and treatment.

I would be grateful if the chairman would join me in urging USAID to consider supporting the establishment of such programs in Latin America.

Mr. LEAHY. I want to thank my good friend from New York for bringing this to the Senate's attention. She has been a strong supporter of USAID's programs to improve the health of women and children in poor countries, and I applaud her for that. I look forward to having the benefit of her expertise on these issues, and will certainly encourage USAID to consider supporting the initiative she speaks of to combat primary immunodeficiencies in Latin America.

#### CAMBODIA'S MINISTRY OF WOMEN AND VETERAN'S AFFAIRS

Mr. BROWNBAC. The amendment I am offering will allow U.S. assistance to support programs and activities conducted by Cambodia's Ministry of

Women and Veteran's Affairs, and local and international nongovernmental organizations to counter human trafficking in the Kingdom of Cambodia. The State Department's "Trafficking in persons Report" dated July 2001 designates Cambodia as a source, destination, and transit country for trafficked persons. I offer this amendment with the full understanding that the climate of impunity in Cambodia today has allowed the trafficking of persons—and other illicit activities—to flourish. However, the Ministry of Women and Veteran's Affairs has demonstrated the political will to address this problem in a meaningful way—and to coordinate its work with the NGO community—and I encourage the State Department and the U.S. Agency for International Development to support the Ministry's efforts. I yield to my friend from Kentucky for a question.

Mr. MCCONNELL. My colleague has given serious thought to this amendment, and I commend him for his approach in selectively engaging the Cambodian government on issues of importance to the Cambodian people and the region. As a point of clarification does the Senator intend his amendment to allow the provision of U.S. assistance to any other segment of the Cambodian government, with the exception of the Ministry of Women and Veteran's Affairs for the sole purpose of combating human trafficking?

Mr. BROWNBAC. No. This amendment would permit U.S. assistance only to that Ministry for the sole purpose you mention. It is not my intention to subvert Section 560 of the FY 2002 Foreign Operations Appropriations bill. I seek only to support the reform efforts of the Ministry. It is a tragedy and horror that Cambodians can be abducted and sold into some form of slavery for as little as \$30. One survey found that 68 percent of sex workers in Cambodia had been forced into prostitution by outright sale by parents or boyfriends or by being lured into brothels with promises of a good job. I thank Senator MCCONNELL and Senator LEAHY for their interests in helping Cambodia's women and children.

Mr. MCCONNELL. I thank the Senator from Kansas for that clarification. I also want to note that the democratic opposition in Cambodia fully supports this amendment, and I ask that a letter from Cambodian Member of Parliament Sam Rainsy be inserted in the record following my remarks. I ask that I be added as a cosponsor to this amendment.

Mr. LEAHY. This is an important amendment that will enable the United States to support efforts by Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, which as Senator BROWNBAC has noted is a terrible problem in that country. I commend him for his commitment to address this problem and ask that I be added as a cosponsor as well.

Madam President, if the distinguished Senator from Kentucky and I



were to have our way about it, we would go to final passage, but I have a feeling there are probably some who may not be in favor of that.

I don't have anything else.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order to go back into morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TERRORISM WILL NOT WIN

Mr. DASCHLE. Madam President, I come to the Senate floor today to share with my colleagues a speech that former President Clinton gave earlier this month to the Greater Washington Society of Association Executives. It is an excellent speech that underscores a point many of us have made right here on this floor: the terrorists will not win, because we will not allow them to win.

If the terrorists thought they would succeed in dividing us, they need only read this strong endorsement of President Bush by President Clinton.

If the terrorists thought they could use terror to force us to withdraw from the world, they need only read this blueprint for greater U.S. engagement across the globe.

And, if the terrorists thought that they would get us to succumb to fear, they need only read this testament to the bravery shown by thousands of Americans since September 11.

Mr. President, I ask unanimous consent that President Clinton's October 9, 2001 speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FORMER PRESIDENT CLINTON'S REMARKS AT THE GREATER WASHINGTON SOCIETY OF ASSOCIATION EXECUTIVES

Thank you.

I never imagined that I could draw a crowd like this just because my wife is a senator. Well, Helen, you'll have a lot of mentions in the index. When I was told Helen Thomas was going to introduce me, I said, "God, I hope she's doesn't get to ask a question." I thought her questions to me were term-limited. You know when Helen left the UPI, some reporters wrote that she had given up her front row seat at the White House press conferences. But it turned out not to be so. In a town where power is supposed to be vested in the office and not the individual, she is the exception to the rule: The only person powerful enough to quit her job and still keep her seat, and I am profoundly honored to be with her tonight. America is a better

place today because of the 50-plus years she has given to the noble work of journalism.

Tonight, as we ask God's blessings on our men and women in uniform and their allies on their mission and pray that they return home safely, I thank the Greater Washington Society of Association Executives for going forward with this event, consistent with President Bush's request to us to go on with normal life in America.

Of course, it is not quite normal, and having been president and having been used to being second-guessed a bit, I want to make sure that anything I say here tonight about where we are and where we're going will be understood in the context of my complete support as an American for our president, his national security team and our allies in our efforts to deal with the challenges of terrorism.

Now, this bipartisan thing's getting downright amazing. Last week Bob Dole and I taped a public service announcement. To—he did make sure I sat on the left and he sat on the right. To make America aware of the Families of Freedom Scholarship Fund which has been established to raise \$100 million for the children and spouses of those killed or disabled on September the 11th, including people from other nations. These people are going to make a big contribution to our national life in the years ahead if we make sure that we don't forget them, even in three, five, 10, 15 years. An amazing number of the men who died left wives who were pregnant. And this endeavor will therefore carry forward at least 21 years.

I thank the Greater Washington Society of Association Executives for assisting with a very special fund-raising event on October the 23rd from 5 to 7 at the Washington Hilton where President Gorbachev will be talking about the world after September the 11th. Attendance there will be free, but those attending are asked to bring a check payable to the Families of Freedom Scholarship Fund.

Thank you very much for supporting this effort.

Since September the 11th, I have spent a lot of time in New York with rescue and recovery workers, with survivors, with the families of the victims, with schoolchildren and their teachers, with people working to help people find answers and help people deal with their problems.

Today I attended the funeral of New York Fire Department Captain Fred Ill, a man who used to support my trips to New York as president. He was one of 10 firemen lost in one small firehouse in Midtown Manhattan and a remarkable man, who leaves a beautiful wife and three children, including a 22-year-old son who is New York fireman. The fire department, you know, is like a Medieval army. The generals lead the charge. They don't sit on a hill and direct. So after this terrible incident, we lost our fire chief and his top three deputies. We lost the Catholic chaplain who was a friend of Hillary's and mine. Over 300 firemen died and it required the New York Fire Department to promote over 200 of its firemen to fill the ranks of their superiors who went in first. But because they did, thousands and thousands of others who would have died did not.

After one person in the temple of our home town of Chappaqua perished, Hillary and I were invited to come to Rosh Hashanah service there. And I happened to meet one of those two amazing men who was on the 84th floor of the World Trade Center Tower, which was hit on the 85th floor. He immediately told everybody to get in the stairs and go down and then, with another man, carried a woman in a wheelchair 84 floors to safety.

I have been to the crisis center, first at the old armory on 26th and Lex and now at Pier

94, three times. There a man came to me and said President Clinton, "I'm glad to see you again. I first met you in Oklahoma City." And I said, "How did we come to meet?" He said, "You came to console me. My wife was in the building and I lost her." And he said, "The minute this happened, I took a leave of absence, got in my car and drove to New York because I had no one to talk to who knew what I was going through. And I thought maybe I could be there for these people." So he said, "I just come in and sit here all day and the people who are working with the victims bring them to see me."

I've met a lot of victims' families from all over the world and every conceivable group here in America. I met the British and the Germans and the Italians, the Chinese, the Japanese, the Indians, the Pakistanis, the Bangladeshis. I've met people from several African countries, from Mexico, Brazil, the Caribbean and elsewhere.

I've been in three schools, and two of them had double student bodies because the schools took in grade school kids in one case and high school kids in another who were blown out of their schools on September the 11th. One of these schools has a principal whose sister was killed at the World Trade Center. And she knew immediately that her sister might have been lost, but after her school was vacated, she walked five miles to the central office of the New York City school system to tell them that her children and teachers were well, and that as soon as they found them a building, they would conduct school again.

I have also had the great good fortune in the last few days of talking to people like you in Chicago, Los Angeles, El Paso, Little Rock and New Haven. And there are so many questions people have. You probably do too.

In the schools, the children want to know, the 9- and 10-year-olds, why do they hate us so much? How did bin Laden get all of these people to commit suicide anyway? If we hit them, won't they retaliate? The kind of things that you can't imagine a 9- or 10-year-old should ever have to think about. And I do my best to give them honest answers.

The men I talked with often speak with awe and admiration of what happened on the plane that went down in Pennsylvania. We ask each other whether we would have had the guts to take it down too.

When my oldest friend in the world, Mack McClarty called me and asked me how I was doing, and I asked him how he was doing and whether we would have had the guts to take the plane down if we had been on it, he said, "I think so and I sure hope so."

The mothers I talked to—and an astonishing number of women that Hillary and I know who are mothers of young children, have called me. They just, almost uniformly say, "Bill, is it going to be all right? Tell me it's going to be all right."

Tonight I'd like to sort through those questions with you, and I'd like to make these points.

First of all, though neither I nor anyone can tell you there will not be another terrorist attack on American soil, it will be all right, if we unite behind the president and our allies to fight terror now, if we spread the benefits and shrink the burdens of the 21st century all across the globe, if we bring freedom today to people who don't have it, and if we continue our efforts to become the people we ought to be, the polar opposite of what the terrorists represent.

We saw that in the sacrifices of the men and women of the police and fire departments in New York. The terrorists died to kill people, and they died to save them.

Make no mistake about it, this conflict represents a fundamental struggle that will go on for the next few years to define the