

107TH CONGRESS
1ST SESSION

S. 1168

To amend the Foreign Assistance Act of 1961 to provide for the establishment of a Clean Water for the Americas Partnership within the United States Agency for International Development.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2001

Mr. CHAFEE (for himself, Mr. DEWINE, Mr. LEAHY, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Foreign Assistance Act of 1961 to provide for the establishment of a Clean Water for the Americas Partnership within the United States Agency for International Development.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Water for the
5 Americas Partnership Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) it is in United States national interests to
2 foster public and environmental health among neigh-
3 boring countries;

4 (2) neither disease nor pollution respects inter-
5 national borders;

6 (3) improving the lives of people abroad is an
7 essential element in curbing illegal immigration into
8 the United States;

9 (4) the health and productivity of the world's
10 natural resources affects all the world's people, in-
11 cluding the American people;

12 (5) maintaining good relations with nations of
13 Latin America and the Caribbean region promotes
14 United States national security interests in many
15 ways; and

16 (6) the United States environmental technology
17 industry is a world leader, and offers great potential
18 economic growth here in the United States, while at
19 the same time fostering improved environmental pro-
20 tection abroad.

21 **SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
22 **FINED.**

23 In this Act, the term “appropriate congressional com-
24 mittees” means the Committee on Appropriations and the
25 Committee on Foreign Relations of the Senate and the

1 Committee on Appropriations and the Committee on
2 International Relations of the House of Representatives.

3 **SEC. 4. AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF**
4 **1961.**

5 (a) IN GENERAL.—Part I of the Foreign Assistance
6 Act of 1961 (22 U.S.C. 2151 et seq.) is amended by add-
7 ing at the end the following new chapter:

8 **“CHAPTER 13—CLEAN WATER FOR THE**
9 **AMERICAS PARTNERSHIP**

10 **“SEC. 500. DEFINITIONS.**

11 “In this chapter:

12 “(1) JOINT PROJECT.—The term ‘joint project’
13 means a project between a United States association
14 or nonprofit entity and a Latin American or Carib-
15 bean association or nonprofit entity.

16 “(2) LATIN AMERICAN OR CARIBBEAN ASSOCIA-
17 TION.—The term ‘Latin American or Caribbean as-
18 sociation’ means an organization other than a
19 United States association—

20 “(A) that would be exempt from taxation
21 under section 501(a) of the Internal Revenue
22 Code of 1986 (26 U.S.C. 510(a)) as a business
23 league described in section 501(c)(6) of such
24 Code (26 U.S.C. 501(c)(6)) if the association
25 were subject to that Code; and

1 “(B) a majority of the members of which
2 are nationals of any country in the region.

3 “(3) LATIN AMERICAN OR CARIBBEAN NON-
4 PROFIT ENTITY.—The term ‘Latin American or Car-
5 ibbean nonprofit entity’ includes any institution of
6 higher education, any private nonprofit entity in-
7 volved in international education activities, or any
8 research institute or other research organization,
9 based in the region.

10 “(4) PRESIDENT.—The term ‘President’ means
11 the President, acting through the Administrator of
12 the agency primarily responsible for carrying out
13 this part.

14 “(5) REGION.—The term ‘region’ refers to the
15 region comprised of the member countries of the Or-
16 ganization of American States (other than the
17 United States and Canada).

18 “(6) UNITED STATES ASSOCIATION.—The term
19 ‘United States association’ means a business league
20 described in section 501(c)(6) of the Internal Rev-
21 enue Code of 1986 (26 U.S.C. 501(c)(6)), and ex-
22 empt from taxation under section 501(a) of such
23 Code (26 U.S.C. 501(a)).

24 “(7) UNITED STATES NONPROFIT ENTITY.—
25 The term ‘United States nonprofit entity’ includes

1 any institution of higher education (as defined in
2 section 101(a) of the Higher Education Act of 1965
3 (20 U.S.C. 1001(a)), any private nonprofit entity in-
4 volved in international education activities, or any
5 research institute or other research organization,
6 based in the United States.

7 **“SEC. 500A. ESTABLISHMENT OF PROGRAM.**

8 “The President is authorized to establish a program
9 within the agency primarily responsible for carrying out
10 this part which shall be known as the ‘Clean Water for
11 the Americas Partnership’. In carrying out the program
12 established under this section, the President may utilize
13 personnel of the Department of State, the Department of
14 Commerce, and the Environmental Protection Agency as
15 well as personnel employed by the agency primarily re-
16 sponsible for administering this part.

17 **“SEC. 500B. ENVIRONMENTAL ASSESSMENT.**

18 “The President is authorized to conduct a com-
19 prehensive assessment of the environmental problems in
20 the region to determine—

21 “(1) which environmental problems threaten
22 human health the most, particularly the health of
23 the urban poor, which environmental problems are
24 most threatening, in the long-term, to the region’s

1 natural resources, and which countries have the
2 most pressing environmental problems; and

3 “(2) whether and to what extent there is a mar-
4 ket for United States environmental technology,
5 practices, knowledge, and innovations in the region.

6 **“SEC. 500C. ESTABLISHMENT OF TECHNOLOGY AMERICA**
7 **CENTERS.**

8 “(a) **AUTHORITY TO ESTABLISH.**—The President, in
9 consultation with the Director General of the United
10 States and Foreign Commercial Service of the Department
11 of Commerce, is authorized to establish Technology Amer-
12 ica Centers (TEAMs) in the region to serve the entire re-
13 gion and, where appropriate, to establish TEAMs in urban
14 areas of the region to focus on urban environmental prob-
15 lems.

16 “(b) **FUNCTIONS.**—The TEAMs would link United
17 States private sector environmental technology firms with
18 local partners, both public and private, by providing logis-
19 tic and information support to United States firms seeking
20 to find local partners and opportunities for environmental
21 projects. TEAMs should emphasize assisting small busi-
22 nesses.

23 “(c) **LOCATION.**—In determining whether to locate a
24 TEAM in a country, the President, in consultation with
25 the Director General of the United States and Foreign

1 Commercial Service of the Department of Commerce, shall
2 take into account the country's need for logistic and infor-
3 mational support and the opportunities presented for
4 United States firms in the country. A TEAM may be lo-
5 cated in a country without regard to whether a mission
6 of the United States Agency for International Develop-
7 ment is established in that country.

8 **“SEC. 500D. PROMOTION OF WATER QUALITY, WATER**
9 **TREATMENT SYSTEMS, AND ENERGY EFFI-**
10 **CIENCY.**

11 “Subject to the availability of appropriations, the
12 President is authorized to provide matching grants to
13 United States associations and United States nonprofit
14 entities for the purpose of promoting water quality, water
15 treatment systems, and energy efficiency in the region.
16 The grants shall be used to support joint projects, includ-
17 ing professional exchanges, academic fellowships, training
18 programs in the United States or in the region, coopera-
19 tion in regulatory review, development of training mate-
20 rials, the establishment and development in the region of
21 local chapters of the associations or nonprofit entities, and
22 the development of online exchanges.

23 **“SEC. 500E. GRANTS FOR PREFEASIBILITY STUDIES WITHIN**
24 **A DESIGNATED SUBREGION.**

25 “(a) GRANT AUTHORITY.—

1 “(1) IN GENERAL.—Subject to the availability
2 of appropriations, the President is authorized to
3 make grants through the agency primarily respon-
4 sible for carrying out this part for prefeasibility
5 studies for water projects in any country within a
6 single subregion or in a single country designated
7 under paragraph (2).

8 “(2) DESIGNATION OF SUBREGION.—The Presi-
9 dent shall designate in advance a single subregion or
10 a single country for purposes of paragraph (1).

11 “(b) MATCHING REQUIREMENT.—The President may
12 not make any grant under this section unless there are
13 made available non-Federal contributions in an amount
14 equal to not less than \$20 for every \$80 of Federal funds
15 provided under the grant.

16 “(c) LIMITATION PER SINGLE PROJECT.—With re-
17 spect to any single project, grant funds under this section
18 shall be available only for the prefeasibility portion of that
19 project.

20 “(d) DEFINITIONS.—In this section:

21 “(1) PREFEASIBILITY.—The term ‘prefeasi-
22 bility’ means, with respect to a project, not more
23 than 25 percent of the design phase of the project.

24 “(2) SUBREGION.—The term ‘subregion’ means
25 an area within the region and includes areas such as

1 Central America, the Andean region, and the South-
2 ern cone.

3 **“SEC. 500F. CLEAN WATER TECHNICAL ASSISTANCE COM-
4 MITTEE.**

5 “(a) IN GENERAL.—The President is authorized to
6 establish a Clean Water Technical Assistance Committee
7 (in this section referred to as the ‘Committee’) to provide
8 technical support and training services for individual
9 water projects.

10 “(b) COMPOSITION.—The Committee shall consist of
11 international investors, lenders, water service providers,
12 suppliers, advisers, and others with a direct interest in ac-
13 celerating development of water projects in the region.

14 “(c) FUNCTIONS.—Members of the Committee shall
15 act as field advisers and may form specialized working
16 groups to provide in-country training and technical assist-
17 ance, and shall serve as a source of technical support to
18 resolve barriers to project development.

19 “(d) NONAPPLICABILITY OF FEDERAL ADVISORY
20 COMMITTEE ACT.—The Federal Advisory Committee Act
21 (5 U.S.C. App.) shall not apply to the Committee.

22 **“SEC. 500G. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) IN GENERAL.—There are authorized to be ap-
24 propriated to the President \$10,000,000 for each of the

1 fiscal years 2002, 2003, and 2004 to carry out this chap-
2 ter.

3 “(b) AVAILABILITY OF FUNDS.—Funds appropriated
4 pursuant to subsection (a) are authorized to remain avail-
5 able until expended.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall take effect October 1, 2001.

8 **SEC. 5. REPORT.**

9 Two years after the date of enactment of this Act,
10 the President shall submit a report to the appropriate con-
11 gressional committees containing—

12 (1) an assessment of the progress made in car-
13 rying out the program established under chapter 13
14 of part I of the Foreign Assistance Act of 1961, as
15 added by section 4 of this Act; and

16 (2) any recommendations for the enactment of
17 legislation to make changes in the program estab-
18 lished under chapter 13 of part I of the Foreign As-
19 sistance Act of 1961, as added by section 4 of this
20 Act, for fiscal year 2004.

21 **SEC. 6. TERMINATION DATE.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), chapter 13 of part I of the Foreign Assistance Act
24 of 1961, as added by section 4, is repealed on the date

1 that is 3 years after the date of establishment of the pro-
2 gram described in section 500A of that Act, as so added.

3 (b) EXCEPTION.—In lieu of the date of repeal speci-
4 fied in subsection (a), the repeal required by that sub-
5 section shall take effect five years after the date of estab-
6 lishment of the program described in section 500A of that
7 Act, as so added, if, prior to the date of repeal specified
8 in subsection (a), the Administrator of the United States
9 Agency for International Development determines and cer-
10 tifies to the appropriate congressional committees that it
11 would be in the national interest of the United States to
12 continue the program described in such section 500A for
13 an additional 2-year period.

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