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No. 177

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 19, 2001.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: O Lord, You are our God. We will extol You and praise Your name, for You have fulfilled Your wonderful plans of old, faithful and true.

From the barren earth You bring forth new life. From injustice and disaster You draw forth goodness and promises that reshape the world. We look to You, O Lord, ever faithful, in the midst of darkness and fear, to give birth to wisdom, at a time pregnant with insecurity, and promise to breathe forth integrity.

Bless this Congress with Your almighty power and gentle grace. Let not

today's problems be left for tomorrow, rather lead this Nation to take steps that prepare the way for Your swift coming with justice and peace. Fulfill in our day Your true promise of abundant life and lasting security. We praise Your holy name both now and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. DOOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. DOOLEY of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes from each side.

### FAILED SCIENTIFIC PROCESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, well, here we go again. Last week, the Department of Energy changed the ground rules once again for judging the suitability of Yucca Mountain.

How convenient for them to change the guidelines after scientists began to conclude the natural features of the mountain would not work.

You cannot change the rules of the game once the game has begun, Mr. Speaker. The audacity of the Department of Energy is deplorable. First, their own Inspector General cites 9 years of possible collusion of a corrupt law firm; then, the GAO warns that the plans the DOE has shown to Congress and the Nevadans may not describe the facility the GAO would actually build and develop. And now, after changing the regulations to suit their science, we, the American people, are supposed to trust them?

The Department of Energy should be ashamed of itself. It is time to put the safety of Nevadans and Americans ahead of their own desire to win at any cost.

### NOTICE

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Michael F. DiMario, *Public Printer*

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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TRIBUTE TO WASHINGTON, WEST ALLEGHENY, AND ROCHESTER HIGH SCHOOL FOOTBALL TEAMS

(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MASCARA. Mr. Speaker, I rise today to recognize a very special group of high schools in western Pennsylvania: Washington, West Allegheny, and Rochester High Schools. All three became Pennsylvania State football champions in their respective divisions.

The Washington High School Little Prexies defeated Pen Argyle 19 to 12 to win their first Pennsylvania State championship. The Little Prexies finished their season with a perfect record of 15 and 0, the only team in their division to finish their season without a loss. They are also the first team in Washington County to win a State championship game.

The West Allegheny Indians defeated Strath Haven 28 to 13, breaking Strath Haven's 44-game winning streak. This is the third consecutive year these two teams have met in the State finals, and West Allegheny's first win.

The Rochester Rams defeated Southern Columbia 16 to 0 to win their third Pennsylvania State championship, only the fourth team ever to do so.

Mr. Speaker, I know the entire House of Representatives joins me in congratulating the Washington High School Little Prexies, the West Allegheny Indians, and the Rochester Rams on their well-deserved State championships.

IN HONOR OF PHILIP LAMONACO

(Mr. LoBIONDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LoBIONDO. Mr. Speaker, I rise today in honor of a fallen New Jersey State Trooper, a man who served our State proudly. Twenty years ago Friday, Trooper Philip Lamonaco was shot and killed by two self-avowed revolutionaries during a traffic stop on a stretch of highway in Warren County. Trooper Lamonaco, who was named "Trooper of the Year" in 1979, left behind a wife and three children.

His murder sparked a dogged manhunt for his killers, and they were tracked down and jailed. Philip Lamonaco was the kind of law enforcement professional that inspires others to take up the fight to protect our communities. Since Philip's murder, his wife Donna, who I have met at several functions, has worked tirelessly as an advocate for police and their families. And earlier this year, Trooper Lamonaco's son Michael joined the New Jersey State Police, following the example of his father.

To the Lamonaco family, his friends and colleagues, I extend my condolences on this sad anniversary, and I

extend the thanks of the people of New Jersey for his service. Philip Lamonaco will never be forgotten.

FAA MAILS PILOT LICENSES TO FOREIGN COUNTRIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while Congress continues to pass airline security measures, pilot licenses are flying to foreign countries faster than bin Laden's been running.

Unbelievable, but check this out. My investigation shows the FAA regularly sends pilot licenses in the mail to places like Afghanistan, Iraq, Iran, Libya and Pakistan. Now, if that is not enough to drench some fire hydrant, these licenses are being sent to post office boxes, no less. Beam me up. I am asking that the GAO investigate this madness.

I yield back the fact that the FAA may have supplied bin Laden with an air force legally certified to attack America.

CAPTURING THE QUEST FOR EXCELLENCE IN TEACHING, RESEARCH, AND SERVICE

(Mr. RILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RILEY. Mr. Speaker, capturing the quest for excellence in teaching, research and service is the motto of the famed Tuskegee University, home of the World War II Tuskegee Airmen. And under the direction of University President Benjamin Payton, his faculty and staff, they have stood by this motto in the academic arena for years.

Founded in 1881 by Booker T. Washington, the School's distinguished list of accomplishments include the number one producer of African-American aerospace engineers in the nation, provider of more African-American general officers to the military than any other institution, and alma mater to over 75% of the African-American veterinarians in the world.

This year, Tuskegee University Golden Tigers have captured the quest for excellence in the athletic world, as well, by being named the 2001 Football Champions of the Southern Intercollegiate Athletic Conference. With an athletic record that includes 533 victories, 19 SIAC championships, 7 black college national championships, and 15 postseason bowl appearances, Tuskegee University has rightly been named the Nation's winningest historically black college.

As their representative, I have a lot of pride in this institution. Please join me in congratulating them in their many successes and wishing them the best of luck as they travel to Atlanta to compete in the Pioneer Bowl on December 22.

Congratulations to Dr. Payton, head coach Rick Comegy, and the Golden Tigers for excellence both on and off the football field.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

TERRORIST BOMBINGS CONVENTION IMPLEMENTATION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3275) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3275

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**TITLE I—SUPPRESSION OF TERRORIST BOMBINGS**

**SEC. 101. SHORT TITLE.**

This title may be cited as the "Terrorist Bombings Convention Implementation Act of 2001".

**SEC. 102. BOMBING STATUTE.**

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332e the following new section:

**"§2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities**

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

"(A) with the intent to cause death or serious bodily injury, or

"(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

"(1) the offense takes place in the United States and—

"(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

“(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

“(C) at the time the offense is committed, it is committed—

“(i) on board a vessel flying the flag of another state;

“(ii) on board an aircraft which is registered under the laws of another state; or

“(iii) on board an aircraft which is operated by the government of another state;

“(D) a perpetrator is found outside the United States;

“(E) a perpetrator is a national of another state or a stateless person; or

“(F) a victim is a national of another state or a stateless person;

“(2) the offense takes place outside the United States and—

“(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

“(B) a victim is a national of the United States;

“(C) a perpetrator is found in the United States;

“(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

“(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

“(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

“(G) the offense is committed on board an aircraft which is operated by the United States.

“(c) PENALTIES.—Whoever violates this section shall be imprisoned for any term of years or for life, and if death results from the violation, shall be punished by death or imprisoned for any term of years or for life.

“(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

“(2) activities undertaken by military forces of a state in the exercise of their official duties; or

“(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

“(e) DEFINITIONS.—As used in this section, the term—

“(1) ‘serious bodily injury’ has the meaning given that term in section 1365(g)(3) of this title;

“(2) ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(3) ‘state or government facility’ includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

“(4) ‘intergovernmental organization’ includes international organization (as defined in section 1116(b)(5) of this title);

“(5) ‘infrastructure facility’ means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

“(6) ‘place of public use’ means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

“(7) ‘public transportation system’ means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

“(8) ‘explosive’ has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

“(9) ‘other lethal device’ means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents or toxins (as those terms are defined in section 178 of this title), or radiation or radioactive material;

“(10) ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

“(11) ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

“(12) ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding after the item relating to section 2332e the following:

“2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.”

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

#### SEC. 103. EFFECTIVE DATE.

Section 102 of this title shall become effective on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

### TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

#### SEC. 201. SHORT TITLE.

This title may be cited as the “Suppression of the Financing of Terrorism Convention Implementation Act of 2001”.

#### SEC. 202. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

#### “§ 2339C. Prohibitions against the financing of terrorism

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with

the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

“(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

“(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

“(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

“(b) CONCEALMENT.—

“(1) IN GENERAL.—Whoever, in the United States, or outside the United States and a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions), knowingly conceals or disguises the nature, the location, the source, or the ownership or control of any material support or resources provided in violation of section 2339B of this chapter, or of any funds provided or collected in violation of subsection (a) or any proceeds of such funds, shall be punished as prescribed in subsection (d)(2).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(2).

“(c) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

“(1) the offense takes place in the United States and—

“(A) a perpetrator was a national of another state or a stateless person;

“(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

“(C) on board an aircraft which is operated by the government of another state;

“(D) a perpetrator is found outside the United States;

“(E) was directed toward or resulted in the carrying out of a predicate act against—

“(i) a national of another state; or

“(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

“(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

“(G) was directed toward or resulted in the carrying out of a predicate act—

“(i) outside the United States; or

“(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

“(2) the offense takes place outside the United States and—

“(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

“(B) a perpetrator is found in the United States; or

“(C) was directed toward or resulted in the carrying out of a predicate act against—

“(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

“(ii) any person or property within the United States;

“(iii) any national of the United States or the property of such national; or

“(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

“(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

“(4) the offense is committed on board an aircraft which is operated by the United States; or

“(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

“(d) PENALTIES.—

“(1) Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

“(2) Whoever violates subsection (b) shall be fined under this title, imprisoned for not more than 10 years, or both.

“(e) DEFINITIONS.—As used in this section—

“(1) the term ‘funds’ means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

“(2) the term ‘government facility’ means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

“(3) the term ‘proceeds’ means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

“(4) the term ‘provides’ includes giving, donating, and transmitting;

“(5) the term ‘collects’ includes raising and receiving;

“(6) the term ‘predicate act’ means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

“(7) the term ‘treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

“(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

“(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

“(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

“(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

“(8) the term ‘intergovernmental organization’ includes international organizations;

“(9) the term ‘international organization’ has the same meaning as in section 1116(b)(5) of this title;

“(10) the term ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

“(11) the term ‘serious bodily injury’ has the same meaning as in section 1365(g)(3) of this title;

“(12) the term ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(13) the term ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof.

“(f) CIVIL PENALTY.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least \$10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

“2339C. Prohibitions against the financing of terrorism.”

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

#### SEC. 203. EFFECTIVE DATE.

Except for sections 2339C(c)(1)(D) and (2)(B) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States, section 202 of this title shall be effective upon enactment.

### TITLE III—ANCILLARY MEASURES

#### SEC. 301. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting “2332f,” after “2332d,”; and

(2) striking “or 2339B” and inserting “2339B, or 2339C”.

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting “2332f (relating to bombing of public places and facilities),” after “2332b

(relating to acts of terrorism transcending national boundaries),”; and

(2) inserting “2339C (relating to financing of terrorism),” before “or 2340A (relating to torture)”.

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting “2332f,” before “or 2340A”.

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end thereof the following new subparagraph:

“(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin, (Mr. SENSENBRENNER), and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3275, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we have learned in recent months, the only effective way to fight terrorism is to fight it on a global scale. In order to accomplish this, it is important that we build an international framework for combating terrorism in all its forms. The first and most important piece of this framework is international cooperation. Passage of the bill before us today will allow the United States to reinforce the international community's intolerance for and condemnation of terrorist acts and their financing.

Mr. Speaker, on December 5, 2001, the Senate gave its advice and consent to ratify the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of Financing of Terrorism. H.R. 3275 makes appropriate changes to Title 18 of the United States Code in order to implement these treaties so that they can be ratified by the President.

The Terrorist Bombings Convention addresses the most utilized form of terrorism, the bombings of public places, State or government facilities, public transportation systems or infrastructure facilities, with the intent to cause death or serious bodily injury. H.R. 3275 enacts a new statute which would criminalize these acts if they have an international nexus, such as the bombing of a foreign embassy located in the United States. Nations who are a party to this treaty agree to extradite or

prosecute persons accused of such offenses, and also agree to provide assistance in connection with the investigation of such crimes.

I am sure everyone is aware that there are already State and Federal laws that criminalize terrorist bombings. This legislation will supplement those laws and close any loopholes that an accused terrorist may try to exploit in a court of law. Furthermore, the legislation covers biological, chemical, and radiological weapons, as well as conventional explosives.

The Terrorist Financing Convention addresses a common element of every terrorist act, financing and other support. This treaty recognizes that the financial backers of terrorism are just as responsible as those who commit the terrorist acts themselves. H.R. 3275 makes it a crime to unlawfully and willingly provide or collect funds with the intention or knowledge that such funds are to be used to carry out any act intended to cause death or serious bodily injury to a civilian. As with the Terrorist Bombing Convention, there must be some international nexus with the terrorist financing, such as someone operating outside of the United States. Likewise, nations who are a party to this treaty also agree to extradite or prosecute and assist in criminal investigations.

The Terrorist Bombing and Terrorist Financing Conventions follow the general model of prior terrorism conventions negotiated by the United States. These conventions will significantly strengthen the network of anti-terrorism treaties built over the last 30 years by requiring nations to criminalize terrorist conduct identified in the treaties and to cooperate in the investigation and prosecution of the offenses. Given the global way that terrorists operate, it is imperative that we make sure that as many countries as possible have comparable laws against terrorism for an effective framework of investigation, extradition, and prosecution.

□ 1015

Mr. Speaker, I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 3275 which would implement the international convention for the suppression of terrorist bombings, and the international convention for the suppression of the financing of terrorism. I am not opposed to the bill because of the treaties, but because of the extraneous items that are in the treaties. These treaties have been pending for some time, and I applaud the President for his present resolve in having the treaties ratified.

There are many extraneous provisions in the bills that are not necessary, however, to ratify either of the treaties. The treaties require that we

have such laws on the books which would do such things like criminalize terrorist bombings and the financing of terrorist activities.

A few weeks ago, we passed legislation which was represented by the administration as a comprehensive anti-terrorism bill designed to cover the full gamut terrorist threats in this country, as well as the support of terrorist activities. Upon that representation, we provided unprecedented extensions of wiretap, RICO asset forfeitures, and additional punishments were enacted into law. Now we are told that additional laws have to be passed.

One of the provisions that requires us to have a law prohibiting bombing of foreign embassies in the United States cannot possibly be necessary. It is obviously against the law in the United States to bomb any building, much less a foreign embassy. A lot of these statutes are not needed.

The provisions before us do not constitute the treaties. The treaties are embodied in other documents. There are provisions, for example, that are actually counterproductive. This bill includes certain death penalties. The death penalty actually works against us because many of our allies will not extradite their criminals to the United States because we have the death penalty. There are other provisions that are not necessary. We were told by the administration that the death penalty provisions were, in fact, not needed to implement the treaties, and yet here they are in the bill.

Given this situation, Mr. Speaker, and other provisions in the bill that are not necessary to implement the treaties, I would hope that we would defeat the bill and reconsider the bill just providing the provisions that are necessary to implement the treaty.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and am prepared to close if the gentleman from Virginia has no further speakers.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentleman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for his kindness in yielding me this time, and I would also like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER). I know that the chairman is working on a number of legislative initiatives that are coming to the floor of the House, and that the gentleman is being required to move these legislative initiatives rather quickly. In fact, I also know that the gentleman has been working to help us move some legislation forward dealing with the access to legalization of immigrants, and I know that we have had some difficulties with that, but I thank

him for his leadership and concern on those issues.

I say that because I do not think any Member has opposition to an international convention that deals with the suppression of terrorist bombings, and that we recognize the key importance of the international convention of the suppression of the financing of terrorism. There is not one iota of difference, I believe, with Members on both sides of the aisle on the importance of moving forward on finding terrorists, bringing terrorists to justice, and ensuring that our international colleagues, our friends around the world, the nations that are our allies and others around the world, should have a convention and treaty that puts us on the same page in fighting terrorism.

At the same time, I think it is important to note as we move forward on this legislation, and I raise a number of caution flags, for me to again offer my concerns about the existence of military tribunals without any set criteria and regulations upon which they are utilized. Members might ask the question where goes the relationship in connection with this legislation, but I think if we refuse to bring this up and continue in silence to accept the existence of military tribunals with what the other body has announced is not in place, meaning the other body asked the questions what kind of regulation, what kind of requirements, what kind of criteria do you use to try people at military tribunals? If we do not raise that issue even as we bring to the floor of the House this legislation, then we have a problem.

I acknowledge my concern with the quiet violation of the 6th Amendment, and that is individuals who are being listened to as their attorney is providing them counsel. If we do not raise these issues on the floor of the House, my concern about those policies is they have no criteria, they have no regulation, they have no governance.

Mr. Speaker, how can we claim to want to fairly deal with laws and pass an international convention on terrorism where we want everyone to join in around consistent rules and regulations, when we have these provisions in the United States with seemingly no basis and no need.

It is interesting that we are now going to try one of the terrorists found in the United States by a civil court, a judiciary system under the laws of the United States. I think that is commendable. It says that we are unsure of the reasons for the military tribunal, and whether or not we need to use them. And we have found that our judicial system, the third branch of government, is more than adequate to be able to try one of the alleged horrific terrorists that was involved in the September 11 attacks.

As it relates to this legislation, I would add my concerns to the passage of this legislation, without any commentary pro or con on the death penalty. I think it is important that we

make the point that many of those who would be adhering to this treaty have great concern that we have language dealing with the death penalty, and that we could have cleaned this particular legislation up by accepting the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Virginia (Mr. SCOTT) to delete the language, leaving in place the provision authorizing a maximum sentence of life imprisonment. That, I think, would have made this a more legitimate piece of legislation, in recognition of the fact that many of those who would join in on this treaty are absolutely opposed to the death penalty.

One of our known allies, France, in dealing with bringing people to justice who find themselves in France, is the refusal of that country to deport individuals for trial here in the United States because of the death penalty.

It is also worthy of noting that the administration acknowledged that capital punishment is not required to implement the conventions. For those Members listening to this debate and saying, here we go again on the debate of the death penalty, that is not the debate we are speaking about. We are talking about making an effective legislative initiative that deals with having a convention that will stand up.

Right now we have an Achilles heel. We have a failing in this legislation because we know that there are many who have argued that they will not participate or not join in or that there will be a problem because of the death penalty provision, and at the same time, we have an administration that says this is not necessary.

I am hoping as this legislation moves along, that we will take into consideration the point of view of some of our closest allies who have routinely refused to honor extradition requests by the United States unless their judicial authorities can be assured that the defendants will not face execution.

We have faced heinous acts against the people of the United States, and I offer my deepest sympathy to those who lost loved ones on September 11. Whether this legislation with the death penalty helps solve our problems, I think not, particularly if those who are harboring criminals would not extradite them because of the death penalty.

Mr. Speaker, in closing, tomorrow I will be holding a briefing dealing with the terrible atrocities or how the children of Afghanistan are being treated because I believe all Americans are concerned about two sides of the coin, the humanitarian side and the fighting terrorism side. This is good legislation, but I think it could have been better legislation if we had taken into consideration the viewpoints of those who we seek to convene or seek to engage in the treaty, and that is that we would have a life imprisonment provision as opposed to a death penalty provision which undermines our relationship with our allies who have opposition to this point of view.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot believe what I just heard. We are told that we should not put a death penalty in this bill that relates to implementing a convention against terrorist bombings where a death or serious injury occur because the French do not like it. Well, the last time I read the United States Constitution, the elected representatives of the American people legislate for America, not the elected representatives of the French people. This is an issue of our national sovereignty and whether or not we believe that the death penalty is an appropriate option for those who are accused of crimes under the convention designed to combat terrorist bombings.

The overwhelming majority of the American people support the death penalty, particularly when it is with respect to a terrorist act. We should not let the parliament of any other country in the world make a determination on what the appropriate penalty is for those who are accused of these heinous crimes and are convicted by a unanimous verdict of 12 jurors who believe beyond a reasonable doubt that the defendant committed the crimes that are mentioned.

We already have provisions in the United States code providing for the death penalty for terrorist act that result in somebody's death. Without making this law parallel to the other penalties in the United States code, we are setting up a dual system of justice. If a defendant is indicted for violating one section, the defendant is subject to the death penalty. If a defendant is indicted for violating another section of the code as created by this bill, the defendant is not. That, I think, is the wrong message that we ought to send both domestically and internationally with respect to this issue.

I remind Members, Mr. Speaker, that since 1972, the death penalty is not automatic upon conviction of a crime. The same jury that has convicted someone of a capital offense is reimpaneled and hears aggravating and mitigating evidence, and makes a determination whether or not the death penalty should be imposed. Who is better equipped to do that but the jurors that listened to the trial on the merits, saw the demeanor of the defendant in court, whether or not the defendant testified in his or her own behalf, decided which witnesses were telling the truth and which witnesses were not, and were able to see the demeanor of every other participant in that trial.

I think that the message that we ought to send, purely and simply, is that the elected representatives of the American people will decide what these penalties are, not people in France or in Italy or in Sweden or Germany or anyplace else. I think that the American people want the death penalty for these types of crimes as an option when a defendant is indicted.

Mr. Speaker, I reserve the balance of my time.

□ 1030

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is designed to facilitate the fight against terrorism and working with our allies in that fight, and it is, frankly, not helpful in that process to have situations where our allies will not cooperate with us because of the death penalty.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I have to respectfully disagree with the chairman of the committee for the same reasons that were articulated by both the gentlewoman from Texas and the ranking member of the subcommittee. I think we have to put this in context and understand exactly what is required in terms of the Convention. The administration itself has acknowledged that this death penalty provision is not required to implement the Convention.

I have no disagreement with the gentleman's premise that it is the United States Congress that imposes or reflects, if you will, the will of the majority of the American people. At the same time, this provision is going to cause serious problems. In fact, not only is it not required under the Convention, but, as the gentleman from Virginia (Mr. SCOTT) indicated, it will actually impair the fight against international terrorism by making it harder for the Justice Department to secure extradition in these kinds of cases.

Our continued resort to the death penalty has brought condemnation from nations across the globe. Even some of our closest allies routinely refuse to honor extradition requests by the United States unless their judicial authorities can be assured that the defendants will not face execution. It has become a serious problem in terms of our legal relationships with our most steadfast allies, some of which were enumerated by the chairman of the committee.

Earlier this year, the Supreme Court of Canada ruled that the Canadian Charter of Rights and Freedoms precludes extradition to the United States unless U.S. authorities give assurances that the death penalty will not be imposed. Similar rulings have been made by governments and courts in France, South Africa and elsewhere.

I do not see how it serves American interests to enact additional provisions that do not exist currently in the law that will further complicate our ability to prosecute terrorists and further marginalize the U.S. within the family of nations.

Now, the administration justifies the new death penalty provision by claiming that it merely tracks current law with respect to comparable domestic

crimes. That, I am sure, is accurate. But the fact that the current law presents an obstacle to our law enforcement objectives is hardly a persuasive argument for compounding the problem.

Reasonable people may continue to disagree with whether the death penalty serves as a deterrent to some categories of crimes, but I am at a loss to see how anyone can seriously believe that the prospect of the death penalty will deter suicide missions of the kind that this Nation witnessed on September 11. I dare say it will have no effect whatsoever, and I believe the administration implicitly concedes as much when it says that this new provision merely replicates existing death penalty provisions, provisions which did nothing to prevent those attacks from occurring.

Now, again, I support the Convention. I believe it should be ratified and implemented with all reasonable dispatch. But we have a responsibility to achieve that goal in a way that generally advances our national interests. I hope the Senate will fix this legislation so that that can happen.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is designed to implement a treaty. In order to be limited to that purpose, the bill goes well beyond what needs to be done, and, in fact, contains provisions that may be counterproductive. I therefore urge my colleagues to oppose the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have now heard the proposition that passing this bill as it is with the death penalty provisions contained in it is somehow going to render ineffective the foreign policy of the United States.

I would draw the attention of the gentleman from Massachusetts, in particular, to House document 107-139, which is a legislative proposal transmitted by the President of the United States to Congress on October 25, 2001, containing the death penalty. Now, under the Constitution, it is the President that conducts the foreign policy of the United States, and if he believed that the death penalty features in this legislation which involved terrorist bombings would somehow hamper his ability to put together an international coalition to fight the al Qaeda or any other terrorist organization, I am sure he would have said so in this message that he sent to the Congress. But he did not.

Giving prosecutors the opportunity to ask for the death penalty when there is a particularly heinous crime I think is something that should be an arrow in the quiver of the Justice Department. I regret that the opponents of this legislation have made their philosophical opposition to the death penalty a reason to vote down the im-

plementation of a treaty designed to combat international terrorism such as bombing of public facilities that we have seen occur at our embassies in Africa and which, unfortunately, occur on an almost daily basis in Israel, but I think that the President is right that we should have the option of having a death penalty as one of the penalties, should someone be indicted, tried and convicted.

I would urge the membership to support this bill overwhelmingly.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3275, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3427

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3427, the Afghanistan Freedom and Reconstruction Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### PROVIDING FOR PLACEMENT OF PLAQUE HONORING DR. JAMES HARVEY EARLY IN THE WIL- LIAMSBURG, KENTUCKY, POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1714) to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky, Post Office Building.

The Clerk read as follows:

S. 1714

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. INSTALLATION OF PLAQUE TO HONOR DR. JAMES HARVEY EARLY.

(a) IN GENERAL.—The United States Postmaster General shall install a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building located at 1000 North Highway 23 West, Williamsburg, Kentucky 40769.

(b) CONTENTS OF PLAQUE.—The plaque installed under subsection (a) shall contain the following text:

“Dr. James Harvey Early was born on June 14, 1808 in Knox County, Kentucky. He was

appointed postmaster of the first United States Post Office that was opened in the town of Whitley Courthouse, now Williamsburg, Kentucky in 1829. In 1844 he served in the Kentucky Legislature. Dr. Early married twice, first to Frances Ann Hammond, died 1860; and then to Rebecca Cummins Sammons, died 1914. Dr. Early died at home in Rockhold, Kentucky on May 24, 1885 at the age of 77.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

#### GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1714.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 1714, sponsored by Senator MITCH MCCONNELL, would install a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky, Post Office.

Mr. Speaker, I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Committee on Government Reform, I am pleased to join my colleague in the House consideration of S. 1714, which places a plaque in the Post Office in Williamsburg, Kentucky, honoring Dr. James Harvey Early. This measure was introduced by Senator MITCH MCCONNELL on November 5, 2001.

Dr. James Harvey Early was born on June 4, 1808, in Knox County, Kentucky. He was appointed postmaster of the first United States Post Office that was opened in the town of Whitley Courthouse, now Williamsburg, Kentucky, in 1829. In 1844 he served in the Kentucky legislature.

Dr. Early died at home in Rockhold, Kentucky, on May 24, 1885, at the age of 77. He represents the significance of individuals who have made a tremendous impact on the development of our community for many, many years to come.

Mr. Speaker, I join with my colleague and urge swift passage of this resolution.

Mr. ROGERS of Kentucky. Mr. Speaker, I rise in strong support of S. 1714, a bill to provide for the installation of a plaque in the Williamsburg Kentucky Post Office Building to honor Dr. James Harvey Early.

Kentucky was one of the first frontiers, marked with rugged terrain and harsh conditions. In this challenging frontier land, Dr. Early helped shape his community through his

many years of service. Born in Knox County, Kentucky in 1808, the young James Early served as the first Postmaster for the community of Whitley Courthouse, now known as Williamsburg, Kentucky. He went on to serve the community in the Kentucky State Legislature as a member of the Whig party in 1844 at the same time that he maintained a farm near Rockhold, Kentucky.

However, his greatest contribution to the community might well be his service as a doctor for nearly 30 years. Dr. Early practiced as a civilian doctor for the Union Army during the Civil War and continued as a country doctor until his death at the age of 77.

Married twice, Dr. Early helped raise 15 children, four of whom went on to serve this country in their own right by joining the Union Army during the war. Some of his descendants still live in Kentucky and continue to serve our commonwealth and this great nation in numerous ways.

Dr. James Harvey Early was a man who provided great service to his community through the trying and difficult times of war in this country, and it is fitting that we honor him today with this plaque.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the Senate bill, S. 1714.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### MAJOR LYN MCINTOSH POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1432) to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the "Major Lyn McIntosh Post Office Building".

The Clerk read as follows:

H.R. 1432

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MAJOR LYN MCINTOSH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia,

shall be known and designated as the "Major Lyn McIntosh Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Major Lyn McIntosh Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

#### GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1432.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1432 would designate the post office located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the Major Lyn McIntosh Post Office Building.

Lyn Davis McIntosh was born in Valdosta, Georgia, on October 11, 1946. He went to school in Valdosta, graduating from Valdosta State College in 1968. He taught mathematics at Valdosta Junior High School. He enlisted in the Air Force and served overseas in Thailand. After returning to the United States, he was stationed at Travis Air Force Base, California, serving as a National Security Officer.

Major McIntosh returned to flying, joining the 8th Special Operations Squadron as an aircraft commander in 1979. On November 4, 1979, Iranians seized the U.S. Embassy in Tehran, taking 66 Americans hostage. Major McIntosh volunteered for the rescue mission. This extremely dangerous and complex rescue attempt ended in disaster in an Iranian desert on April 25, 1980. Major McIntosh was among those who lost their lives during this rescue mission.

In 1969, Major McIntosh married Ann Dixon and they had three sons, Scott, Mark and Stewart. Ann Dixon passed away on February 17, 2001.

This bill is a fitting tribute to this American patriot. I commend the gentleman from Georgia (Mr. BISHOP) and the other members of the Georgia delegation for sponsoring this bill.

Mr. Speaker, I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in the House consideration of H.R. 1432, which

names a Post Office in Valdosta, Georgia, after Major Lyn McIntosh. H.R. 1432 was introduced by my good and colleague, the gentleman from Georgia (Mr. BISHOP) on April 4, 2001. This bill, which meets the committee policy, is cosponsored by the entire Georgia delegation.

□ 1045

I commend the gentleman from Georgia (Mr. BISHOP) for seeking to honor Major McIntosh.

Major McIntosh grew up in Valdosta and received his education in his hometown. He enlisted in the United States Air Force and completed his pilot training. As a member of the Eighth Special Operations Squadron, he commanded an MC-130 aircraft. He later volunteered for a rescue mission to recover the hostages seized in Iran at the U.S. embassy in Tehran, Iran, in 1979. Sadly and unfortunately, he was killed on a ground aircraft collision on April 25, 1979. Here is another example of an individual who was willing to give all that he had for his country; and I think it is certainly fitting, proper and appropriate that we honor him by naming a post office for him. I urge my colleagues to vote in the affirmative for the passage of this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BISHOP), the author of this legislation.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the committee for the hard work on both sides that have been done to bring this bill to the floor. It is a very, very important and emotional piece of legislation for the people of south Georgia.

If one visits the city of Valdosta in deep central south Georgia and happens to be on the corner of North Ashley Street and Woodrow Wilson Drive, one will see a memorial that includes an F-86 fighter plane and a plaque commemorating the life of Major Lyn David McIntosh.

Lyn McIntosh was an extraordinary American.

He was raised in Valdosta; and he attended the public schools there, where he was involved in football and tennis, drama and student government, and as sports editor of the school paper. He graduated from Valdosta State College; and for a while, he taught math at Valdosta Junior High School. Later, he would earn a master's degree from the University of California.

Moody Air Force Base is located in Valdosta, and this outstanding young man decided that military service is what he wanted to do with his life. In 1969, two big things happened: he was married to Ann Dixon of Valdosta, and he joined the Air Force. In the years that followed, he became the father of three sons; and he served as an Air Force pilot and a commander throughout much of the world, and he earned a long list of commendations, including the Air Force Commendation Medal

with two Oak Leaf Clusters. He flew with the Eighth Special Operations Squadron as an MC-130 aircraft commander in June of 1979.

As my colleagues know, on November 4, 1979, the Iranians seized the United States Embassy in Tehran, taking 66 Americans hostage. An extremely complex rescue mission was formed and Lyn volunteered for the mission. The rescue attempt began April 24, 1980; and it ended in a disaster in an Iranian desert on April 25. Lyn was among those who lost their lives in an on-the-ground aircraft collision. Unfortunately, this mission was aborted; and Lyn, unfortunately, was among those who died in this very, very tragic accident.

But today, we are here, grateful for Lyn's service to his country, grateful for his commitment, and we want to say "thank you" to his family; we want to say "thank you" in the way that Americans will always do for eternal gratitude for those who give that last full measure of devotion for our country.

Today, I would like to urge my colleagues to pass H.R. 1432, a bill to name the United States Post Office on the Inner Perimeter Road in Valdosta, Georgia, as the Major Lyn McIntosh Building in memory of a brave American. Lyn was indeed a great American. Greater love hath no man but that he lay down his life for his friends. Lyn was a friend to all Americans. He gave himself for those 66 hostages; and for that, we will be forever grateful.

Mr. Speaker, I urge passage of this resolution as a memorial to Lyn and his family and to all those who knew and all Americans who benefited from his service to our great country.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON), my distinguished colleague.

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for yielding me time.

I wanted to say that the gentleman from Georgia (Mr. BISHOP), my good friend, has introduced a very timely resolution for a great American patriot. As somebody who will be representing Valdosta, Georgia, or part of Valdosta, Georgia, I look forward to participating in this. I do not know the McIntosh family personally, as does the gentleman from Georgia (Mr. BISHOP), but if one looks at the history of the United States of America in the last 10 or 15 years, it is clear that Mr. McIntosh has been a part of that history and has served his country well. During that very trying period in 1979 when Americans faced the ignominious situation in Iran, for somebody to step forward and volunteer on a rescue mission I think speaks volumes of his pa-

triotism, love, and devotion for our country.

I look forward to supporting my colleague on this and working with him and the folks in the Senate to get this thing passed. I also look forward to getting to know the McIntosh family. I thank the gentleman from Georgia for introducing this piece of legislation.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, having no other speakers, I urge all of my colleagues to join me in supporting the passage of H.R. 1432.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 1432.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 2001

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1202) to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

The Clerk read as follows:

S. 1202

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Government Ethics Authorization Act of 2001".

#### SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "1997 through 1999" and inserting "2002 through 2006".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1202 is critically important to ensuring honesty, integrity, and impartiality in the executive branch of the Federal Government. The bill would reauthorize the Office of Government Ethics through fiscal year 2006.

With a budget of \$10 million and a staff of only 82, the Office of Government Ethics is a small agency. Despite its small size, however, it performs a vital function.

The office, established in 1978, fosters high ethical standards for government employees. It oversees compliance by Federal departments and agencies with a variety of ethics laws. It issues rules and regulations for Federal employees to follow on such matters as conflict of interest, post-employment restrictions, standards of conduct, and financial disclosure. The office also reviews financial disclosure statements of certain Presidential nominees and, when necessary, recommends corrective action if it finds violations of ethics laws.

In addition, the office trains employees in ethics, provides formal and informal guidance on the interpretation and application of various ethics laws, and it evaluates the effectiveness of conflict of interest and other ethics laws.

During the last Congress, the Subcommittee on Civil Service and Agency Organization of the Committee on Government Reform held an oversight hearing on the Office of Government Ethics. That hearing revealed that the office has performed its duties exceedingly well. There is no question that the office has earned reauthorization from this Congress.

So, Mr. Speaker, I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking member of the Subcommittee on Civil Service and Agency Organization, I am pleased to join with the gentlewoman from Maryland in support of S. 1202, a bill to amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

OGE's mission is not only to prevent and resolve conflicts of interest and to foster high ethical standards for Federal employees, but also to strengthen the public's confidence so that the government's business is conducted with impartiality and integrity. OGE does this by, one, reviewing and certifying the financial disclosure forms filed by Presidential nominees requiring Senate confirmation; two, serving as the primary source of advice in counseling on conduct and financial disclosure issues; and, three, by providing information on promoting understanding of ethical standards in executive agencies.

OGE and its staff are well regarded by the Federal agencies with whom

they do business. OGE has played an essential and significant role in fostering the public's trust in the integrity of government.

Mr. Speaker, there is no component of government more important than that of assuring the public's trust. OGE helps to build and maintain that kind of trust that is essential for an orderly, ethical, and respectable conduct of the Nation's business. For those reasons, I urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Illinois (Mr. DAVIS) for his words and tell him that I do value working with him on the Subcommittee on Civil Service and Agency Organization. I also want to thank Senator LIEBERMAN who chairs the Senate Committee on Governmental Affairs for his sponsorship of this bill. Indeed, accolades to the gentleman from Indiana (Mr. BURTON), the chairman of the committee on Government Reform and Oversight, and the gentleman from California (Mr. WAXMAN), the ranking member, for their support of this legislation. Also, thanks should go to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for his cooperation in expediting consideration of this measure.

Mr. Speaker, promoting high ethical standards in the Federal Government is critically important if the citizens of this country are to have confidence in its operation. For this reason, I urge all Members to support S. 1202 and the reauthorization of the Office of Government Ethics.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the Senate bill, S. 1202.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1100

DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2657) to amend title 11, District of Co-

lumbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

The Clerk read as follows:

Senate amendment:  
Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "District of Columbia Family Court Act of 2001".*

**SEC. 2. REDESIGNATION OF FAMILY DIVISION AS FAMILY COURT OF THE SUPERIOR COURT.**

(a) *IN GENERAL.*—Section 11–902, District of Columbia Code, is amended to read as follows:

**"§ 11–902. Organization of the court**

*"(a) IN GENERAL.*—The Superior Court shall consist of the following:

- "(1) The Civil Division.*
- "(2) The Criminal Division.*
- "(3) The Family Court.*
- "(4) The Probate Division.*
- "(5) The Tax Division.*

*"(b) BRANCHES.*—The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe.

*"(c) DESIGNATION OF PRESIDING JUDGE OF FAMILY COURT.*—The chief judge of the Superior Court shall designate one of the judges assigned to the Family Court of the Superior Court to serve as the presiding judge of the Family Court of the Superior Court.

*"(d) JURISDICTION DESCRIBED.*—The Family Court shall have original jurisdiction over the actions, applications, determinations, adjudications, and proceedings described in section 11–1101. Actions, applications, determinations, adjudications, and proceedings being assigned to cross-jurisdictional units established by the Superior Court, including the Domestic Violence Unit, on the date of enactment of this section may continue to be so assigned after the date of enactment of this section."

(b) *CONFORMING AMENDMENT TO CHAPTER 9.*—Section 11–906(b), District of Columbia Code, is amended by inserting "the Family Court and" before "the various divisions".

(c) *CONFORMING AMENDMENTS TO CHAPTER 11.*—(1) The heading for chapter 11 of title 11, District of Columbia, is amended by striking "FAMILY DIVISION" and inserting "FAMILY COURT".

(2) The item relating to chapter 11 in the table of chapters for title 11, District of Columbia, is amended by striking "FAMILY DIVISION" and inserting "FAMILY COURT".

(d) *CONFORMING AMENDMENTS TO TITLE 16.*—(1) *CALCULATION OF CHILD SUPPORT.*—Section 16–916.1(o)(6), District of Columbia Code, is amended by striking "Family Division" and inserting "Family Court of the Superior Court".

(2) *EXPEDITED JUDICIAL HEARING OF CASES BROUGHT BEFORE HEARING COMMISSIONERS.*—Section 16–924, District of Columbia Code, is amended by striking "Family Division" each place it appears in subsections (a) and (f) and inserting "Family Court".

(3) *GENERAL REFERENCES TO PROCEEDINGS.*—Chapter 23 of title 16, District of Columbia Code, is amended by inserting after section 16–2301 the following new section:

**"§ 16–2301.1. References deemed to refer to Family Court of the Superior Court**

*"Any reference in this chapter or any other Federal or District of Columbia law, Executive order, rule, regulation, delegation of authority, or any document of or pertaining to the Family*

*Division of the Superior Court of the District of Columbia shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia."*

(4) *CLERICAL AMENDMENT.*—The table of sections for subchapter I of chapter 23 of title 16, District of Columbia, is amended by inserting after the item relating to section 16–2301 the following new item:

*"16–2301.1. References deemed to refer to Family Court of the Superior Court."*

**SEC. 3. APPOINTMENT AND ASSIGNMENT OF JUDGES; NUMBER AND QUALIFICATIONS.**

(a) *NUMBER OF JUDGES FOR FAMILY COURT; QUALIFICATIONS AND TERMS OF SERVICE.*—Chapter 9 of title 11, District of Columbia Code, is amended by inserting after section 11–908 the following new section:

**"§ 11–908A. Special rules regarding assignment and service of judges of Family Court**

*"(a) NUMBER OF JUDGES.—*

*"(1) IN GENERAL.*—The number of judges serving on the Family Court of the Superior Court shall be not more than 15.

*"(2) EMERGENCY REASSIGNMENT.*—If the chief judge determines that, in order to carry out the intent and purposes of the District of Columbia Family Court Act of 2001, an emergency exists such that the number of judges needed on the Family Court of the Superior Court at any time is more than 15—

*"(A) the chief judge may temporarily reassign judges from other divisions of the Superior Court to serve on the Family Court who meet the requirements of paragraphs (1) and (3) of subsection (b) or senior judges who meet the requirements of those paragraphs, except such reassigned judges shall not be subject to the term of service requirements set forth in subsection (c); and*

*"(B) the chief judge shall, within 30 days of emergency temporary reassignment pursuant to subparagraph (A), submit a report to the President and Congress describing—*

*"(i) the nature of the emergency;*

*"(ii) how the emergency was addressed, including which judges were reassigned; and*

*"(iii) whether and why an increase in the number of Family Court judges authorized in subsection (a)(1) may be necessary to serve the needs of families and children in the District of Columbia.*

*"(3) COMPOSITION.*—The total number of judges on the Superior Court may exceed the limit on such judges specified in section 11–903 to the extent necessary to maintain the requirements of this subsection if—

*"(A) the number of judges serving on the Family Court is less than 15; and*

*"(B) the Chief Judge of the Superior Court—*

*"(i) is unable to secure a volunteer judge who is sitting on the Superior Court outside of the Family Court for reassignment to the Family Court;*

*"(ii) obtains approval of the Joint Committee on Judicial Administration; and*

*"(iii) reports to Congress regarding the circumstances that gave rise to the necessity to exceed the cap.*

*"(b) QUALIFICATIONS.*—The chief judge may not assign an individual to serve on the Family Court of the Superior Court or handle a Family Court case unless—

*"(1) the individual has training or expertise in family law;*

*"(2) the individual certifies to the chief judge that the individual intends to serve the full term of service, except that this paragraph shall not apply with respect to individuals serving as senior judges under section 11–1504, individuals serving as temporary judges under section 11–908, and any other judge serving in another division of the Superior Court who is reassigned on an emergency temporary basis pursuant to subsection (a)(2);*

“(3) the individual certifies to the chief judge that the individual will participate in the ongoing training programs carried out for judges of the Family Court under section 11–1104(c); and

“(4) the individual meets the requirements of section 11–1501(b).

“(C) TERM OF SERVICE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual assigned to serve as a judge of the Family Court of the Superior Court shall serve for a term of 5 years.

“(2) SPECIAL RULE FOR JUDGES SERVING ON SUPERIOR COURT ON DATE OF ENACTMENT OF FAMILY COURT ACT OF 2001.—

“(A) IN GENERAL.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is serving as a judge of the Superior Court on the date of the enactment of the District of Columbia Family Court Act of 2001 shall serve for a term of not fewer than 3 years.

“(B) REDUCTION OF PERIOD FOR JUDGES SERVING IN FAMILY DIVISION.—In the case of a judge of the Superior Court who is serving as a judge in the Family Division of the Court on the date of the enactment of the District of Columbia Family Court Act of 2001, the 3-year term applicable under subparagraph (A) shall be reduced by the length of any period of consecutive service as a judge in such Division immediately preceding the date of the enactment of such Act.

“(3) ASSIGNMENT FOR ADDITIONAL SERVICE.—After the term of service of a judge of the Family Court (as described in paragraph (1)) expires, at the judge's request and with the approval of the chief judge, the judge may be assigned for additional service on the Family Court for a period of such duration (consistent with section 431(c) of the District of Columbia Home Rule Act) as the chief judge may provide.

“(4) PERMITTING SERVICE ON FAMILY COURT FOR ENTIRE TERM.—At the request of the judge and with the approval of the chief judge, a judge may serve as a judge of the Family Court for the judge's entire term of service as a judge of the Superior Court under section 431(c) of the District of Columbia Home Rule Act.

“(d) REASSIGNMENT TO OTHER DIVISIONS.—The chief judge may reassign a judge of the Family Court to any division of the Superior Court if the chief judge determines that in the interest of justice the judge is unable to continue serving in the Family Court.”.

(b) PLAN FOR FAMILY COURT TRANSITION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall prepare and submit to the President and Congress a transition plan for the Family Court of the Superior Court, and shall include in the plan the following:

(A) The chief judge's determination of the role and function of the presiding judge of the Family Court.

(B) The chief judge's determination of the number of judges needed to serve on the Family Court.

(C) The chief judge's determination of the number of magistrate judges of the Family Court needed for appointment under section 11–1732, District of Columbia Code.

(D) The chief judge's determination of the appropriate functions of such magistrate judges, together with the compensation of and other personnel matters pertaining to such magistrate judges.

(E) A plan for case flow, case management, and staffing needs (including the needs for both judicial and nonjudicial personnel) for the Family Court, including a description of how the Superior Court will handle the one family, one judge requirement pursuant to section 11–1104(a) for all cases and proceedings assigned to the Family Court.

(F) A plan for space, equipment, and other physical plant needs and requirements during the transition, as determined in consultation with the Administrator of General Services.

(G) An analysis of the number of magistrate judges needed under the expedited appointment

procedures established under section 6(d) in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court (as described in section 11–902(d), District of Columbia, as amended by subsection (a)).

(H) Consistent with the requirements of paragraph (2), a proposal for the disposition or transfer to the Family Court of child abuse and neglect actions pending as of the date of enactment of this Act (which were initiated in the Family Division but remain pending before judges serving in other Divisions of the Superior Court as of such date) in a manner consistent with applicable Federal and District of Columbia law and best practices, including best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

(I) An estimate of the number of cases for which the deadline for disposition or transfer to the Family Court, specified in paragraph (2)(B), cannot be met and the reasons why such deadline cannot be met.

(2) IMPLEMENTATION OF THE PLAN FOR TRANSFER OR DISPOSITION OF ACTIONS AND PROCEEDINGS TO FAMILY COURT.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the chief judge of the Superior Court and the presiding judge of the Family Court shall take such steps as may be required as provided in the proposal for disposition of actions and proceedings under paragraph (1)(H) to ensure that each child abuse and neglect action of the Superior Court (as described in section 11–902(d), District of Columbia Code, as amended by subsection (a)) is transferred to the Family Court or otherwise disposed of as provided in subparagraph (B).

(B) DEADLINE.—

(i) IN GENERAL.—Notwithstanding any other provision of this Act or any amendment made by this Act and except as provided in subparagraph (C), no child abuse or neglect action shall remain pending with a judge not serving on the Family Court upon the expiration of 18 months after the filing of the transition plan required under paragraph (1).

(ii) RULE OF CONSTRUCTION.—The chief judge of the Superior Court should make every effort to provide for the earliest practicable disposition of actions. Nothing in this subparagraph shall preclude the immediate transfer of cases to the Family Court, particularly cases which have been filed with the court for less than 6 months prior to the date of enactment of this Act.

(C) RETAINED CASES.—Child abuse and neglect cases that were initiated in the Family Division but remain pending before judges, including senior judges as defined in section 11–1504, District of Columbia Code, in other Divisions of the Superior Court as of the date of enactment of this Act may remain before judges, including senior judges, in such other Divisions when—

(i) the case remains at all times in full compliance with Public Law 105–89, if applicable;

(ii) the chief judge determines, in consultation with the presiding judge of the Family Court, based on the record in the case and any unique expertise, training, or knowledge of the case that the judge might have, that permitting the judge to retain the case would lead to permanent placement of the child more quickly than reassignment to a judge in the Family Court.

(D) PRIORITY FOR CERTAIN ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court, in consultation with the presiding judge of the Family Court, shall give priority consideration to the disposition or transfer of the following actions and proceedings:

(i) The action or proceeding involves an allegation of abuse or neglect.

(ii) The action or proceeding was initiated in the family division prior to the 2-year period which ends on the date of enactment of this Act.

(iii) The judge to whom the action or proceeding is assigned as of the date of enactment of this Act is not assigned to the Family Division.

(E) PROGRESS REPORTS.—The chief judge of the Superior Court shall submit reports to the President, to the Committee on Appropriations of each House, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives at 6-month intervals for a period of 2 years after the date of submission of the transition plan required under paragraph (1) on the progress made towards disposing of actions or proceedings described in subparagraph (B).

(F) RULE OF CONSTRUCTION.—Nothing in this subsection shall preclude the chief judge, in consultation with the presiding judge of the Family Court, from transferring actions or proceedings pending before judges outside the Family Court at the enactment of this Act which do not involve allegations of abuse and neglect but which would otherwise fall under the jurisdiction of the Family Court to judges in the Family Court prior to the deadline as defined in subparagraph 2(B), particularly if such transfer would result in more efficient resolution of such actions or proceedings.

(3) EFFECTIVE DATE OF IMPLEMENTATION OF PLAN.—The chief judge of the Superior Court may not take any action to implement the transition plan under this subsection until the expiration of the 30-day period which begins on the date the chief judge submits the plan to the President and Congress under paragraph (1).

(c) TRANSITION TO REQUIRED NUMBER OF JUDGES.—

(1) ANALYSIS BY CHIEF JUDGE OF SUPERIOR COURT.—The chief judge of the Superior Court of the District of Columbia shall include in the transition plan prepared under subsection (b)—

(A) the chief judge's determination of the number of individuals serving as judges of the Superior Court who—

(i) meet the qualifications for judges of the Family Court of the Superior Court under section 11–908A, District of Columbia Code (as added by subsection (a)); and

(ii) are willing and able to serve on the Family Court; and

(B) if the chief judge determines that the number of individuals described in subparagraph (A) is less than 15, a request that the Judicial Nomination Commission recruit and the President nominate (in accordance with section 433 of the District of Columbia Home Rule Act) such additional number of individuals to serve on the Superior Court who meet the qualifications for judges of the Family Court under section 11–908A, District of Columbia Code, as may be required to enable the chief judge to make the required number of assignments.

(2) ROLE OF DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION.—For purposes of section 434(d)(1) of the District of Columbia Home Rule Act, the submission of a request from the chief judge of the Superior Court of the District of Columbia under paragraph (1)(B) shall be deemed to create a number of vacancies in the position of judge of the Superior Court equal to the number of additional appointments so requested by the chief judge, except that the deadline for the submission by the District of Columbia Judicial Nomination Commission of nominees to fill such vacancies shall be 90 days after the creation of such vacancies. In carrying out this paragraph, the District of Columbia Judicial Nomination Commission shall recruit individuals for possible nomination and appointment to the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court.

(d) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to Congress and the chief judge of the Superior Court of the District of Columbia a report on the implementation of this Act (including the implementation of the transition plan under subsection (b)), and shall include in the report the following:

(A) An analysis of the procedures used to make the initial appointments of judges of the Family Court under this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualification requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required to make such appointments.

(B) An analysis of the impact of magistrate judges for the Family Court (including the expedited initial appointment of magistrate judges for the Court under section 6(d) on the workload of judges and other personnel of the Court.

(C) An analysis of the number of judges needed for the Family Court, including an analysis of how the number may be affected by the qualification requirements for judges, the availability of magistrate judges, and other provisions of this Act or the amendments made by this Act.

(D) An analysis of the timeliness of the resolution and disposition of pending actions and proceedings required under the transition plan (as described in paragraphs (1)(1) and (2) of subsection (b)), including an analysis of the effect of the availability of magistrate judges on the time required to resolve and dispose of such actions and proceedings.

(2) **SUBMISSION TO CHIEF JUDGE OF SUPERIOR COURT.**—Prior to submitting the report under paragraph (1) to Congress, the Comptroller General shall provide a preliminary version of the report to the chief judge of the Superior Court and shall take any comments and recommendations of the chief judge into consideration in preparing the final version of the report.

(e) **CONFORMING AMENDMENT.**—The first sentence of section 11-908(a), District of Columbia Code, is amended by striking “The chief judge” and inserting “Subject to section 11-908A, the chief judge”.

(f) **CLERICAL AMENDMENT.**—The table of sections for chapter 9 of title 11, District of Columbia Code, is amended by inserting after the item relating to section 11-908 the following new item:

“11-908A. Special rules regarding assignment and service of judges of Family Court.”.

#### **SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PROCEEDINGS IN FAMILY COURT.**

(a) **IN GENERAL.**—Chapter 11 of title 11, District of Columbia, is amended by striking section 1101 and inserting the following:

##### **“§ 11-1101. Jurisdiction of the Family Court**

“(a) **IN GENERAL.**—The Family Court of the District of Columbia shall be assigned and have original jurisdiction over—

“(1) actions for divorce from the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, pendente lite and permanent, and for support and custody of minor children;

“(2) applications for revocation of divorce from bed and board;

“(3) actions to enforce support of any person as required by law;

“(4) actions seeking custody of minor children, including petitions for writs of habeas corpus;

“(5) actions to declare marriages void;

“(6) actions to declare marriages valid;

“(7) actions for annulments of marriage;

“(8) determinations and adjudications of property rights, both real and personal, in any action referred to in this section, irrespective of any jurisdictional limitation imposed on the Superior Court;

“(9) proceedings in adoption;

“(10) proceedings under the Act of July 10, 1957 (D.C. Code, secs. 30-301 to 30-324);

“(11) proceedings to determine paternity of any child born out of wedlock;

“(12) civil proceedings for protection involving intrafamily offenses, instituted pursuant to chapter 10 of title 16;

“(13) proceedings in which a child, as defined in section 16-2301, is alleged to be delinquent, neglected, or in need of supervision;

“(14) proceedings under chapter 5 of title 21 relating to the commitment of the mentally ill;

“(15) proceedings under chapter 13 of title 7 relating to the commitment of the at least moderately mentally retarded; and

“(16) proceedings under Interstate Compact on Juveniles (described in title IV of the District of Columbia Court Reform and Criminal Procedure Act of 1970).

“(b) **DEFINITION.**—

“(1) **IN GENERAL.**—In this chapter, the term ‘action or proceeding’ with respect to the Family Court refers to cause of action described in paragraphs (1) through (16) of subsection (a).

“(2) **EXCEPTION.**—An action or proceeding may be assigned to or retained by cross-jurisdictional units established by the Superior Court, including the Domestic Violence Unit.

##### **“§ 11-1102. Use of alternative dispute resolution**

“To the greatest extent practicable and safe, cases and proceedings in the Family Court of the Superior Court shall be resolved through alternative dispute resolution procedures, in accordance with such rules as the Superior Court may promulgate.

##### **“§ 11-1103. Standards of practice for appointed counsel**

“The Superior Court shall establish standards of practice for attorneys appointed as counsel in the Family Court of the Superior Court.

##### **“§ 11-1104. Administration**

“(a) **‘ONE FAMILY, ONE JUDGE’ REQUIREMENT FOR CASES AND PROCEEDINGS.**—To the greatest extent practicable, feasible, and lawful, if an individual who is a party to an action or proceeding assigned to the Family Court has an immediate family or household member who is a party to another action or proceeding assigned to the Family Court, the individual’s action or proceeding shall be assigned to the same judge or magistrate judge to whom the immediate family member’s action or proceeding is assigned.

“(b) **RETENTION OF JURISDICTION OVER CASES.**—

“(1) **IN GENERAL.**—In addition to the requirement of subsection (a), any action or proceeding assigned to the Family Court of the Superior Court shall remain under the jurisdiction of the Family Court until the action or proceeding is finally disposed, except as provided in paragraph (2)(D).

“(2) **ONE FAMILY, ONE JUDGE.**—

“(A) **FOR THE DURATION.**—An action or proceeding assigned pursuant to this subsection shall remain with the judge or magistrate judge in the Family Court to whom the action or proceeding is assigned for the duration of the action or proceeding to the greatest extent practicable, feasible, and lawful, subject to subparagraph (C).

“(B) **ALL CASES INVOLVING AN INDIVIDUAL.**—If an individual who is a party to an action or proceeding assigned to the Family Court becomes a party to another action or proceeding assigned to the Family Court, the individual’s subsequent action or proceeding shall be assigned to the same judge or magistrate judge to whom the individual’s initial action or proceeding is assigned to the greatest extent practicable and feasible.

“(C) **FAMILY COURT CASE RETENTION.**—If the full term of a Family Court judge to whom the action or proceeding is assigned is completed prior to the final disposition of the action or proceeding, the presiding judge of the Family Court shall ensure that the matter or proceeding is reassigned to a judge serving on the Family Court.

“(D) **EXCEPTION.**—A judge whose full term on the Family Court is completed but who remains in Superior Court may retain the case or proceeding for not more than 6 months or, in ex-

traordinary circumstances, for not more than 12 months after ceasing to serve if—

“(i) the case remains at all times in full compliance with Public Law 105-89, if applicable; and

“(ii) if Public Law 105-89 is applicable, the chief judge determines, in consultation with the presiding judge of the Family Court, based on the record in the case and any unique expertise, training or knowledge of the case that the judge might have, that permitting the judge to retain the case would lead to permanent placement of the child more quickly than reassignment to a judge in the Family Court.

“(3) **STANDARDS OF JUDICIAL ETHICS.**—The actions of a judge or magistrate judge in retaining an action or proceeding under this paragraph shall be subject to applicable standards of judicial ethics.

“(c) **TRAINING PROGRAM.**—

“(1) **IN GENERAL.**—The chief judge, in consultation with the presiding judge of the Family Court, shall carry out an ongoing program to provide training in family law and related matters for judges of the Family Court and other judges of the Superior Court who are assigned Family Court cases, including magistrate judges, attorneys who practice in the Family Court, and appropriate nonjudicial personnel, and shall include in the program information and instruction regarding the following:

“(A) Child development.

“(B) Family dynamics, including domestic violence.

“(C) Relevant Federal and District of Columbia laws.

“(D) Permanency planning principles and practices.

“(E) Recognizing the risk factors for child abuse.

“(F) Any other matters the presiding judge considers appropriate.

“(2) **USE OF CROSS-TRAINING.**—The program carried out under this section shall use the resources of lawyers and legal professionals, social workers, and experts in the field of child development and other related fields.

“(d) **ACCESSIBILITY OF MATERIALS, SERVICES, AND PROCEEDINGS; PROMOTION OF ‘FAMILY-FRIENDLY’ ENVIRONMENT.**—

“(1) **IN GENERAL.**—To the greatest extent practicable, the chief judge and the presiding judge of the Family Court shall ensure that the materials and services provided by the Family Court are understandable and accessible to the individuals and families served by the Family Court, and that the Family Court carries out its duties in a manner which reflects the special needs of families with children.

“(2) **LOCATION OF PROCEEDINGS.**—To the maximum extent feasible, safe, and practicable, cases and proceedings in the Family Court shall be conducted at locations readily accessible to the parties involved.

“(e) **INTEGRATED COMPUTERIZED CASE TRACKING AND MANAGEMENT SYSTEM.**—The Executive Officer of the District of Columbia courts under section 11-1703 shall work with the chief judge of the Superior Court—

“(1) to ensure that all records and materials of cases and proceedings in the Family Court are stored and maintained in electronic format accessible by computers for the use of judges, magistrate judges, and nonjudicial personnel of the Family Court, and for the use of other appropriate offices of the District government in accordance with the plan for integrating computer systems prepared by the Mayor of the District of Columbia under section 4(b) of the District of Columbia Family Court Act of 2001;

“(2) to establish and operate an electronic tracking and management system for cases and proceedings in the Family Court for the use of judges and nonjudicial personnel of the Family Court, using the records and materials stored and maintained pursuant to paragraph (1); and

“(3) to expand such system to cover all divisions of the Superior Court as soon as practicable.

**“§ 11-1105. Social services and other related services**

**(a) ONSITE COORDINATION OF SERVICES AND INFORMATION.**—

“(1) **IN GENERAL.**—The Mayor of the District of Columbia, in consultation with the chief judge of the Superior Court, shall ensure that representatives of the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) are available on-site at the Family Court to coordinate the provision of such services and information regarding such services to such individuals and families.

“(2) **DUTIES OF HEADS OF OFFICES.**—The head of each office described in paragraph (1), including the Superintendent of the District of Columbia Public Schools and the Director of the District of Columbia Housing Authority, shall provide the Mayor with such information, assistance, and services as the Mayor may require to carry out such paragraph.

“(b) **APPOINTMENT OF SOCIAL SERVICES LIAISON WITH FAMILY COURT.**—The Mayor of the District of Columbia shall appoint an individual to serve as a liaison between the Family Court and the District government for purposes of subsection (a) and for coordinating the delivery of services provided by the District government with the activities of the Family Court and for providing information to the judges, magistrate judges, and nonjudicial personnel of the Family Court regarding the services available from the District government to the individuals and families served by the Family Court. The Mayor shall provide on an ongoing basis information to the chief judge of the Superior Court and the presiding judge of the Family Court regarding the services of the District government which are available for the individuals and families served by the Family Court.

**“§ 11-1106. Reports to Congress**

“Not later than 90 days after the end of each calendar year, the chief judge of the Superior Court shall submit a report to Congress on the activities of the Family Court during the year, and shall include in the report the following:

“(1) The chief judge’s assessment of the productivity and success of the use of alternative dispute resolution pursuant to section 11-1102.

“(2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance in the following year.

“(3) Information on the extent to which the Family Court met deadlines and standards applicable under Federal and District of Columbia law to the review and disposition of actions and proceedings under the Family Court’s jurisdiction during the year.

“(4) Information on the progress made in establishing locations and appropriate space for the Family Court that are consistent with the mission of the Family Court until such time as the locations and space are established.

“(5) Information on any factors which are not under the control of the Family Court which interfere with or prevent the Family Court from carrying out its responsibilities in the most effective manner possible.

“(6) Information on—

“(A) the number of judges serving on the Family Court as of the end of the year;

“(B) how long each such judge has served on the Family Court;

“(C) the number of cases retained outside the Family Court;

“(D) the number of reassignments to and from the Family Court; and

“(E) the ability to recruit qualified sitting judges to serve on the Family Court.

“(7) Based on outcome measures derived through the use of the information stored in electronic format under section 11-1104(d), an analysis of the Family Court’s efficiency and effectiveness in managing its case load during the year, including an analysis of the time required to dispose of actions and proceedings among the various categories of the Family Court’s jurisdiction, as prescribed by applicable law and best practices, including (but not limited to) best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

“(8) If the Family Court failed to meet the deadlines, standards, and outcome measures described in the previous paragraphs, a proposed remedial action plan to address the failure.”

**(b) EXPEDITED APPEALS FOR CERTAIN FAMILY COURT ACTIONS AND PROCEEDINGS.**—Section 11-721, District of Columbia Code, is amended by adding at the end the following new subsection:

“(g) Any appeal from an order of the Family Court of the District of Columbia terminating parental rights or granting or denying a petition to adopt shall receive expedited review by the District of Columbia Court of Appeals.”

**(c) PLAN FOR INTEGRATING COMPUTER SYSTEMS.**—

**(1) IN GENERAL.**—Not later than 6 months after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the President and Congress a plan for integrating the computer systems of the District government with the computer systems of the Superior Court of the District of Columbia so that the Family Court of the Superior Court and the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court of the Superior Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

**(2) AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Mayor of the District of Columbia such sums as may be necessary to carry out paragraph (1).

**(d) CLERICAL AMENDMENT.**—The table of sections for chapter 11 of title 11, District of Columbia Code, is amended by adding at the end the following new items:

“11-1102. Use of alternative dispute resolution.

“11-1103. Standards of practice for appointed counsel.

“11-1104. Administration.

“11-1105. Social services and other related services.

“11-1106. Reports to Congress.”

**SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS MAGISTRATE JUDGES.**

**(a) IN GENERAL.**—

**(1) REDESIGNATION OF TITLE.**—Section 11-1732, District of Columbia Code, is amended—

(A) by striking “hearing commissioners” each place it appears in subsection (a), subsection (b), subsection (d), subsection (i), subsection (l), and subsection (n) and inserting “magistrate judges”;

(B) by striking “hearing commissioner” each place it appears in subsection (b), subsection (c), subsection (e), subsection (f), subsection (g), subsection (h), and subsection (j) and inserting “magistrate judge”;

(C) by striking “hearing commissioner’s” each place it appears in subsection (e) and subsection (k) and inserting “magistrate judge’s”;

(D) by striking “Hearing commissioners” each place it appears in subsections (b), (d), and (i) and inserting “Magistrate judges”;

(E) in the heading, by striking “Hearing commissioners” and inserting “Magistrate judges”.

**(2) CONFORMING AMENDMENTS.**—Section 16-924, District of Columbia Code, is amended—

(A) by striking “hearing commissioner” each place it appears and inserting “magistrate judge”;

(B) in subsection (f), by striking “hearing commissioner’s” and inserting “magistrate judge’s”.

**(3) CLERICAL AMENDMENT.**—The item relating to section 11-1732 of the table of sections of chapter 17 of title 11, D.C. Code, is amended to read as follows:

“11-1732. Magistrate judges.”

**(b) TRANSITION PROVISION REGARDING HEARING COMMISSIONERS.**—Any individual serving as a hearing commissioner under section 11-1732 of the District of Columbia Code as of the date of the enactment of this Act shall serve the remainder of such individual’s term as a magistrate judge, and may be reappointed as a magistrate judge in accordance with section 11-1732(d), District of Columbia Code, except that any individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the effective date of section 11-1732 of the District of Columbia Code shall not be required to be a resident of the District of Columbia to be eligible to be reappointed.

**(c) EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAMILY COURT.**

**(a) IN GENERAL.**—Chapter 17 of title 11, District of Columbia Code, is amended by inserting after section 11-1732 the following new section:

**“§ 11-1732A. Special rules for magistrate judges of the Family Court of the Superior Court and the Domestic Violence Unit**

**“(a) USE OF SOCIAL WORKERS IN ADVISORY MERIT SELECTION PANEL.**—The advisory selection merit panel used in the selection of magistrate judges for the Family Court of the Superior Court under section 11-1732(b) shall include certified social workers specializing in child welfare matters who are residents of the District and who are not employees of the District of Columbia Courts.

**“(b) SPECIAL QUALIFICATIONS.**—Notwithstanding section 11-1732(c), no individual shall be appointed or assigned as a magistrate judge for the Family Court of the Superior Court or as a magistrate judge for the Domestic Violence Unit handling actions or proceedings which would otherwise be under the jurisdiction of the Family Court unless that individual—

“(1) is a citizen of the United States;

“(2) is an active member of the unified District of Columbia Bar;

“(3) for the 5 years immediately preceding the appointment has been engaged in the active practice of law in the District, has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or District government, or any combination thereof;

“(4) has not fewer than 3 years of training or experience in the practice of family law as a lawyer or judicial officer; and

“(5)(A) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least 90 days immediately prior to appointment, and retains such residency during service as a magistrate judge; or

“(B) is a bona fide resident of the areas consisting of Montgomery and Prince George’s Counties in Maryland, Arlington and Fairfax Counties, and the City of Alexandria in Virginia, has maintained an actual place of abode in such area, areas, or the District of Columbia for at least 5 years prior to appointment, and certifies that the individual will become a bona fide resident of the District of Columbia not later than 90 days after appointment.

**“(c) SERVICE OF CURRENT HEARING COMMISSIONERS.**—Those individuals serving as hearing

commissioners under section 11-1732 on the effective date of this section who meet the qualifications described in subsection (b)(4) may request to be appointed as magistrate judges for the Family Court of the Superior Court under such section.

**(d) FUNCTIONS OF FAMILY COURT AND DOMESTIC VIOLENCE UNIT MAGISTRATES.**—A magistrate judge, when specifically designated by the chief judge in consultation with the appropriate presiding judge to serve in the Family Court or in the Domestic Violence Unit and subject to the rules of the Superior Court and the right of review under section 11-1732(k), may perform the following functions:

**(1) Administer oaths and affirmations and take acknowledgements.**

**(2) Subject to the rules of the Superior Court and applicable Federal and District of Columbia law, conduct hearings, make findings and enter interim and final orders or judgments in uncontested or contested proceedings within the jurisdiction of the Family Court and the Domestic Violence Unit of the Superior Court (as described in section 11-1101), excluding jury trials and trials of felony cases, as assigned by the appropriate presiding judge.**

**(3) Subject to the rules of the Superior Court, enter an order punishing an individual for contempt, except that no individual may be detained pursuant to the authority of this paragraph for longer than 180 days.**

**(e) LOCATION OF PROCEEDINGS.**—To the maximum extent feasible, safe, and practicable, magistrate judges of the Family Court of the Superior Court shall conduct proceedings at locations readily accessible to the parties involved.

**(f) TRAINING.**—The chief judge, in consultation with the presiding judge of the Family Court of the Superior Court, shall ensure that all magistrate judges of the Family Court receive training to enable them to fulfill their responsibilities, including specialized training in family law and related matters.”

**(b) CONFORMING AMENDMENTS.**—(1) Section 11-1732(a), District of Columbia Code, is amended by inserting after “the duties enumerated in subsection (j) of this section” the following: “(or, in the case of magistrate judges for the Family Court or the Domestic Violence Unit of the Superior Court, the duties enumerated in section 11-1732A(d)).”

(2) Section 11-1732(c), District of Columbia Code, is amended by striking “No individual” and inserting “Except as provided in section 11-1732A(b), no individual”.

(3) Section 11-1732(k), District of Columbia Code, is amended—

(A) by striking “subsection (j),” and inserting the following: “subsection (j) (or proceedings and hearings under section 11-1732A(d), in the case of magistrate judges for the Family Court or the Domestic Violence Unit of the Superior Court);” and

(B) by inserting after “appropriate division” the following: “(or, in the case of an order or judgment of a magistrate judge of the Family Court or the Domestic Violence Unit of the Superior Court, by a judge of the Family Court or the Domestic Violence Unit)”.

(4) Section 11-1732(l), District of Columbia Code, is amended by inserting after “responsibilities” the following: “(subject to the requirements of section 11-1732A(f) in the case of magistrate judges of the Family Court of the Superior Court or the Domestic Violence Unit)”.

**(c) CLERICAL AMENDMENT.**—The table of sections for subchapter II of chapter 17 of title 11, District of Columbia, is amended by inserting after the item relating to section 11-1732 the following new item:

“11-1732A. Special rules for magistrate judges of the Family Court of the Superior Court and the Domestic Violence Unit.”

**(d) EFFECTIVE DATE.**—

**(1) IN GENERAL.**—The amendments made by this section shall take effect on the date of enactment of this Act.

**(2) EXPEDITED INITIAL APPOINTMENTS.**—

**(A) IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall appoint individuals to serve as magistrate judges for the Family Division of the Superior Court in accordance with the requirements of sections 11-1732 and 11-1732A, District of Columbia Code (as added by subsection (a)), for the purpose of assisting with the implementation of the transition plan under section 3(b) of this Act, and in particular with the transition or disposal of actions or proceedings pursuant to section 3(b)(2) of this Act.

**(B) TRANSITION RESPONSIBILITIES OF INITIALLY APPOINTED FAMILY COURT MAGISTRATES.**—The chief judge of the Superior Court and the presiding judge of the Family Division of the Superior Court (acting jointly) shall first assign the magistrate judges of Family Court appointed under this paragraph to work with judges to whom the cases are currently assigned in making case disposition or transfer decisions as follows:

(i) The action or proceeding involves an allegation of abuse or neglect.

(ii) The judge to whom the action or proceeding is assigned as of the date of enactment of this Act is not assigned to the Family Division.

(iii) The action or proceeding was initiated in the Family Division prior to the 2-year period which ends on the date of enactment of this Act.

**(C) RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to preclude magistrate judges appointed pursuant to this subsection from performing upon appointment any or all of the functions of magistrate judges of the Family Court or Domestic Violence Unit as set forth in subsection 11-1732A(d).

**SEC. 7. SENSE OF CONGRESS REGARDING BORDER AGREEMENT WITH MARYLAND AND VIRGINIA.**

It is the sense of Congress that the State of Maryland, the Commonwealth of Virginia, and the District of Columbia should promptly enter into a border agreement to facilitate the timely and safe placement of children in the District of Columbia’s welfare system in foster and kinship homes and other facilities in Maryland and Virginia.

**SEC. 8. SENSE OF THE SENATE REGARDING THE USE OF COURT APPOINTED SPECIAL ADVOCATES.**

It is the sense of the Senate that the chief judge of the Superior Court and the presiding judge of the Family Division should take all steps necessary to encourage, support, and improve the use of Court Appointed Special Advocates (CASA) in family court actions or proceedings.

**SEC. 9. INTERIM REPORTS.**

Not later than 12 months after the date of enactment of this Act, the chief judge of the Superior Court and the presiding judge of the Family Court—

(1) in consultation with the General Services Administration, shall submit to Congress a feasibility study for the construction, lease, or acquisition of appropriate permanent courts and facilities for the Family Court; and

(2) shall submit to Congress an analysis of the success of the use of magistrate judges under the expedited appointment procedures established under section 6(d) in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court (as described in section 11-902(d), District of Columbia).

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Courts of the District of Columbia and the District of Columbia such sums as may be necessary to carry out the amendments made by this Act.

**SEC. 11. EFFECTIVE DATE.**

The amendments made by this Act shall take effect upon enactment of this Act.

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to the rule, the

gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

**GENERAL LEAVE**

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge all Members to concur in the Senate amendment to H.R. 2657, the District of Columbia Family Court Act of 2001. These Senate amendments have been approved by the sponsor of the legislation, the gentleman from Texas (Mr. DELAY), and the original cosponsors of the legislation, the gentleman from Virginia (Mr. DAVIS), the gentlewoman from District of Columbia (Ms. NORTON), and myself, following diligent work between staff of both houses.

The Senate amendments before us raise the ceiling of the number of judges for the Family Court to 15 judges. This provision would enable the chief judge to address unforeseeable needs if judges and magistrates are not able to keep up with the caseload.

The amended bill further allows for emergency temporary reassignment of certain judges who are qualified to serve on the Family Court and who would not be subject to the length of term, should the 15 Family Court judges not be able to keep up with the docket. These temporary emergency judges are encouraged to volunteer to serve in this capacity to the greatest extent possible.

These provisions modify the restriction in the District of Columbia Code to allow the chief judge of the Superior Court to exceed the overall cap of 59 judges if necessary to maintain a full complement of 15 judges in Family Court. The amendments further provide that cases outside of the Family Court be allowed an 18-month transition period to return to the Family Court, and provide limited exception based on the records of the case.

Additionally, the amended bill establishes a priority for returning the backlog of cases to the Family Court within the transition period, and requires that when a Family Court judge leaves the bench, all the cases must remain in the Family Court, except under extraordinary circumstances. The judge may have 6 months or 12 months, if it can be demonstrated to the chief judge that taking the case out of the Family Court will lead to permanent accomplishment of the child more quickly than if the case remained in the court.

These cases must be in compliance with the Adoption and Safe Families

Act. It is hoped that only a small number of cases will be retained under this provision.

The Superior Court is required to report to Congress at 6-month intervals for 2 years. This provision will enable Congress to monitor the implementation of the reforms intended in the bill, including the transfer of cases back to the Family Court. Other reports are required by the Comptroller General, the chief judge, and the presiding judge of the Family Court at varying intervals.

The Senate amendments to the House measure, H.R. 2657, maintain the requirement of one family-one judge in cases decided by the Family Court, which include divorces, alimony, child support, adoptions, custody, writs of habeas corpus, and other proceedings. The core of this legislation is to serve the children and the families of our Nation's capital.

This legislation has been the culmination of many individual efforts, but I must especially thank the gentleman from Texas (Mr. DELAY) for his leadership in making this legislation a reality.

Mr. Speaker, I urge all Members to concur in the Senate amendments to H.R. 2657, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2657, and to ask the support of this House for the District of Columbia Family Court Act of 2001, a bill written as a bipartisan effort by the gentleman from Texas (Mr. DELAY) and me.

The bill contains the few amendments I informed the House on September 20 I could not add at that time because of the rush to get this bill to the floor in time to secure the necessary appropriation. I want to thank the Senate for assuring that these changes were included as Senate amendments to the bill.

I especially want to thank the current chairman of the Subcommittee on the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), and the former chair, the gentleman from Texas (Mr. DELAY), for their leadership on this bill, but particular thanks are due to my friend and partner on this bill, the majority whip, the gentleman from Texas (Mr. DELAY).

The gentleman from Texas worked long and hard with me on this bill, and kept at it through tough negotiations when we had differences for more than a year until we both could agree on a final version. I appreciate the collegial way in which the gentleman from Texas (Mr. DELAY) worked with me throughout. He has my special gratitude for the extra \$24 million that has been appropriated to fund the reforms that this bill mandates.

The Mayor and the City Council appreciate and support the work of the gentleman from Texas (Mr. DELAY) on the bill, as well, and the respect he has shown for home rule throughout his negotiations with me on this bill.

The need to update the family division became a priority after the tragic death of Brianna Blackmond, an infant who was returned to her troubled mother without a hearing after it was alleged that lawyers representing all the parties, the social workers and the guardians ad litem, had certified that the child should be returned.

I must continue to emphasize that the D.C. City Council is far more familiar with the children and families of the city than we in Congress, and of course was best qualified to write this bill. However, when the Home Rule Act was passed in 1973, Congress withheld jurisdiction over D.C. courts. Therefore, I asked the Council to pass a resolution in support of the reforms in this bill, after scrutinizing it and offering recommendations for changes.

We have also worked closely with Mayor Anthony Williams and Chief Judge Rufus King and the judges of the Superior Court in writing the bill. We respected the concerns of the District in negotiating this bill.

The D.C. Family Court Act of 2001 is the first overhaul of our family division since 1970, when it was upgraded to be part of the Superior Court of the District of Columbia. No court or other institutions should go a full 30 years without a close examination of its strengths and weaknesses. I know that the subcommittee will assure that there is appropriate oversight to the implementation of the bill by our subcommittee.

The Family Division has not been able to meet adequately intractable societal problems and additionally has had to depend on an outside agency, the Child Family Services Agency, which until recently had been in a Federal court receivership.

Our bill incorporates what we found in our investigation to be the best practices from successful independent family courts and family courts that are integrated into general jurisdiction courts all across the country.

These courts have in common these basic reforms: An independent family court or division; ample family court judges to handle family matters; terms for judges in the family court; family court judges, magistrate judges, and other court personnel trained or expert in family law; ongoing training of family court judges; alternative dispute resolution or mediation in family cases; only one judge for each family; family cases only in the Family Court; magistrate judges to assist family court judges with their caseloads; and special magistrate judges to assist judges with current pending cases.

The D.C. Family Court Act incorporates all these best practices.

Mr. Speaker, let me conclude by saying that I am particularly pleased that in the amendments to the bill we were able to address several problems with the House bill that I first raised on this floor.

These Senate amendments are important to ensure that, for example, the

necessary work of disposing of a large volume of pending cases and continuing intake of new cases coming into the new Family Court does not overwhelm the new court, while it meets timetables mandated in the bill.

In addition, the Senate amendments will ensure that the jurisdiction of the court's successful domestic violence unit is not undermined.

We have all agreed that the successful disposition of these and other matters resolved with our Senate partners have produced a strong bipartisan consensus bill. I want to, once again, thank the gentleman from Texas (Mr. DELAY) for his tireless efforts and partnership with me on this bill, and for his great concern for the children and families of the District of Columbia; a concern that was always there, always evident, and that energized his hard work with me throughout; and, of course, the Chair of the subcommittee, the gentlewoman from Maryland (Mrs. MORELLA), as well as my good friend, the gentleman from Virginia (Mr. DAVIS), for their special efforts on this important piece of legislation.

Mr. Speaker, I urge all of our colleagues to support this bill, and thank all who assisted us on it.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the ranking member of the Subcommittee on the District of Columbia, the gentlewoman from the District of Columbia (Ms. NORTON), for her wonderful comments and for all the work that she put into this bill.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Texas (Mr. DELAY), who is not the sponsor but the genesis of this bill in terms of responding to the great needs in the District of Columbia, and he has been tenacious.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding time to me, and congratulate her on a whole year of very hard work, the work she put in to bring this bill to the floor today.

I also want to add my thanks to the gentlewoman from the District of Columbia (Ms. NORTON), who was tireless in standing up for the abused and neglected children of the District of Columbia, understanding that the District desperately needs to focus on the welfare of these children and the best interests of these children.

She understands that, and in the name of Brianna Blackmond, and maybe we should have named this bill for Brianna Blackmond, because this is the beginning of what I hope is a total reform effort to bring the kind of services and safe and permanent homes for children that are seriously abused.

I also thank the staff that worked on it, particularly on my staff, Dr. Cassie Bevan, who is tenacious in her efforts to see that these children receive the kind of services that they deserve.

These are children, Mr. Speaker, that are the most oppressed, the most

abused, not just in the District of Columbia, but all over the United States. The effort all over the United States is sort of focused here in our Nation's capital in trying to do the best we can.

There are 4,500 cases that are currently supervised outside the Family Division that can now be brought into the Family Division of the Superior Court upon the signature of the President of this bill, so maybe we can start working on this backlog and develop a system, a model system for the Nation's capital to take care of these children.

These are children that are dying, these are children that have been forgotten, in many cases. I remind my colleagues that this came to our attention not just through the death of Brianna Blackmond, but the child welfare system of the District was in receivership. It was in a mess.

The gentlewoman from the District of Columbia (Ms. NORTON) understood this and worked with us closely, and was the driving force in making this happen.

But I have to tell my colleagues, this is only the first step in a reform effort in the District of Columbia that is desperately needed. Just this last summer, over 100 files were lost, 100 files. Let me explain what that means.

A child makes an outcry, he or she is being abused and neglected in one way or another; and the stories that we hear of what is happening to children, not just in the District of Columbia, but all across the Nation are just horrendous.

But this child makes an outcry for help, and looking for someone to help them, and a file is created on this child and then lost. We do not even know what has happened to these children. The perpetrator of the abuse and neglect on this child knows now that the child made an outcry, and who knows what has been done to that child that made the outcry.

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This is abhorrent and we can not stand for it any longer and we are not. And by passing this bill, this is the beginning of what I hope is once and for all a process that we will go through in the District of Columbia to bring these children out of an abusive situation, give them the services that they need and, most importantly, find them a safe and permanent home where they can look forward and have hope for a future that other children enjoy today. I think that is vitally important.

This is going to be a showcase hopefully for the Nation. And, colleagues, children and families need a court that focuses exclusively on their welfare and their best interest. To realize this objective, the family court absolutely has to keep cases within its boundaries in order to be effective. This bill before us requires that the backlog of 4,500 cases have to be returned; and, second, that these cases which are currently under supervision of judges in the fam-

ily division, remain there even after the individual judges leave the family bench. But most importantly, it gives us the opportunity to recruit judges that want to deal in this area of the law, that want to work with these children and these families to give these children the kind of future they deserve.

This bill also requires that each year a report is prepared to Congress that includes the number of cases retained outside the family court. It is our intention that this number be very low, because one of the major purposes of this Act is to keep all the cases in the specialized family court. So under the D.C. appropriations bill, as the gentlewoman from the District of Columbia (Ms. NORTON) has said, there is \$24 million that has been appropriated to implement this legislation, to upgrade our computer systems, to expand its courtroom facilities and increase the number of judicial personnel to handle this huge backlog of cases.

The reforms required in this legislation combined with the money appropriated to support these reforms was designed with a single vital purpose, and that is to save the lives of abused and neglected children in the District of Columbia who are endangered by the status quo.

I am very proud to be associated with the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Virginia (Mr. TOM DAVIS), the delegation that serves the D.C. metroplex and, particularly, the gentlewoman from the District of Columbia (Ms. NORTON) who has done an outstanding job in working all this out and bringing this bill to the floor. The children will appreciate it in the future. We have dedicated it to Brianna Blackmond.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back the balance of my time, I would like to thank two staff members by name, the gentleman from Texas (Mr. DELAY), staff member Cassie Bevan, and my own staff member, John Bouker, because in a very real sense, when Members are as deeply involved as the gentleman from Texas (Mr. DELAY) and I have been in this bill, the services of very high qualified, very smart staff people need to be involved, particularly given the many technical areas that were involved in this bill and the points of disagreement we had.

I want to, once again, say that I do not need to tell this House that the gentleman from Texas (Mr. DELAY) is a tough negotiator. And yet, throughout these negotiations, they were over a year, we never came to a point where we did not think there would be a bill. And this was largely because the gentleman from Texas (Mr. DELAY), although the District is not his district, felt so deeply about the children that he was willing to put personal time into this bill. That is difficult to do if you are a leader of the House. And I want to express my appreciation to the

gentleman again for his personal involvement in this bill, and for never letting go of this bill. Although, I will say on this floor that there were times I wish he would have let go of this bill. But that is what a bipartisan bill is about. It is about working together, instead of turning over the tables, until we can get a bill we can agree upon.

The gentleman from Texas (Mr. DELAY) and I probably have parts of this bill that we would like to have seen done just a little differently. But in the name of the children who will profit, who will benefit from what this bill provides, in the name of the many families in the District of Columbia for whom this bill will mean something very real in their lives, he and I reached a resolution of any differences we had.

We are both very proud of this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you can see this has been a collaborative effort that is going to help the children in the District of Columbia and be a model, I think, for the rest of the Nation. Anything good does not happen that easily. And so this is an example of something that has come from a lot of hard work.

Again, I commend the gentleman from Texas (Mr. Delay) for his leadership in making sure that this bill was negotiated throughout to come to this point, and also to the gentlewoman from the District of Columbia (Ms. Norton) for the work, her tenaciousness in having this bill again crafted and reach this point. The gentleman from Virginia (Mr. Davis) has always been involved with it, and I am certainly pleased that we have reached this point.

I want to thank the staff also, John Bouker. Certainly Cassie Statuto Bevan has been there every inch of the way. My staff, Russell Smith and Heea Vazirani-Fales and the others who worked on it.

Mr. Speaker, I identify myself with the idea that when you touch a rock, you touch the past; and when you touch a flower, you touch the present; but when you touch a child, you touch the future. And that is just what this bill does. So I urge all our colleagues to wholeheartedly endorse the bill.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 2657, the District of Columbia Family Court Act of 2001, as amended. This is an important bill that will provide the Family Court with the structural and management reforms it needs to efficiently and effectively serve the children in the District's child welfare system.

After the tragic death of 23-month-old Brianna Blackmond, the D.C. Subcommittee held two hearing last year, which revealed the dire need for reforms to the various components of the District's child welfare system, including the Family Court. The recent series of articles in the Washington Post highlight long-term systemic problems in the child welfare system, and reemphasize the need for Court reform.

The Family Court must be equipped with the strategic tools and resource to assure the safety and well-being of the city's most vulnerable children. H.R. 2657 accomplishes this objective. It mandates longer judicial terms of service to ensure greater continuity in the handling of cases. New appointees to the Superior Court who are assigned to the Family Court will serve for 5 years. The bill also requires that judges appointed to serve on the Family Court have committed themselves to the practice of family law. Furthermore, it creates magistrate judges, who will be responsible for handling the backlog of 4,500 cases.

The bill imposes the critically important "one family, one judge" requirement on the Family Court to ensure that a judge is familiar with a family's history in order to make appropriate decisions regarding the safety and placement of the child.

The Court will create its own integrated computer system for use by judges, magistrate judges, and nonjudicial personnel, allowing them access to all pending cases related to children and their families. The bill also provides the judges and magistrate judges with access to information regarding the myriad social services available in D.C.

In addition to these key provisions, I support the Senate amendments. These include a provision requiring that when judges leave the Family Court, all of their cases remain in the Family Court. However, the bill does allow the judges an additional 6 months, and under extraordinary circumstances and additional 12 months, to retain a case if they can demonstrate to the Chief Judge that removing the child's case from the Family Court will result in more expeditious permanent placement. Let me emphasize that the application of this provision is only intended in rare situations.

The critical reforms in this legislation will help ensure that the Family Court can meet the needs of the city's children. I urge all of my colleagues to support H.R. 2657, as amended.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2657.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. NORTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### CONFERENCE REPORT ON H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. KOLBE (during consideration of H.R. 2657) submitted the following conference report and statement on the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002.

##### CONFERENCE REPORT (H. REPT. 107-345)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the 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", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*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, \$727,323,000 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, \$63,000,000: 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, and title I of Public Law 106-570, for child survival, reproductive health/family planning, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, \$1,433,500,000, 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 which directly*

address the needs of mothers and children, 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: \$315,000,000 for child survival and maternal health; \$25,000,000 for vulnerable children; \$435,000,000 for HIV/AIDS including not less than \$15,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; \$165,000,000 for other infectious diseases, of which \$65,000,000 should be made available for the prevention, treatment, and control of, and research on, tuberculosis, and of which \$65,000,000 should be made available to combat malaria; \$368,500,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species; and \$120,000,000 for UNICEF: Provided further, That of the funds appropriated under this heading, up to \$50,000,000 may be made available, notwithstanding any other provision of law for a United States contribution to a global fund to combat AIDS, tuberculosis, and malaria, which may be derived from funds appropriated in title II of this Act and in title II of prior Acts making appropriations for foreign operations, export financing, and related programs: Provided further, That of the funds appropriated under this heading, up to \$53,000,000 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, \$1,178,000,000, to remain available until September 30, 2003: Provided, That \$150,000,000 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 and the heading "Child Survival and Health Programs Fund", \$2,000,000 should be made available for Laos: Provided further, That funds made available under the previous proviso should be made available only through nongovernmental organizations: 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 \$32,500, 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, \$25,000,000 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 \$18,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, not less than \$275,000,000 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.

#### BURMA

Of the funds appropriated under the heading "Economic Support Fund", not less than \$6,500,000 shall 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, \$235,500,000, 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, \$50,000,000, 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 \$18,500,000, 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 during fiscal year 2002, commitments to guarantee loans shall not exceed \$267,500,000: 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, 2007.

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 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, \$31,500,000, 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, \$2,199,000,000, 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 \$200,000,000 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 should be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, \$50,000,000 should be made available for assistance for Indonesia:

Provided further, That not less than \$15,000,000 of the funds appropriated under this heading 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: Provided further, That not less than \$35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided further, That notwithstanding section 534(a) of this Act, funds appropriated under this heading that are made available for assistance for the Central Government of Lebanon shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: 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 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: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$25,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2003.

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, \$621,000,000, 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 not to exceed \$21,500,000 of the funds appropriated under this heading in this Act and in prior Acts making appropriations for

foreign operations, export financing, and related programs, together with not to exceed \$21,500,000 of the funds appropriated under the heading "Economic Support Fund" in this Act and such prior Acts, may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for the Federal Republic of Yugoslavia: Provided further, 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 I-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, \$784,000,000, 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 \$1,500,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons: Provided further, That of the funds appropriated under this heading not less than \$17,500,000 shall be made available solely for the Russian Far East: Provided further, That, notwithstanding any other provision of law funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, or related programs, that are made available pursuant to the provisions of section 807 of the FREEDOM Support Act (Public Law 102-511) shall be subject to the ceiling on administrative expenses contained in section 807(a)(5) of the FREEDOM Support Act. (b) Of the funds appropriated under this heading, not less than \$154,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than \$30,000,000 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.

(d) Of the funds appropriated under this heading, \$90,000,000 should be made available for assistance for Georgia.

(e)(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; and

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

(f) Of the funds appropriated under this heading, not less than \$49,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health/family planning, and to combat HIV/AIDS, tuberculosis, and other infectious diseases, and for related activities.

(g)(1) Section 907 of the FREEDOM Support Act shall not apply to—

(A) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(B) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(C) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(D) 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.);

(E) any financing provided under the Export-Import Bank Act of 1945; or

(F) humanitarian assistance.

(2) The President may waive section 907 of the FREEDOM Support Act if he determines and certifies to the Committees on Appropriations that to do so—

(A) is necessary to support United States efforts to counter international terrorism; or

(B) is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter international terrorism; or

(C) is important to Azerbaijan's border security; and

(D) will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

(3) The authority of paragraph (2) may only be exercised through December 31, 2002.

(4) The President may extend the waiver authority provided in paragraph (2) on an annual basis on or after December 31, 2002 if he determines and certifies to the Committees on Appropriations in accordance with the provisions of paragraph (2).

(5) The Committees on Appropriations shall be consulted prior to the provision of any assistance made available pursuant to paragraph (2).

(6) Within 60 days of any exercise of the authority under paragraph (2) the President shall send a report to the appropriate congressional committees specifying in detail the following—

(A) the nature and quantity of all training and assistance provided to the Government of Azerbaijan pursuant to paragraph (2);

(B) the status of the military balance between Azerbaijan and Armenia and the impact of United States assistance on that balance; and

(C) the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of United States assistance on those negotiations.

INDEPENDENT AGENCIES

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.

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.

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, \$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 \$21,738,000 may 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, \$625,000,000, to remain available until expended: Provided, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional \$35,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading "International Narcotics Control and Law Enforcement" in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: Provided further, That of the amount appropriated under this heading, not less than \$215,000,000 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 Administrator of the Environmental Protection Agency, the Secretary of the Department of Agriculture, and, if appropriate, the Director of the Centers for Disease Control and Prevention, determines and reports to the Committees on Appropriations that (1) aerial coca fumigation is being carried out in accordance with regulatory controls required by the Environmental Protection Agency as labeled for use in the United States, and after consultation with the Colombian Government to ensure that the fumigation is in accordance with Colombian laws; (2) the chemicals used in the aerial fumigation of coca, in the manner in which they are being applied, do not pose unreasonable risks or adverse effects to humans or the

environment; and (3) procedures are available to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and to provide fair compensation for meritorious claims; and such funds may not be made available for such purposes after six months from the date of enactment of this Act unless alternative development programs have been developed, in consultation with communities and local authorities in the departments in which such aerial coca fumigation is planned, and in the departments in which such aerial coca fumigation has been conducted such programs are being implemented: Provided further, That none of the funds appropriated by this Act may be made available to support a Peruvian air interdiction program until the Secretary of State and Director of Central Intelligence certify to the Congress, 30 days before any resumption of United States involvement in a Peruvian air interdiction program, that an air interdiction program that permits the ability of the Peruvian Air Force to shoot down aircraft will include enhanced safeguards and procedures to prevent the occurrence of any incident similar to the April 20, 2001 incident: 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)(1)(A) of Public Law 106-246 is amended by striking "500" and inserting in lieu thereof "400", and section 3204(b)(1)(B) of Public Law 106-246 is amended by striking "300" and inserting in lieu thereof "400": 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 may be available for administrative expenses of the Department of State, and not more than \$4,500,000 may be available for administrative expenses of the United States Agency for International Development.

#### 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, \$705,000,000, which shall remain available until expended: Provided, That not more than \$16,000,000 may be available for administrative expenses: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of the Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement: 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, \$313,500,000, 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 15 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 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.

#### 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), \$6,500,000, 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, \$229,000,000, to remain available until expended: Provided, That not less than \$5,000,000 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 \$20,000,000 of unobligated balances 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.

**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, \$70,000,000, of which up to \$3,000,000 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 Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for 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, \$3,650,000,000: 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 \$3,500,000 should be made available for assistance for Tunisia: Provided further, That during fiscal year 2002, the President is authorized to, and shall, direct the drawdowns 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: Provided further, That of the funds appropriated by this paragraph and under the heading "International Narcotics Control and Law Enforcement", not less than \$2,300,000 shall be made available for assistance for Thailand, of which not less than \$1,000,000 shall be made available from funds appropriated under the heading "International Narcotics Control and Law Enforcement" and which shall be in addition to other funds available for such purposes: Provided further, That of the funds appropriated by this paragraph, not less than \$4,000,000 shall be made available for assistance for Armenia: Provided further, That funds ap-

propriated 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: 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".

**PEACEKEEPING OPERATIONS**

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$135,000,000: 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, \$100,500,000, 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, \$792,400,000, 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 should 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, \$5,000,000, 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 \$25,000,000.

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

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, \$18,000,000, 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, \$98,017,050, 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, \$208,500,000: Provided, 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): Provided further, That not less than \$6,000,000 should be made available to the World Food Program.

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 effectiveness 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 \$125,000 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 the government of any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisions shall be subject to the regular notification procedures of the Committees on Appropriations.

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 Ex-

port 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. 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.

#### 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.

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

SEC. 518. 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.

#### 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 Colombia, Haiti, Liberia, Serbia, Sudan, 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 \$15,500,000 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 \$3,000,000 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: Provided further, That of the funds appropriated under title II of this Act, \$446,500,000 shall be made available for family planning/reproductive health.

#### 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 Export 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. (a) 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 activities to support democracy, human rights, and the rule of law in the People's Republic of China, of which not less than \$5,000,000 should be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for such activities, and of which not to exceed \$3,000,000 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 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.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$10,000,000 should be made available for programs and activities to foster democracy, human rights, press freedoms, women's development, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: Provided further, That not less than \$6,000,000 of such funds should be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and not less than \$4,000,000 of such funds should be made available to a private, non-profit organization authorized by Congress to strengthen democratic institutions worldwide through nongovernmental efforts: Provided further, That funds made available pursuant to the authority of this subsection 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, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. 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 activities in a country for which assistance is prohibited.

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; and the Bureau for Asia and the Near East: 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) During fiscal year 2002, the President may use up to \$45,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

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 I 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 appropriated under this Act that are 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 that were incurred after the first day of the fiscal year preceding the current fiscal year 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 \$30,000,000 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, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including

those who now occupy positions in the Palestinian 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 Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, including 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 obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 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 appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens 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.

(c) **CONDITIONS.**—The authority provided by subsection (a) may be exercised only with respect 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 Relations 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, REDUCTION, OR CANCELLATION.**—

(1) **AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.**—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 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 purpose of facilitating—

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

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency 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 between 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 section.

(3) **ADMINISTRATION.**—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers 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 subsection 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 section shall be deposited in the United States Government 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-development 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".

**RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES**

SEC. 553. (a) **PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.**—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) **CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.**—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) **DEFINITIONS.**—As used in this section the term "United States person" refers to—

- (1) a natural person who is a citizen or national of the United States; or
- (2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

**HAITI COAST GUARD**

SEC. 554. The Government of Haiti shall be eligible 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 procedures of the Committees on Appropriations.

**LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY**

SEC. 555. (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 Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) **WAIVER.**—The prohibition included in subsection (a) shall not apply if the President certifies 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 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.

**LIMITATION ON ASSISTANCE TO SECURITY FORCES**

SEC. 556. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective 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 further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary 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 measures to bring the responsible members of the security forces to justice.

**DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION**

SEC. 557. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian

Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

#### ASSISTANCE FOR THE MIDDLE EAST

SEC. 558. Of the funds appropriated in titles II and III of this Act under the headings "Economic Support Fund", "Foreign Military Financing Program", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs", not more than a total of \$5,141,150,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of the enactment of this Act obligated or allocated for other recipients may not during fiscal year 2002 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

#### ENERGY CONSERVATION AND CLEAN ENERGY PROGRAMS

SEC. 559. (a) FUNDING.—Of the funds appropriated by this Act, not less than \$155,000,000 should be made available to support policies and actions in developing countries and countries in transition that promote energy conservation and efficient energy production and use; that measure, monitor, and reduce greenhouse gas emissions; increase carbon sequestration activities; and enhance climate change mitigation programs.

(b) GREENHOUSE GAS EMISSIONS REPORT.—Not later than 30 days after the date on which the President's fiscal year 2003 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, 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 Appendix; and

(2) all fiscal year 2001 obligations and estimated expenditures, fiscal year 2002 estimated expenditures and estimated obligations, and fiscal year 2003 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (1) to promote the transfer and deployment of United States clean energy technologies; (2) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (3) to promote carbon capture and sequestration measures; (4) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (5) to develop assessments of the vulnerability to impacts of climate change and response strategies.

#### ZIMBABWE

SEC. 560. 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. 561. 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. 562. 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. 563. (a) The Secretary of the Treasury should 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) 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.

(c) Notwithstanding subsection (b) of this section or any other provision of law, funds appropriated by this Act may be made available for assistance for basic education and 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.

(d) 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 any tribunal established by the Government of Cambodia pursuant to a memorandum of understanding with the United Nations unless the President determines and certifies to Congress that the tribunal is capable of delivering justice for crimes against humanity and genocide in an impartial and credible manner.

#### FOREIGN MILITARY TRAINING REPORT

SEC. 564. (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. 565. (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, 15 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.

#### PLO COMPLIANCE REPORT

SEC. 566. (a) REPORTING REQUIREMENT.—The President should, at the time specified in subsection (b), submit a report to the Congress assessing the steps that the Palestine Liberation Organization (PLO), or the Palestinian Authority, as appropriate, has taken to comply with its 1993 commitments to renounce the use of terrorism and all other acts of violence and to assume responsibility over all PLO or Palestinian Authority elements and personnel in order to assure their compliance, prevent violations, and

discipline violators, including the arrest and prosecution of individuals involved in acts of terror and violence. The President should determine, based on such assessment, whether the PLO or the Palestinian Authority, as appropriate, has substantially complied with such commitments. If the President determines based on the assessment that such compliance has not occurred, then the President should, for a period of time of not less than six months, impose one or more of the following sanctions:

(1) Withdraw or terminate any waiver by the President of the requirements of section 1003 of the Foreign Relations Authorization Act of 1988 and 1989 (22 U.S.C. 5202) (prohibiting the establishment or maintenance of a Palestinian information office in the United States), such section to apply so as to prohibit the operation of a PLO or Palestinian Authority office in the United States from carrying out any function other than those functions carried out by the Palestinian information office in existence prior to the Oslo Accords.

(2) Designate the PLO, or one or more of its constituent groups (including Fatah and Tanzim) or groups operating as arms of the Palestinian Authority (including Force 17) as a foreign terrorist organization, in accordance with section 219(a) of the Immigration and Nationality Act.

(3) Terminate United States assistance (except humanitarian and development assistance) for the West Bank and Gaza Program.

(b) SUBMISSION OF REPORT.—The report required under subsection (a) should be transmitted not later than 60 days after the date of enactment of this Act and shall cover the period commencing June 13, 2001.

(c) UPDATE OF REPORT.—The President should update the report submitted pursuant to subsection (a) as part of the next report required under the PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101-246).

(d) WAIVER AUTHORITY.—The President may waive any or all of the sanctions imposed under subsection (a) if the President determines and reports to the appropriate committees of the Congress that such a waiver is in the national security interests of the United States.

#### COLOMBIA

SEC. 567. (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 as follows:

(1) not more than sixty percent of such funds may be obligated after a determination by the Secretary of State and a certification to the appropriate congressional committees that:

(A) 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;

(B) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and 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;

(C) 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 orders for capture for members of such groups; and

(2) the balance of such funds may be obligated after June 1, 2002, if the Secretary of State determines and certifies to the appropriate congressional committees that the Colombian Armed Forces are continuing to meet the criteria contained in paragraphs (1)(A), (B) and (C).

(b) CONSULTATIVE PROCESS.—At least ten days prior to making the determination and certification required by this section, and every 120 days thereafter during fiscal year 2002, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (a).

(c) REPORT.—One hundred and twenty days after the enactment of this Act, and every 120 days thereafter during fiscal year 2002, 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 subsections (a)(1)(A) through (a)(1)(C); and

(d) 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. 568. (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. 569. 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. 570. 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 political transition in Iraq: Provided, That not more than 15 percent of the funds (except for costs related to broadcasting activities) 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.

#### WEST BANK AND GAZA PROGRAM

SEC. 571. 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. 572. (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 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 illegal 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 and demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor;

(4) 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;

(5) demonstrating a commitment to civilian control of the armed forces by reporting to civilian authorities audits of receipts and expenditures of the armed forces;

(6) allowing United Nations and other international humanitarian organizations and representatives of recognized human rights organizations access to West Timor, Aceh, West Papua, and Maluku; and

(7) releasing political detainees.

#### BRIEFINGS ON POTENTIAL PURCHASES OF DEFENSE ARTICLES OR DEFENSE SERVICES BY TAIWAN

SEC. 573. (a) BRIEFINGS.—Not later than 90 days after the date of enactment of this Act, and not later than every 120 days thereafter during fiscal year 2002, the Department of State, in consultation with the Department of Defense, shall provide detailed briefings to the appropriate congressional committees (including the Committees on Appropriations) on any discussions conducted between any executive branch agency and the government of Taiwan during the preceding 120 days (or, in the case of the initial briefing, since the date of enactment of this Act) on any potential purchase of defense articles or defense services by the government of Taiwan.

(b) EXECUTIVE AGENCY DEFINED.—In this section, the term “executive branch agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

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

SEC. 574. (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 knowingly facilitated the safe passage of weapons or other equipment, or has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous six months to the Sierra Leone Revolutionary United Front (RUF), Liberian Security 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 six months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

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

#### VOLUNTARY SEPARATION INCENTIVES

SEC. 575. 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”.

#### UNITED NATIONS POPULATION FUND

SEC. 576. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under “International Organizations and Programs”, not more than \$34,000,000 for fiscal year 2002 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the “UNFPA”).

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under “International Organizations and Programs” may be made available for the UNFPA for a country program in the People’s Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under “International Organizations and Programs” for fiscal year 2002 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

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

SEC. 577. (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, consistent with existing standards and procedures on classification.

(d) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than 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.

#### PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 578. (a) FUNDING CONDITIONS.—Of the funds made available under the heading “Inter-

national Financial Institutions” in this Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies to the Committees on Appropriations that, to the extent pertinent to its lending programs, the institution is—

(1) implementing procedures for conducting annual audits by qualified independent auditors for all new investment lending;

(2) implementing procedures for annual independent external audits of central bank financial statements for countries making use of International Monetary Fund resources under new arrangements or agreements with the Fund;

(3) taking steps to establish an independent fraud and corruption investigative organization or office;

(4) implementing a process to assess a recipient country’s procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new investment lending; and

(5) taking steps to fund and implement programs and policies to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) DEFINITIONS.—The term “International Financial Institutions” means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

#### BASIC EDUCATION ASSISTANCE FOR INDONESIA AND PAKISTAN

SEC. 579. (a) Of the funds made available under the heading “Development Assistance” for basic education, \$8,000,000 shall be made available to Indonesia and Pakistan.

(b) Of the funds made available under the heading “Economic Support Fund” for Pakistan, not less than \$2,500,000 shall be transferred to “Operating Expenses of the United States Agency for International Development” for the purpose of monitoring and implementing United States economic support, including that provided under the provisions of Public Law 107-38 and this general provision, of basic education, health, and democracy and governance activities in Pakistan.

(c) Not more than 60 days after the enactment of this Act, the Administrator of the United States Agency for International Development shall report to the House Committees on Appropriations and International Relations and the Senate Committees on Appropriations and Foreign Relations on the Agency’s proposed allocation of basic education funding for Indonesia and Pakistan, including in-country monitoring of budget support for basic education provided under Public Law 107-38.

#### COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 580. 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. 581. (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 new project involving the 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 publicly indicted persons or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving 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 Secretary of the Treasury 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 projects 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 Accords.

(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.

#### USER FEES

SEC. 582. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of these 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. 583. 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 SERBIA

SEC. 584. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 31, 2002, if 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 the former 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, including the release of political prisoners from Serbian jails and prisons.

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

EL SALVADOR RECONSTRUCTION AND CENTRAL  
AMERICA DISASTER RELIEF

SEC. 585. (a) During fiscal year 2002, not less than \$100,000,000 shall be made available for rehabilitation and reconstruction assistance for El Salvador: Provided, That such funds shall be derived as follows: (1) from funds appropriated by this Act, not less than \$65,000,000, of which not less than \$25,000,000 shall be from funds appropriated under the heading "Economic Support Fund", \$25,000,000 should be from funds appropriated under the heading "International Disaster Assistance", and not less than \$15,000,000 shall be from funds appropriated under the headings "Child Survival and Health Programs Fund" and "Development Assistance"; and (2) from funds appropriated under such headings in Acts making appropriations for foreign operations, export financing, and related programs for fiscal year 1999 and prior years, not to exceed \$35,000,000: Provided further, That none of the funds made available under this section may be obligated for non-project assistance: Provided further, That prior to any obligation of funds made available under this section, the Administrator of the United States Agency for International Development (USAID) shall provide the Committees on Appropriations with a detailed report containing the amount of the proposed obligation and a description of the programs and projects, on a sector-by-sector basis, to be funded with such amount: Provided further, That of the funds

made available under this section, up to \$2,500,000 may be used for administrative expenses, including auditing costs, of USAID.

(b) During fiscal year 2002, not less than \$35,000,000 of the funds managed by the United States Agency for International Development should be made available for mitigation of the drought and rural food shortages elsewhere in Central America.

REPORTS ON CONDITIONS IN HONG KONG

SEC. 586. (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.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 587. (a) AUTHORITY.—Of the funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, up to \$1,500,000 may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and through the promotion of civilian police roles that support democratic governance including programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—Twelve months after the initial obligation of funds for Jamaica for activities authorized under subsection (a), the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees describing the progress the program is making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

AUTHORIZATIONS

SEC. 588. The Secretary of the Treasury may, to fulfill commitments of the United States, contribute on behalf of the United States to the fifth replenishment of the resources of the International Fund for Agricultural Development. The following amount is authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: \$30,000,000 for the International Fund for Agricultural Development: Provided, That notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103-428, the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through March 31, 2002.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND  
SOUTHERN EUROPEAN COUNTRIES AND CERTAIN  
OTHER COUNTRIES

SEC. 589. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2002 and 2003, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan: Provided, That section 105 of Public Law 104-164 is amended by striking "2000 and 2001" and inserting "2002 and 2003".

OVERSEAS PRIVATE INVESTMENT CORPORATION  
AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 590. (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, or taking other appropriate measures, that the Secretary of State determines to contribute effectively to preventing and eliminating the trade in conflict diamonds.

MODIFICATION TO THE ANNUAL DRUG

CERTIFICATION PROCEDURES

SEC. 591. During fiscal year 2002 funds in this Act that would otherwise be withheld from obligation or expenditure under section 490 of the Foreign Assistance Act of 1961 may be obligated or expended provided that:

(1) REPORT.—Not later than 45 days after enactment the President has submitted to the appropriate congressional committees a report identifying each country determined by the President to be a major drug-transit country or major illicit drug producing country.

(2) DESIGNATION AND JUSTIFICATION.—In each report under paragraph (1), the President shall also—

(A) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961; and

(B) include a justification for each country so designated.

(3) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—In the case of a country identified in a report for fiscal year 2002 under paragraph (1) that is also designated under paragraph (2) in the report, United States assistance may be provided under this Act to such country in fiscal year 2002 only if the President determines and reports to the appropriate congressional committees that—

(A) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(B) commencing at any time 45 days after enactment, the country has made substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961.

(4) INTERNATIONAL COUNTERNARCOTICS AGREEMENT DEFINED.—In this section, the term "international counternarcotics agreement" means—

(A) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(B) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—

(i) the production, distribution, and interdiction of illicit drugs,

(ii) demand reduction,  
 (iii) the activities of criminal organizations,  
 (iv) international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence),

(v) the extradition of nationals and individuals involved in drug-related criminal activity,

(vi) the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity,

(vii) border security,

(viii) money laundering,

(ix) illicit firearms trafficking,

(x) corruption,

(xi) control of precursor chemicals,

(xii) asset forfeiture, and

(xiii) related training and technical assistance;

and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues.

(5) *APPLICATION.*—Section 490 (a)–(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291f) shall not apply during fiscal year 2002 with respect to any country identified in paragraph (1) of this section.

(6) *STATUTORY CONSTRUCTION.*—Nothing in this section supersedes or modifies the requirement in section 489(a) of the Foreign Assistance Act of 1961 (with respect to the International Control Strategy Report) for the transmittal of a report not later than March 1, 2002 under that section.

KENNETH M. LUDDEN

SEC. 592. This Act may be cited as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002.

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

And the Senate agree to the same.

JIM KOLBE,  
 SONNY CALLAHAN,  
 JOE KNOLLENBERG,  
 JACK KINGSTON,  
 JERRY LEWIS,  
 ROGER F. WICKER,  
 HENRY BONILLA,  
 JOHN E. SUNUNU,  
 BILL YOUNG,  
 NITA LOWEY,  
 NANCY PELOSI,  
 JESSE L. JACKSON, JR.,  
 CAROLYN C. KILPATRICK,  
 STEVEN R. ROTHMAN,  
 DAVE OBEY.

*Managers on the Part of the House.*

PATRICK J. LEAHY,  
 DANIEL K. INOUE,  
 TOM HARKIN,  
 TIM JOHNSON,  
 JACK REED,  
 ROBERT C. BYRD,  
 MITCH MCCONNELL,  
 JUDD GREGG,  
 RICHARD C. SHELBY,  
 ROBERT F. BENNETT,  
 BEN NIGHTHORSE  
 CAMPBELL,  
 CHRISTOPHER BOND,  
 TED STEVENS.

*Managers on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2506) “making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002”, submit the following joint statement to the House and Senate in explanation of the effect of the

action agreed upon by the managers and recommended in the accompanying conference report:

#### TITLE I—EXPORT AND INVESTMENT ASSISTANCE

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

The conference agreement appropriates \$727,323,000 for the subsidy appropriation of the Export-Import Bank as proposed by the Senate, instead of \$738,323,000 as proposed by the House. The managers have been informed that the level of subsidy provided will support a projected level of authorizations of \$1,600,000,000 in 2002, approximately \$1,400,000,000 higher than the level of authorizations in fiscal year 2001.

##### ADMINISTRATIVE EXPENSES

The conference agreement appropriates \$63,000,000 for administrative expenses of the Export-Import Bank instead of \$60,000,000 as proposed by the House and \$64,000,000 as proposed by the Senate.

##### OVERSEAS PRIVATE INVESTMENT CORPORATION

The managers are concerned about an announcement by OPIC that it intends to begin making bridge loans to non-governmental organizations (NGOs) and private voluntary organizations (PVOs). While OPIC has provided financing to several PVOs since 1999, the managers are concerned that OPIC has not adequately consulted and informed Congress on these projects. Therefore, the managers direct the President of OPIC to consult with the Committees on Appropriations in the House and the Senate before any future financing for NGOs or PVOs is approved.

The managers are also concerned that significant changes to the insurance market in the wake of the September 11, 2001 attacks against the United States may jeopardize coverage of American investments overseas. The managers note that the inability to obtain sufficient insurance coverage could have significant adverse impact on large infrastructure project support by U.S. corporations, U.S. commercial banks, the Export-Import Bank, and the Overseas Private Investment Corporation.

#### TITLE II—BILATERAL ECONOMIC ASSISTANCE

##### COMPLIANCE WITH REPORT LANGUAGE

The managers note that at times in the past, the Department of State and USAID have failed to respond to recommendations in the House and Senate Appropriations Committee reports, choosing instead to recognize only language in the statement of the managers accompanying the Conference Report. The managers expect the Department of State and USAID to follow the recommendations in the House and Senate reports, unless those recommendations are modified in the statement of the managers. In the event that the House and Senate Appropriations Committee reports contain conflicting recommendations on the same subject, the managers expect the Department of State and USAID to consult with the House and Senate Appropriations Committees regarding those recommendations.

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND HEALTH PROGRAMS FUND

The conference agreement appropriates \$1,433,500,000 for the Child Survival and Health Programs Fund instead of \$1,425,000,000 as proposed by the House and \$1,510,500,000 as proposed by the Senate. The conference agreement also continues limitations on the use of the Fund for non-project assistance.

The conference agreement includes language allocating \$1,430,500,000 among six pro-

gram categories in the Child Survival and Health Programs Fund: \$315,000,000 for child survival and maternal health, including vaccine-preventable diseases such as polio; \$25,000,000 for vulnerable children; \$435,000,000 for HIV/AIDS; \$165,000,000 for other infectious diseases; \$368,500,000 for reproductive health/family planning; and \$120,000,000 for UNICEF. The managers expect that any change proposed subsequent to the allocation as directed in bill language will be subject to the requirements of section 515 of the Act. A definition of program categories and their components can be found on pages 9 through 11 of House Report 107-142 and under the heading “Family Planning/Reproductive Health” on page 12 of Senate Report 107-58.

Within the child survival and maternal health program, authority is provided to transfer up to \$53,000,000 instead of \$60,000,000 as proposed by the House and \$50,500,000 as proposed by the Senate to The Vaccine Fund established for child immunization by the Global Alliance for Vaccines and Immunization (GAVI). The managers continue to be supportive of GAVI and again direct that the Committees be informed in writing 20 days prior to the obligation of any funds for GAVI on the proposed use of any U.S. contribution, particularly with regard to the amount to be donated for procurement of vaccines for children. Any in-kind contributions through USAID should be in addition to the \$53,000,000 contribution to The Vaccine Fund.

The managers note that the vulnerable children program is not intended to be used to assist AIDS orphans, who will be major beneficiaries of the HIV/AIDS program. Although the conference agreement does not include bill language regarding funding for blind children, the managers recommend not less than \$1,300,000 for assistance for blind children. The managers support efforts to eliminate iodine deficiency disorder, the leading cause of mental retardation, and expect that at least \$2,500,000 from the Child Survival and Health Programs Fund and \$2,225,000 from the Europe and Eurasia regional accounts be provided for the Kiwanis International/UNICEF-IDD partnership program. USAID is also encouraged to increase support for non-governmental organizations, such as Special Olympics, that work with older children, including those with cognitive disabilities and mild mental retardation, to teach life and job skills. The managers encourage USAID to explore expanding support for NGO programs for vulnerable children and adults in Southeast Asian countries where government policies impede the establishment of a regular USAID mission or limit government-to-government economic cooperation. The managers also direct that \$27,500,000 be provided to combat polio.

The conference agreement includes \$475,000,000 for HIV/AIDS, of which \$435,000,000 is allocated within this account and not less than \$40,000,000 in other accounts and programs. The conference agreement includes bill language on the development of microbicides. The managers expect that these funds will be managed by the director of the HIV/AIDS division at USAID. In addition, the conference agreement includes up to \$10,000,000 for a United States contribution to the International AIDS Vaccine Initiative.

The managers note that the Global AIDS and Tuberculosis Relief Act of 2000 (P.L. 106-264) authorized that 65 percent of the HIV/AIDS funding be provided through non-governmental organizations (NGOs). The managers concur that NGOs, including faith-based organizations, provide invaluable services in the fight against HIV/AIDS. In anticipation of an increasing involvement of the public sector, particularly in the areas of treatment and the provision of interventions

to reduce mother-to-child transmission, the managers agree that assistance provided through NGOs in cooperation with a foreign government or using government facilities may be counted against the 65 percent target in USAID's strategy to implement the Act.

The managers recognize the value of innovative projects to combat the ever-growing HIV/AIDS pandemic. The managers are aware of two innovative faith-based alliances and recommend that USAID provide not less than \$2,000,000 to fund proposals by each NGO. The first is between a United States NGO and the southern African Anglican Church to provide information and communications technologies and platforms to strengthen community efforts to combat HIV/AIDS in southern Africa. The second is between Hope worldwide and a number of communities in southern Africa. The NGO seeks to replicate and extend its well-known Soweto Community Childcare program for orphans and other children affected by AIDS to other sites in Africa. The managers encourage USAID to seek out and support similar innovative programs, especially in Africa, South and Central Asia, and the Caribbean region.

Within the overall Child Survival and Health Programs Fund, authority is provided to transfer \$50,000,000 to a proposed global fund to fight AIDS, tuberculosis and malaria. Of this amount, \$10,000,000 would be transferred from the allocation for other infectious diseases, which include tuberculosis and malaria. In addition, the President may use up to \$50,000,000 from other accounts in title II of this and prior Acts for the fund, for a total of \$100,000,000 under the authorities provided in this Act.

The managers note that up to an additional \$200,000,000 is available for the proposed global fund from two other appropriations Acts a total of \$100,000,000 in the Child Survival and Disease Programs Fund under a provision of Public Law 107-20, and another \$100,000,000 from H.R. 3061, the Departments of Labor, Health and Human Services, and Education Appropriations Act, 2002. The managers further note that the President's request for the fund is \$200,000,000.

The managers expect the Secretary of State and the Secretary of Health and Human Services to report to the Committees no later than April 30, 2002 on progress toward establishment of a global fund to combat AIDS, tuberculosis and malaria. If substantial progress has not been made by August 1, 2002, in establishing a global fund on terms mutually acceptable to the Secretaries and the Committees, the managers expect that the funds intended to be contributed to the proposed global fund will be made available for obligation, as needed, for ongoing bilateral programs to fight HIV/AIDS, tuberculosis, and malaria.

The managers urge that expanded resources be made available to mother-to-child transmission (MTCT) programs. As effective implementation of MTCT programs will take time, during which health care workers will be trained, laboratory and testing facilities established, and community based care services for HIV positive mothers developed, USAID not be able to meet the Global AIDS Act's 8.3 percent MTCT funding target in fiscal year 2002. The managers expect that USAID will achieve the MTCT target by the end of fiscal year 2003.

The conference agreement allocates \$165,000,000 for other infectious diseases including \$65,000,000 to address the global health threat from tuberculosis. The managers expect that a total of at least \$75,000,000 will be provided for tuberculosis from all accounts.

The other infectious diseases program also includes \$65,000,000 for efforts to reduce the

incidence of malaria and \$35,000,000 for antimicrobial resistance and infectious diseases surveillance. Proper antibiotic use and increasing global resistance have assumed a higher priority since the recent bioterrorism incidents, and the managers urge USAID to reserve part of its increase in funding to invest in public/private partnerships and alliances that promote more prudent uses of antibiotics in developing countries.

The managers are aware that the HIV/AIDS, tuberculosis and malaria crises require extraordinary efforts on the part of the U.S. Government. USAID is encouraged to use, as appropriate, its existing waiver authorities regarding financing and procurement of goods and services, and grant making, in order to expedite the provision of assistance to combat infectious diseases and enhance the efficiency of that assistance.

The conference agreement allocates \$368,500,000 for family planning/reproductive health within the Child Survival and Health Programs Fund. The Senate amendment proposed that not less than \$395,000,000 be made available from the Child Survival and Health Programs Fund to carry out section 104(b) of the Foreign Assistance Act, regarding international population planning assistance. The House bill allocated \$358,000,000 from this account for bilateral reproductive health/family planning assistance. The conference agreement provides overall funding of \$446,500,000 for bilateral family planning/reproductive health from this account, the Economic Support Fund, and the regional accounts for Eastern Europe and the former Soviet Union in section 522.

As the managers are concerned about logging, poaching and other development harmful to the environment in regions where population pressures threaten biodiversity and endangered species, such as Indonesia, Central Africa, and parts of Latin America, the conference agreement includes Senate language that urges USAID to undertake and implement reproductive health/family planning programs in these regions.

The managers also direct USAID to continue to provide the Committees with a detailed annual report not later than February 28, 2002, on the programs, projects, and activities undertaken by the Child Survival and Disease Programs Fund during fiscal year 2001.

Funds appropriated for the Child Survival and Health Programs Fund are appropriated for programs, projects and activities. Funds for administrative expenses to manage Fund activities are provided in a separate account, with two exceptions included in the conference agreement: authority for USAID's central and regional bureaus to use up to \$125,000 from program funds for Operating Expense-funded personnel to better monitor and provide oversight of the Fund; and, in section 522, authority to use up to \$15,500,000 to reimburse other government agencies and private institutions for professional services. Any proposed transfer of appropriations from the Fund for administrative expenses of USAID under any other authority shall be subject to section 515 of this Act.

None of the funds appropriated under this heading or the heading "Child Survival and Disease Programs Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be allocated or reserved in USAID's operating year budget for a Global Development Alliance. Any proposed obligations for Global Development Alliance programs, projects or activities shall be subject to the regular notification procedures of the Committees on Appropriations.

#### DEVELOPMENT ASSISTANCE

The conference agreement appropriates \$1,178,000,000 for "Development Assistance"

instead of \$1,098,000,000 as proposed by the House and \$1,245,000,000 as proposed by the Senate.

The managers have increased funds for Development Assistance above the amount requested by the President in order to make additional funds available for urgent basic education, environment and energy conservation, and economic growth programs. Within the economic growth, agriculture and trade sector, environment and clean energy, trade promotion, and rule of law activities are of special interest.

The managers have agreed to provide \$150,000,000 for basic education under the development assistance account, instead of \$135,000,000 as proposed by the House bill and the Senate amendment. In addition, \$15,000,000 should be derived from other accounts.

The managers also direct USAID to conduct an immediate review of basic education programs in countries whose assistance is primarily provided from the Economic Support Fund (ESF). Widespread anti-American sentiment in predominately Muslim countries has exposed a deficiency in basic education within countries that have received large amounts of U.S. assistance through ESF-funded programs. The managers urge that cooperative efforts be initiated with ESF-recipient countries to develop and implement creative basic education programs that strengthen the capacity and accessibility of public education systems. The conferees expect that expenditures from the ESF account for education will increase as a result of these efforts.

The managers continue to be concerned about worldwide trafficking of women and children and urge the Department of State and USAID to provide \$20,000,000 from title II of this Act, including not less than \$1,500,000 under the heading "Independent States" and not less than \$10,000,000 under the heading "International Narcotics Control and Law Enforcement", to continue and expand anti-trafficking programs.

The conference agreement provides that, of the funds for agriculture and rural development programs, \$25,000,000 should be provided for biotechnology research and development.

The managers strongly support the fertilizer-related research and development being conducted by the International Fertilizer Development Center (IFDC) and urge the Administrator of USAID to make at least \$4,000,000 available to IFDC, including not less than \$2,300,000 for its core grant, as provided under the Senate amendment and the House Report.

The managers expect USAID to increase funding for the Collaborative Research Support Programs (CRSPs) above the fiscal year 2001 level. The managers recommend that USAID should focus on increasing the overall funds available for CRSPs, and consult with the Committees on directives included in the House and Senate reports regarding funding for the CRSPs. The managers note the ongoing bipartisan and bicameral support for the Peanut CRSP.

The conference agreement does not contain language proposed in the Senate amendment providing up to \$100,000 for an assessment of the causes of flooding along the Volta River in Accra, Ghana, and recommendations for solving the problem. The House did not address this matter. The managers support this endeavor, and expect \$100,000 to be provided for the assessment.

The managers direct that not less than \$500,000 be made available for the United States Telecommunications Training Institute, a long-standing and successful program that provides communications and broadcasting training to professionals around the

world. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement provides that \$18,000,000 should be made available for the American Schools and Hospitals Abroad (ASHA) program. The Senate amendment included bill language mandating that \$19,000,000 be made available for this purpose. The House bill did not address this matter. The managers direct ASHA to give full consideration to grant proposals from all qualified institutions. These may include grant proposals for curriculum, staff support, and related expenses and for expansion overseas facilities owned and operated by U.S. based, non-profit educational institutions. No regulation, statute, or congressional directive precludes ASHA funds from being utilized for these purposes.

The managers strongly support programs to protect the environment, including biodiversity and endangered species. They also support sustainable use of natural resources and sustainable agriculture and programs that conserve energy and promote efficient energy production and use in developing countries. The conference agreement includes language similar to the Senate bill, which provides that \$275,000,000 should be made available for these activities. Of this amount, \$100,000,000 should be made available for programs to protect biodiversity.

The conference agreement includes language similar to the Senate amendment, which provides that \$2,000,000 should be made available from "Development Assistance" and the "Child Survival and Health Programs Fund" for activities in Laos. These funds are to be made available only through nongovernmental organizations to address basic human needs. The managers are extremely troubled by the repressive policies of the Government of Laos. In addition to condemning the wholesale denial of human rights to the people of Laos, particularly the Hmong, the managers are concerned about a recent event in which several European nationals were arrested, detained in inhumane conditions, and eventually expelled from Laos for demonstrating for democracy and the release of political prisoners. The House bill did not address this matter.

As a result of the situation since September 11, 2001, the managers support and urge USAID to include in its initiative to prevent conflict \$2,500,000 to support environmental threat assessments and preventive solutions. The Foundation for Security and Sustainability is prepared to mobilize its interdisciplinary experts to address urgent challenges such as highly infectious diseases and environmental indicators to provide credible warnings as they pertain to the security of key regions.

The conferees continue to strongly support dairy development and urge the USAID to provide \$8,000,000 to fund new projects in fiscal year 2002, the same level provided for the past two years. The program has helped the U.S. dairy industry become more competitive through promoting American technology, equipment, inputs and industry-based technical assistance in developing and market transition countries.

The managers support the language in House Report 107-142 regarding education and technology in Africa, especially with regard to the Education of Development and Democracy Initiative (EDDI) and the AFTECH initiative. As such, the managers strongly recommend that \$17,000,000 be made available for EDDI in fiscal year 2002, instead of the multiyear funding recommendation in the House Report. The managers also support the Republic of Congo's (Brazzaville) efforts to achieve economic self sufficiency

and democratic reform following its civil war. The conferees strongly encourage USAID to support the Congo Republic's multi-year effort to boost local production of agricultural foodstuffs. This project complements the Agency's ongoing effort to engage the private sector in developing methods to achieve food security in Africa.

The managers endorse House and Senate report language supporting assistance for victims of torture and recommend \$10,000,000 for these activities, including treatment centers. The managers are also aware of the Hacia La Seguridad program in Quito, Ecuador and the United States-Honduras Program of Investments Alliance and encourage USAID to consider proposals for supporting both projects. The managers also endorse the Senate report language recommending support for the Navsarjan Trust in India.

The managers recognize the important contributions made by American volunteers through the Citizens Democracy Corps and the International Executive Service Corps (IESC), and support additional funding by USAID over and above existing grants and cooperative agreements for both PVOs. In particular, the managers support proposals by the IESC to renew its technical assistance activities in small and medium-sized enterprises in Latin America, Africa, and Asia.

The managers expect USAID to comply with the House Report directives, as modified below, as it develops more fully its Global Development Alliance concept. Until those recommendations have been implemented, as determined by the Committees, any proposed obligations from Development Assistance appropriations for Global Development Alliance programs, projects or activities shall be subject to the regular notification procedures of the Committees on Appropriations on a case-by-case basis. Overall, any allocation or reservation of funds for a Global Development Alliance in USAID's operating year budget shall be limited to \$20,000,000 during fiscal year 2002.

#### BURMA

The conference agreement contains language that provides that of the funds appropriated for the Economic Support Fund, not less than \$6,500,000 shall be made available to support democracy activities in Burma and for related activities outside of Burma. These funds are available notwithstanding any other provision of law, but shall be made available subject to the regular notification procedures of the Committees on Appropriations. The conference agreement also amends a similar provision for the fiscal year 2001 appropriations act to provide for the use of funds appropriated under "Child Survival and Disease Programs Fund" for activities in Burma. The conference agreement does not contain Senate language that conditioned the use of funds on the direct involvement of the National League for Democracy.

The managers expect that programs and activities conducted inside Burma will be carried out in consultation with the leadership of the National League for Democracy (NLD). The managers do not support the provision of any assistance to the State Peace and Development Council (SPDC), and encourage a just and peaceful settlement to the political stalemate.

The managers are deeply concerned with the detention of Burma's legitimately elected leader Daw Aung San Suu Kyi, and the imprisonment and torture of Burmese democracy activists. The managers recognize the humanitarian crises that exist in Burma today, including an explosive HIV/AIDS infection rate, and condemn the repressive policies of the SPDC that directly contribute to human suffering in that country. The managers denounce the SPDC's efforts to ob-

tain a nuclear reactor and its recent decision to purchase ten MIG-29 fighter aircraft. These funds could be better used for basic health care for the Burmese people.

The managers note that talks have taken place between the NLD and the SPDC, and a few political prisoners have been released. However, at the current rate it will take a decade before all 1,800 political prisoners are set free. The managers urge the immediate and unconditional release of all prisoners of conscience in Burma. The SPDC is also urged to allow NLD offices to reopen throughout Burma and to operate without restriction.

The managers request that within 90 days of enactment of the Act, the Administrator of USAID, in consultation with the Under Secretary of State for Global Affairs, provide a report to the Committees on Appropriations on the extent of the HIV/AIDS epidemic in Burma, including recommendations for action that the United States Government could take to limit the spread of HIV/AIDS in Burma. The recommendations may not include direct support to the SPDC.

#### INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates \$235,500,000 for "International Disaster Assistance", instead of \$245,000,000 as proposed by the Senate and \$201,000,000 as proposed by the House bill. The managers have agreed to a 17.5 percent increase above the request in anticipation that additional resources will be needed for humanitarian assistance, especially in Central America and sub-Saharan Africa. The director of the Office of Foreign Disaster Assistance is to consult with the Committees not less than every three months, on the current status of commitments, obligations, and expenditures by the Office and on any proposals to augment "International Disaster Assistance" by transfers from other accounts.

The conferees urge USAID to at least double its disaster preparedness programs and activities in South Asia by initiating offers of technical assistance in this area with the Governments of India and other regional states. Not less than \$5,000,000 should be committed by the Office of Foreign Disaster Assistance to develop national and regional emergency response capabilities to prevent unnecessary loss of life and property during frequent natural disasters such as cyclones, earthquakes and floods. This program should be designed to promote regional cooperation and stability.

#### TRANSITION INITIATIVES

The conference agreement appropriates \$50,000,000 for "Transition Initiatives" to support USAID's Office of Transition Initiatives (OTI). The House bill proposed \$40,000,000 and the Senate amendment \$52,500,000 for this account. The conference agreement requires that USAID submit a report to the Appropriations Committees not less than five days prior to beginning a new program of assistance. The House bill contained a similar provision.

The managers recognize the importance of identifying and supporting women leaders in post-conflict societies, and urge USAID and the Department of State to make women's leadership training a central part of U.S. transition assistance to the people of Afghanistan and the surrounding region. The Vital Voices Leadership Institute is among the groups with the expertise to move quickly to implement such a program. The conferees urge USAID and the State Department to quickly identify opportunities for such initiatives within Afghanistan.

#### DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates up to \$18,500,000 by transfer from funds made

available under the heading "Development Assistance" for the cost of loans and loan guarantees for USAID's Development Credit Authority, instead of \$25,000,000 as proposed by the Senate and \$12,500,000 as proposed by the House. In addition, the conference agreement includes urban programs among the potential beneficiaries and extends the availability of the credit subsidy authority until September 30, 2007, instead of until expended as proposed by the Senate.

OPERATING EXPENSES OF THE UNITED STATES  
AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement includes language providing that up to \$10,000,000 may be made available until expended for security-related costs.

OPERATING EXPENSES OF THE UNITED STATES  
AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates \$31,500,000 for Operating Expenses of the United States Agency for International Development, Office of Inspector General, instead of \$32,000,000 as proposed by the Senate and \$30,000,000 as proposed by the House. The managers encourage the Inspector General to continue the policy of constructive and ongoing reviews of USAID's attempts to resolve its serious financial and human resource management and procurement challenges. The managers also request the Inspector General to inform the Committee promptly of any emerging deficiencies.

OTHER BILATERAL ECONOMIC ASSISTANCE  
ECONOMIC SUPPORT FUND

The conference agreement appropriates \$2,199,000,000 for the Economic Support Fund as proposed by the House instead of \$2,239,500,000 as proposed by the Senate.

The conference agreement includes language that provides not less than \$200,000,000 for the Commodity Import Program in Egypt. The Senate amendment had proposed not less than \$160,000,000 for this program, while the House bill did not address this matter.

The conference agreement also includes language that provides that not less than \$150,000,000 should be made available for assistance for Jordan. The Senate language would have mandated this level of support. The House bill did not address this matter.

The conference agreement also includes language that provides that not less than \$25,000,000 shall be made available for East Timor, including up to \$1,000,000 which may be transferred to and merged with Operating Expenses of the United States Agency for International Development. The House bill did not address this matter.

The conference agreement includes Senate language that provides that not less than \$15,000,000 shall be available for assistance for Cyprus. The House bill had similar language, but it provided that \$15,000,000 should be made available rather than making this level mandatory.

In addition, the conference report provides not less than \$35,000,000 for assistance for Lebanon. The managers are concerned with the failure of the Government of Lebanon, despite repeated requests at the highest levels, to enforce the orders of Lebanese courts requiring the return of abducted American children in Lebanon. The conference agreement provides that the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon. The House bill had language that provided this level of assistance for Lebanon, but did not include Senate language regarding child custody and international pickup orders.

The managers are deeply concerned by reports that the Government of Lebanon will not cooperate with the President's request, made pursuant to Executive Order 13224, to freeze the assets of Hezbollah, a group included on the State Department's list of terrorist organizations. The managers will closely monitor the Government of Lebanon's future cooperation with this and other aspects of the campaign against terrorism. The managers note that any funding provided in this account to the Central Government of Lebanon is subject to Congressional notification.

The conference agreement includes language that provides that \$50,000,000 of the funds appropriated under this heading should be provided for Indonesia. The Senate amendment contained language that provided that \$135,000,000 should be provided for Indonesia from "Economic Support Fund", as well as from "Development Assistance" and "Child Survival and Health Programs Fund". The House bill did not address this matter.

The conference agreement does not include Senate language providing that not less than \$10,000,000 from various accounts should be made available for humanitarian, economic rehabilitation and reconstruction, political reconciliation and related activities in Aceh, Papua, West Timor and Maluku. However, the managers direct USAID to urgently pursue opportunities to provide such assistance to address urgent needs in these impoverished and politically volatile regions. Funds made available for these purposes may be made available to and managed by the Office of Transition Initiatives.

The managers remain concerned with the political situation in Indonesia, and encourage the Government to continue to implement needed political, legal, economic, and military reforms. While the managers appreciate the complex situation within Indonesia, they find criticism by President Megawati Sukarnoputri of American-led efforts to counter international terrorism to be dismaying.

The managers did not include Senate language relating to funding for the Documentation Center of Cambodia, but recognize the vital research the Center provides to the people of Cambodia on atrocities committed by the Khmer Rouge. The managers expect the Department of State and USAID to provide sufficient levels of funding to the Center, and endorse the Senate report language on this matter. The managers request the Secretary of State to report to the Committees on Appropriations not later than 60 days after the enactment of this Act on a multi-year funding strategy for the Documentation Center of Cambodia.

The conference agreement does not include Senate language that stated that not less than \$12,000,000 should be made available for Mongolia. However, the managers support this level of funding for assistance for Mongolia, which is consistent with the budget request.

The managers direct that \$53,000,000 of the funds appropriated in this account be provided for reproductive health/family planning, as assumed in the budget request.

The conferees reiterate their support for conflict prevention analysis in light of the events of September 11th, and urge the Administration to provide funding for groups previously cited, such as the International Crisis Group, whose work identifies and addresses the causes of conflict and the failed states which breed terrorism. The managers also reiterate support for important conflict resolution programs as described in the House and Senate reports, including funding of up to \$1,000,000 for Seeds of Peace and up to \$1,000,000 for the School for International

Training's Conflict Transformation Across Cultures Program (CONTACT).

The managers endorse the House report language regarding support for the International Arid Lands Consortium. In addition, the managers express support for the House report language regarding the Blaustein Institute for Desert Research.

The conference agreement also includes House language that provides that funds from this account may be used, notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, to provide certain specified assistance to the National Democratic Alliance of Sudan. The Senate amendment contained similar language, but included a ceiling of \$10,000,000 on funds for this purpose.

Significant developments in Sudan have opened the door for historical changes for the suffering people there. A special humanitarian relief flight sponsored by the United States and cleared by the Sudan People's Liberation Movement (SPLM) and the government of Sudan has delivered over eight metric tons of wheat to the remote Nuba Mountain area that had been cut off from international assistance. The United States is negotiating expanded delivery of food aid through air drops to the Nuba Mountains to be implemented by the World Food Program. In order to set up and maintain these proposed initiatives, the managers support additional funding for new programs including expanded access for humanitarian assistance, education, agriculture, peace building, and reconciliation in war-affected areas of Sudan and to refugees in neighboring countries.

The conference agreement includes language that provides, with respect to funds appropriated under the heading "Economic Support Fund" in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated. The managers are concerned that the programs and activities funded through this account accurately reflect both the priorities of the Secretary of State and the budget justification material provided to the Committees on Appropriations, as modified by the conference agreement. The managers reiterate the importance of Congressional intent in the programming of funds appropriated to the Economic Support Fund, and anticipate a cooperative approach during fiscal year 2002 on funding allocations and programming decisions. To improve accountability for the delivery of assistance, the managers urge the Department of State and the Office of Management and Budget to streamline the current process of apportioning Economic Support Funds so that the bureau or agency designated by the Secretary or Deputy Secretary to obligate and manage the funds is able to do so in a more efficient and timely manner.

The managers endorse the Senate report language concerning the jurisdiction of and accelerated U.S. financial support for the war crimes tribunal for Sierra Leone.

The managers encourage the State Department to support programs designed to connect the information technology networks of Central Asian and Central and Eastern European members of the Partnership for Peace, to help strengthen integration and cooperation between these nations.

## INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates \$25,000,000 as proposed by the House. The Senate amendment contained no provision on this matter.

## ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates \$621,000,000, instead of \$615,000,000 as proposed by the Senate and \$600,000,000 as proposed by the House. The conference agreement also provides authority to provide up to \$43,000,000 for debt relief and restructuring for the Federal Republic of Yugoslavia (FRY), of which not to exceed \$21,500,000 would be derived from funds appropriated in this and prior Acts under this account, and not to exceed \$21,500,000 would be derived from funds appropriated in this and prior Acts for the Economic Support Fund. The managers note that a modification of direct loans and guarantees for the FRY using funds appropriated under this Act or under prior year foreign operations, export financing or related programs appropriations Acts shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

The conference report also contains Senate language making a reference in paragraph (e) to paragraph (d); this is a technical amendment.

The managers recommend that \$3,000,000 be provided to the United Nations Children's Fund (UNICEF) for a program in Bosnia for the protection of unaccompanied children and children at risk of being institutionalized. The program would focus on reforming residential institutions, strengthening social welfare centers for children, and helping to prevent abuse of, and violence against, children in Bosnia.

The managers direct that \$10,000,000 of the funds appropriated in this account be provided for reproductive health/family planning.

The managers recommend that funding should be provided for the Russian, Eurasian, and East European Research and Training Program (Title VIII) at a level of at least \$5,000,000. The managers strongly recommend that the existing administrative mechanism within the Department of State for the Title VIII program be preserved.

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

The conference agreement appropriates \$784,000,000, instead of \$768,000,000 as proposed by the House and \$795,500,000 as proposed by the Senate.

The conference agreement includes not less than \$49,000,000 only for child survival, environmental and other health activities, and programs to reduce the incidence of HIV/AIDS, tuberculosis, and other infectious diseases, including \$15,000,000 for reproductive health/family planning.

The managers strongly support regional cooperation efforts among the countries of Armenia, Azerbaijan, and Georgia. To further regional cooperation, the conference agreement continues the current six exemptions from the statutory restrictions on assistance to the Government of Azerbaijan. The managers include a provision that funds available for the Southern Caucasus may be used for confidence-building measures and other activities related to the resolution of regional conflicts, notwithstanding any other provision of law, as proposed by the Senate.

The conference agreement includes not less than \$90,000,000 for assistance for Armenia under the heading "Assistance for the Independent States of the Former Soviet Union" and \$4,000,000 under the heading

"Foreign Military Financing Program". In addition, the managers direct that not less than \$300,000 be provided for Armenia under the heading "International Military Education and Training". The managers endorse the provision of \$5,000,000 for an education initiative, proposed by the Senate amendment, to provide computer equipment, Internet access, and related assistance to primary and secondary schools in Armenia, and support the provision of assistance under title II of this Act for programs and activities to counter weapons of mass destruction, improve regional stability, increase inter-operational capabilities with the United States, and clear land mines.

The conference agreement includes Senate language that provides a conditional waiver of section 907 of the FREEDOM Support Act for the purposes of providing assistance to Azerbaijan to counter international terrorism. The language makes clear the intent of Congress that the provision of such assistance shall not hamper or deter ongoing efforts to negotiate a peaceful settlement of the Nagorno-Karabagh conflict, or be used for offensive purposes against any Armenian community in the Caucasus region. The waiver is conditional upon cooperation with the United States in the international fight against terrorism, and the managers intend to review and reserve the right to amend the waiver language in the fiscal year 2003 appropriations process. In undertaking its review, the managers expect to consider the progress of the investigation by the Government of Azerbaijan into the murder of John Alvis, a democracy worker with the International Republican Institute.

The conference agreement provides that \$90,000,000 of the funds in this account should be provided for Georgia. The managers urge the Coordinator and USAID to allocate \$3,000,000 for a small business project to promote private sector technology start-ups in Georgia and award grants directly to the ongoing Atlanta-Tbilisi Partnership's Sustained Healthcare Initiative, instead of through the American International Health Alliance as discussed in House Report 107-142.

The conference agreement includes language providing that \$154,000,000 should be made available for Ukraine, instead of an earmark of \$180,000,000 as proposed by the Senate and a ceiling of \$125,000,000 as proposed by the House. Of the amount for Ukraine, not less than \$30,000,000 should be provided for nuclear reactor safety programs. The managers also support the initiation of simulator projects at the Rivne and the Khmel'nitsky reactors, and the provision of related safety simulator equipment at other reactors. The managers have also included a Senate provision requiring the Department of State to report on the progress in resolving the murders of Ukrainian journalists. The managers endorse House report language on child survival and health activities in Ukraine.

The managers have concluded that assistance for Ukraine can succeed only if the Government of Ukraine is committed to economic, legal, and democratic reforms. The managers note that assistance to Ukraine takes on heightened significance as Ukraine prepares for parliamentary elections in March 2002, the outcome of which may determine the country's future direction.

The conference agreement includes conditions on assistance to the Government of the Russian Federation, with exceptions for specified humanitarian and security programs, with respect to its adherence in the Northern Caucasus to certain conventional arms and human rights conventions and agreements, as proposed by both the House and the Senate. The managers reiterate lan-

guage in the Statement of the Managers from prior years with regard to other limitations on assistance, "that assistance to combat infectious diseases, . . . support for regional and municipal governments, and partnerships between United States hospitals, universities, judicial training institutions and environmental organizations and counterparts in Russia should not be affected by this section."

The conference agreement includes language providing not less than \$17,500,000 for the Russian Far East. The Senate amendment had included not less than \$20,000,000 for this purpose. This matter was not addressed in the House bill.

The conference agreement does not include Senate bill language providing that not to exceed 8 percent of the funds provided for any single nuclear safety project may be used to pay for management costs incurred by a United States agency or national lab in administering said project. The House did not address this matter. The managers endorse this cap on management costs.

The conference agreement again directs the Coordinator of Assistance to the Independent States to obligate not less than \$1,500,000, primarily through locally-based and indigenous private voluntary organizations, to reduce trafficking in women and children. The managers urge the Coordinator to augment anti-trafficking projects by continuing and strengthening law enforcement and other activities to reduce all forms of violence against women.

United States national security interests in Central Asia intensified as a result of the September 11th attack on the United States. The managers recognize that countries in the region are playing a supportive role in the international coalition allied against terrorism and are on the front line of U.S. efforts to isolate and destroy the Al Qaeda network.

The managers believe that the United States should develop a targeted foreign aid response for Central Asia to counter the destabilizing effects of the war against terrorism. As part of this response, the United States should actively consider micro-lending institutions. Such organizations can serve as a vehicle for increasing the economic participation and security of the working poor and thus constitute a strategy to limit further marginalization and foster economic stability and democracy in the region.

While only a fraction of the population of the Central Asia region has access to financial services, certain countries have strong or emerging micro-finance sectors. Kyrgyzstan has positioned itself as the regional leader in micro-enterprise development. In Pakistan, the government has recently taken steps to promote the development of a micro-finance industry.

The managers believe that micro-enterprise development is a potentially powerful tool in striking at the root causes of instability that arise from the economic disenfranchisement of peoples in the Central Asia region. The managers request that USAID provide, in coordination with the National Security Council, the Department of the Treasury, and the Office of Management & Budget, an addendum to the micro-enterprise report to Congress required by March, 2002 under the provisions of P.L. 106-309.

The managers recommend \$2,000,000 to support expansion of the Primary Healthcare Initiative to become self-sustaining.

The managers remain concerned that the initial budget request for the U.S. Russia Investment Fund (TUSRIF) is inadequate. The managers therefore urge that the Fund receive no less than an additional \$50,000,000 in fiscal year 2002. As with the enterprise fund

in Poland the managers expect that more rapid capitalization of TUSRIF will lead over time to a similar repatriation of foreign aid funds to the U.S. Treasury. In return for a more rapid rate of investment the conferees also expect that TUSRIF will develop more opportunities for United States companies and investors throughout Russia.

The managers endorse House Report language under the heading "Expanded Threat Reduction" regarding collaborative research grants for American and Russian scholars.

#### INDEPENDENT AGENCIES

##### INTER-AMERICAN FOUNDATION

The conference agreement appropriates \$13,106,950 as proposed by the Senate instead of \$12,000,000 as proposed by the House.

##### AFRICAN DEVELOPMENT FOUNDATION

The conference agreement appropriates \$16,542,000 as proposed by the Senate instead of \$16,042,000 as proposed by the House.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement provides that \$10,000,000 should be made available for anti-trafficking in persons programs, as proposed by the Senate. The House addressed this matter in a general provision.

The conference agreement makes available \$21,738,000 for administrative expenses instead of \$16,600,000 as proposed by the House and the Senate.

The managers endorse House report language regarding \$10,000,000 in anti-crime programs for Africa.

##### ANDEAN COUNTERDRUG INITIATIVE

The conference agreement appropriates \$625,000,000, instead of \$675,000,000 as proposed by the House and \$547,000,000 as proposed by the Senate.

Additionally, the conference agreement allows for the authority to provide up to \$35,000,000 through a permissive transfer from the International Narcotics Control and Law Enforcement funds. The managers intend that this discretionary authority shall apply only to funds within the International Narcotics Control and Law Enforcement account in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs. Such a transfer is subject to the regular notification procedures of the House and Senate Committees on Appropriations. In the event of such a transfer, the managers intend for the funds to support interdiction, alternative development, or other economic assistance to the Andean countries. The managers emphasize that there are other funds for Andean nations in this Act that may be made available for the Andean Regional Initiative (ARI).

The conference agreement includes no earmarks for Bolivia, Ecuador, or Venezuela as proposed by the Senate. The House did not address this matter. The managers strongly support the provision of \$86,000,000 for assistance for Bolivia, and \$33,000,000 for assistance for Ecuador. The managers note the success these countries have had in combating narcotics cultivation and trafficking, and expect the Department of State to ensure that successful programs and activities continue under the ARI.

The conference agreement does not include Senate bill language making available \$2,000,000 for democracy-building activities in Venezuela. The managers strongly support efforts to promote democracy, the rule of law, and civil society in Venezuela and note with concern that the country remains a significant transit route for illegal drugs destined for the United States.

The conference report does not include language proposed by the Administration that

would have exempted funds appropriated in fiscal year 2002 and subsequent fiscal years from the limitation imposed in section 3204(a) of the Emergency Supplemental Act, 2000 (P.L. 106-246). It is the conferees' understanding that funds appropriated in this Act that are made available in support of Plan Colombia satisfy the conditions set forth in section 3204(a) of the Emergency Supplemental Act, 2000 (P.L. 106-246).

The managers are concerned that funds included in P.L. 106-246 for assistance for the Colombian Fiscalía Human Rights Office, have been allocated without consultation with the Appropriations Committees for purposes that do not address this unit's priority needs of security, mobility and communications equipment for prosecutors, in particular for those prosecutors based in secondary cities and outlying regions. The managers direct the Department of State and Department of Justice to consult with the committees prior to the obligation or expenditure of funds appropriated in this Act or in P.L. 106-246 for administration of justice programs in Colombia regarding the use of such funds.

The Colombian National Police (CNP) anti-drug unit has the lead law enforcement role in the overall fight against illicit drugs and a commendable human rights record. The CNP has already been provided at least 8 Black Hawks and nearly 30 Huey II helicopters by the United States to carry out this important drug fighting function including providing protection of the eradication planes. The managers believe it is vital that the CNP now be provided adequate spare parts and maintenance monies to keep this equipment flying at the high rates of operation that has been seen to date. The managers expect the Department of State to maximize the U.S. investment in these expensive helicopters and other equipment provided the CNP by providing adequate parts.

The conference agreement includes language, similar to the Senate amendment, requiring consultations, a determination and report by the Secretary of State to ensure that chemicals used in the aerial fumigation of coca do not pose unreasonable health or safety risks to humans or the environment, and that the fumigation is conducted in accordance with regulatory controls in the U.S. as described in the January 23, 2001 State Department health and safety report on aerial spraying. Additionally, the managers have required the Secretary of State to consult with the Colombian government to ensure that the spraying is in accordance with Colombian laws.

The managers are concerned with the lack of effective procedures for evaluating claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such fumigation. The managers are informed that, in order to correct these problems, new procedures for handling claims have been put in place. The conference agreement requires the Secretary to determine and report that procedures are available to evaluate such claims, and the managers direct the Secretary to report to the Committees on Appropriations not later than 90 days after enactment on the effectiveness of these new procedures.

The managers are concerned that coca eradication in some areas has proceeded before effective alternative development programs have been in place, and that some farmers in those areas have already replanted coca. In order to ensure that farmers whose coca is eradicated have alternative sources of income, access to markets and social services, the Conference Agreement includes Senate language requiring that within 6 months of the date of enactment alternative development programs have been de-

veloped in consultation with communities and local authorities in each department in which aerial fumigation is planned, and that such programs are being implemented in each department in which aerial coca fumigation has been conducted.

The conference agreement includes the Senate provision requiring the return of any helicopter found to aid or abet paramilitary groups. The House did not address this matter.

While the managers fully appreciate the linkages between narco-traffickers and Colombian guerrilla movements and paramilitary organizations, they remain concerned with the prospects of involvement by the United States in Colombia's civil war. The managers strongly express reservations and objections to any mission creep in Colombia beyond ongoing counterdrug efforts.

The conference agreement includes a provision prohibiting funds for the resumption of flights in support of a Peruvian air interdiction program until a system of enhanced safeguards are in place. The conference agreement differs from the conditions on funding for Peru as proposed by the House. The first condition, the submission of a report by the Secretary of State, has been provided to the Congress. The second condition requires that the resumption of flights in Peru must include enhanced safeguards, and to date the State Department has not decided to resume flights in Peru. The Senate did not address this matter.

The conference agreement makes available \$14,240,000 for administrative expenses of the Department of State and \$4,500,000 for the U.S. Agency for International Development.

##### MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates \$705,000,000, instead of \$715,000,000 as proposed by the House and \$735,000,000 as proposed by the Senate. The primary reason for this level of funding is that \$100,000,000 in supplemental funding for Migration and Refugee Assistance has already been provided to deal with the refugee crisis in Central Asia, which will help to relieve pressure on the fiscal year 2002 budget for this account. The managers expect that this level of funding will not be misinterpreted as a lack of support for Migration and Refugee Assistance by the Administration when submitting future budget requests. The conference agreement makes available \$16,000,000, for administrative expenses as proposed by the Senate instead of \$15,000,000 as proposed in the House.

Although refugee crises are often temporary, the managers are aware that in many instances it is necessary to provide relief services over an extended period of time. The managers encourage USAID and the State Department to invest in basic health, education services, and food production industries in developing countries where there are longer-term refugee crises.

The conference agreement prohibits funds for headquarters costs of the International Committee of the Red Cross (ICRC) until the Secretary of State certifies that the Magen David Adom Society of Israel is not being denied participation in ICRC activities, as proposed by the House. The Senate amendment did not address this matter.

The managers are concerned with the increasing dangers facing humanitarian relief workers in conflict zones, and endorse Senate report language directing the Secretary of State to submit a report by April 1, 2002, on efforts to improve the safety of relief workers.

The conference agreement also includes Senate language that provides not less than \$60,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel. The House bill did not address this matter.

NONPROLIFERATION, ANTI-TERRORISM,  
DEMINEING AND RELATED PROGRAMS

The conference agreement appropriates \$313,500,000 instead of \$311,000,000 as proposed by the House and \$318,500,000 as proposed by the Senate.

The managers intend that funds in this account be allocated as follows:

[In thousands of dollars]

Nonproliferation and Disarmament Fund .....	\$14,000
Export control assistance .....	17,000
International Atomic Energy Agency .....	50,000
CTBT Preparatory Commission ...	20,000
Korean Peninsula Economic Development Organization (KEDO) .....	90,500
Anti-terrorism assistance .....	38,000
Terrorist Interdiction Program ...	4,000
Demining .....	40,000
Small arms destruction .....	3,000
Science Centers .....	37,000
Total .....	313,500

The conference agreement includes language that requires that the Secretary of State inform the Committees on Appropriations at least 15 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty (CTBT) Preparatory Commission. The House bill would have required a 20 day informational period, while the Senate amendment would have required a 10 day informational period.

The conference agreement includes Senate language authorizing not to exceed \$500,000 for administrative expenses associated with the demining program. The House bill did not address this matter. The conference agreement does not contain Senate language stating that \$40,000,000 should be used for demining, clearance of unexploded ordnance and related activities; however, the managers support the budget request of \$40,000,000 for these purposes.

The conference agreement does not contain Senate language providing that \$3,500,000 should be available to support the Small Arms Destruction Initiative. The managers strongly support a level of \$3,000,000 for this program and endorse the Senate report language on this matter.

DEPARTMENT OF THE TREASURY  
INTERNATIONAL AFFAIRS TECHNICAL  
ASSISTANCE

The conference agreement provides \$6,500,000 for the International Affairs Technical Assistance program of the Department of the Treasury, instead of \$6,000,000 as proposed by the House, the Senate, and the President's request. The managers direct that the additional \$500,000 be used to assist HIPC countries in Africa and will be in addition to the \$3,000,000 already dedicated to existing Treasury International Affairs Technical Assistance programs and activities in Africa.

DEBT RESTRUCTURING

The conference agreement appropriates \$229,000,000 for debt restructuring instead of \$224,000,000 as proposed by the House and \$235,000,000 as proposed by the Senate. The managers make available \$5,000,000 in fiscal year 2002 funds and up to \$20,000,000 from unobligated balances for implementation of the Tropical Forest Conservation Act. The remainder of the amount provided for debt restructuring may be used at the Administration's discretion, subject to certain reporting and notification requirements, either for bilateral debt restructuring or for United States contributions to the Heavily Indebted Poor Country (HIPC) Trust Fund administered by the World Bank.

TITLE III—MILITARY ASSISTANCE  
INTERNATIONAL MILITARY EDUCATION AND  
TRAINING

The conference agreement appropriates \$70,000,000, instead of \$65,000,000 as proposed by the House and \$75,000,000 as proposed by the Senate. The conference agreement also contains language providing that up to \$3,000,000 may be available until expended, instead of \$1,000,000 as proposed by the House and \$5,000,000 as proposed by the Senate.

The conference agreement does not include Senate language that would have required notification for assistance for Zimbabwe, the Democratic Republic of Congo, Cote D'Ivoire and the Gambia. The managers note that assistance for Zimbabwe and the Democratic Republic of Congo is subject to the notification provisions of section 520 of this Act. Prior to any decision to obligate funds for Cote D'Ivoire, the managers expect that the Departments of State and Defense will consult with the Committees on Appropriations.

The conference agreement provides that funding for Algeria shall be subject to the regular notification procedures of the Committees on Appropriations as proposed by the Senate. The House bill did not address this matter.

The conference agreement does not contain language that would have provided not less than \$600,000 for Armenia. However, the managers support funding for a program for Armenia at a level of not less than \$300,000.

The managers urge that a program for Colombia to define structures and processes for responding to armed conflict and maintaining civilian control of the military be considered at the Naval Postgraduate School.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates \$3,650,000,000 instead of \$3,627,000,000 as proposed by the House and \$3,674,000,000 as proposed by the Senate.

The conference agreement includes Senate language that provides not less than \$75,000,000 for assistance for Jordan. The House bill did not address this matter.

The conference agreement includes language that provides that not less than \$3,500,000 in grant assistance should be made available for Tunisia, as well as language mandating not less than \$5,000,000 in drawdowns of defense articles, services, and education and training for Tunisia. The Senate amendment directed the allocation of \$5,000,000 and \$5,000,000, respectively, for these activities. The House bill did not address this matter.

The conference agreement contains language that provides not less than \$2,300,000 for assistance for Thailand, of which not less than \$1,000,000 shall be derived from funds appropriated under the heading "International Narcotics Control and Law Enforcement" in addition to funds otherwise available for such purposes. The Senate amendment proposed similar language, but did not address a transfer from "International Narcotics Control and Law Enforcement". The House bill did not address this matter. The managers are agreed that this grant assistance shall be made available for one-time costs associated with border security.

The conference agreement contains Senate language that provides not less than \$4,000,000 for assistance for Armenia. The House bill did not address this matter.

The conference agreement also contains Senate language that amends the ninth proviso under this heading in Public Law 106-429 to allow for a mandated drawdown of defense articles, services, and education and training for Georgia for 2001 or 2002. The House bill did not contain a provision on this matter.

PEACEKEEPING OPERATIONS

The conference agreement appropriates \$135,000,000 as proposed by the House instead of \$140,000,000 as proposed by the Senate.

TITLE IV—MULTILATERAL ECONOMIC  
ASSISTANCE

INTERNATIONAL FINANCIAL INSTITUTIONS  
GLOBAL ENVIRONMENT FACILITY

The conference agreement appropriates \$100,500,000 for the Global Environment Facility instead of \$82,500,000 as proposed by the House and \$109,500,000 as proposed by the Senate.

CONTRIBUTION TO THE INTERNATIONAL  
DEVELOPMENT ASSOCIATION

The conference agreement appropriates \$792,400,000 instead of \$803,400,000 as proposed by the House and \$775,000,000 as proposed by the Senate. The managers have included modified language as proposed by the Senate, regarding instructions to the U.S. executive director to the International Bank for Reconstruction and Development (IBRD) to vote against water or sewage projects in India that do not prohibit the use of scavenger labor. The House did not address this matter. Manual scavenging is a particular occupation in India only for Dalits or "untouchables" that entails waste collection and disposal through primitive and squalid means. Over 500,000 Dalits in India are employed as manual scavengers, and Dalits who seek to avoid this demeaning and unhealthy labor are often denied other jobs. India is one of the largest borrowers from the World Bank with over \$11 billion in IBRD loans in 2001, some of which fund government sanitation programs. Given that the Indian government has banned manual scavenging, once these laws are implemented there would be other employment opportunities for Dalits. The managers urge the IBRD to work with the Indian government to improve the economic and social status of Dalits.

CONTRIBUTION TO THE MULTILATERAL  
INVESTMENT GUARANTEE AGENCY

The conference agreement appropriates \$5,000,000 for paid-in capital for the Multilateral Investment Guarantee Agency. Approval for a subscription to the appropriate amount of callable capital is also included in the conference agreement. The House and Senate included authority for callable capital only.

CONTRIBUTION TO THE INTER-AMERICAN  
INVESTMENT CORPORATION

The conference agreement appropriates \$18,000,000 for a United States contribution to the Inter-American Investment Corporation, instead of \$10,000,000 as proposed by the House and \$20,000,000 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT  
FUND

The conference agreement appropriates \$98,017,050 for the Asian Development Fund, instead of \$93,017,050 as proposed by the House and \$103,017,050 as proposed by the Senate.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides \$208,500,000 instead of \$196,000,000 as proposed by the House and \$218,000,000 as proposed by Senate.

The conference agreement provides that \$6,000,000 should be made available for the World Food Program, as proposed by the Senate. The House did not include this language.

The managers support \$5,000,000 from this account for a United States contribution to the United Nations Voluntary Fund for Victims of Torture Program, as recommended in the House and Senate Reports, and \$97,100,000 for the United Nations Development Program, as recommended in the House and Senate Reports.

The conferees urge that \$60,000 be provided to cover the expenses relating to the development of a Guide to Best Practice by the

Permanent Bureau of the Hague Convention on Private International Law to cover the application of the Hague Convention on Civil Aspects of International Child Abduction.

The managers intend that funds in this account be allocated as follows:

[In thousands of dollars]

UN Fund for Tech. Cooperation in Human Rights .....	\$1,500
UN Voluntary Fund for Victims of Torture .....	5,000
OAS Fund for Strengthening Democracy .....	2,500
World Food Program .....	6,000
UNDP .....	97,100
UNIFEM .....	1,000
OAS Development Assistance .....	5,500
WTO .....	1,000
ICAO Aviation Programs .....	300
UNEP .....	10,750
Montreal Protocol .....	25,000
International Conservation Programs (CITES/ITTO/IUCN/Ramsar/CCD) .....	7,700
IPCC/UNFCCC .....	7,400
International Contributions for Scientific Educational & Cultural Activities .....	1,750
World Meteorological Organization .....	2,000
UNFPA .....	37,500
Total .....	208,500

**TITLE V—GENERAL PROVISIONS**

(Note: If House and Senate language is identical except for a different section number or minor technical differences, the section is not discussed in the Statement of Managers.)

*Sec. 505. Limitation on Representational Allowances*

The conference agreement sets a limitation of \$125,000 on representation allowances from funds appropriated under "Foreign Military Financing Program," instead of \$150,000 as proposed by the House and \$100,000 as proposed by the Senate.

*Sec. 507. Prohibition Against Direct Funding for Certain Countries*

The conference agreement does not include Senate language that adds a prohibition of direct assistance to the government of any nation that the President determines is harboring, has financed, or is financing terrorists involved in the attacks of September 11, 2001. The House did not include such a provision. The managers note that the President has the authority to undertake this action and are confident he will exercise this authority should the need arise.

*Sec. 508. Military Coups*

The conference agreement includes revised language that specifies that funds shall be prohibited for the government of any country whose duly elected head of government is deposed by decree or military coup, but it does not include broader conditions for the resumption of assistance, as proposed by the House. The House bill and the Senate amendment did not include the words "government of". Prior year language has been further modified to permit the provision of assistance to promote democratic elections or public participation in democratic processes.

*Sec. 515. Notification Requirements*

The conference agreement reflects a technical change proposed by the Senate to include "Andean Counterdrug Initiative" in the list of accounts that are subject to notification pursuant to this section. The House did not address this matter. The conference agreement does not include Senate language, not in the House bill, that imposed notification requirements on drawdowns pursuant to section 506(a)(2) of the Foreign Assistance Act. The managers note that section 506(b)(1)

of such Act already requires notifications for drawdowns made for the purposes and under the authorities of several provisions of law, including chapter 8 of part I of the Foreign Assistance Act relating to international narcotics control assistance.

*Section 518. Prohibition on Funding for Abortions and Involuntary Sterilization*

The conference agreement does not include prior year language prohibiting the use of funds to lobby for or against abortion, as proposed by the House bill. The conference agreement moves the ban on use of funds for lobbying to language under the heading "Child Survival and Health Programs Fund", as proposed by the Senate amendment.

*Sec. 520. Special Notification Requirements*

The conference agreement adds "Serbia" as proposed in the Senate amendment to the list of countries subject to the special notification procedures of this section, but does not include "Burma", "Ethiopia" and "Eritrea" as recommended by the Senate.

*Sec. 522. Child Survival and Health Activities*

The conference agreement authorizes USAID to use up to \$15,500,000 from the "Child Survival and Health Programs Fund" and up to \$3,000,000 from "Development Assistance" for technical experts from other government agencies, universities, and other institutions. The managers have increased this authority in order to accelerate implementation and oversight of USAID's expanded infectious disease and basic education activities. The managers direct USAID to provide the Committees with a detailed multi-year workforce planning strategy not later than March 15, 2002, that includes target dates and anticipated costs or savings to replace or reclassify the majority of the additional temporary personnel authorized by this section and by section 534(c) with direct hire USAID Operating Expenses-funded personnel.

A new subsection provides that \$446,500,000 shall be made available for reproductive health/family planning activities from funds appropriated by this Act, including \$368,500,000 from the Child Survival and Health Programs Fund, \$53,000,000 from the Economic Support Fund, \$15,000,000 from Assistance to the Independent States of the Former Soviet Union, and \$10,000,000 from Assistance to Eastern Europe and the Baltic States. The managers have provided these funds in recognition of the continuing unmet need for basic reproductive health/family planning services in developing countries, where 95 percent of new births will occur. The managers have designated funds for the two regions of Eastern Europe and the former Soviet Union where the high frequency of abortion adversely affects women's reproductive health.

*Section 523. Prohibition Against Indirect Funding to Certain Countries*

The conference agreement does not include Senate language that adds a prohibition of indirect assistance to the government of any nation that the President determines is harboring, has financed, or is financing, terrorists involved in the attacks of September 11, 2001. The House did not include such a provision. The managers note that the President has the authority to undertake this action and are confident he will exercise this authority should the need arise.

*Sec. 525. Authorization Requirement*

The conference agreement includes language that provides that funds appropriated by this Act 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, as provided in the House bill and the Senate amendment. It

includes Senate language exempting the accounts "International Military Education and Training" and "Foreign Military Financing Program" from these waivers.

*Sec. 526. Democracy Programs*

The conference agreement contains language in subsection (a) that authorizes funding for certain democracy programs. It includes language similar to the Senate amendment that provides that not less than \$10,000,000 shall be made available for activities to support democracy, human rights, and the rule of law in the People's Republic of China. Of these funds, the managers support the programming of not less than \$5,000,000 through the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State. In addition, subsection (a) authorizes funding of not to exceed \$3,000,000 for non-governmental organizations located outside the People's Republic of China to support activities that preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibet, as authorized in the House bill. The House bill did not address democracy activities in China. The managers are aware of the valuable assistance the Bridge Fund has provided to promote Tibetan-owned and operated businesses and educational, cultural, and natural resource conservation projects and urge that substantial funds be made available to the Bridge Fund and its subgrantees.

The conference agreement does not include Senate language that would have authorized funding of activities of the United States-Asia Environmental Partnership within China. The House bill did not address this matter.

The managers intend that within the amount identified above, funds be made available to continue support for democracy programs for Tibet and China as described in the House report.

The conference agreement also includes language in subsection (b) that recommends that not less than \$10,000,000 from funds appropriated to the Economic Support Fund should be made available for programs and activities to foster democracy, human rights, press freedoms, women's development, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism. The language further specifies that such funds should support new initiatives or bolster ongoing programs and activities in those countries, and that not less than \$6,000,000 should be made available for the State Department's Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, and not less than \$4,000,000 should be made available for the National Endowment for Democracy (NED). The funds for NED should be made available using the authority of section 632(b) of the Foreign Assistance Act. The conference agreement is similar to language contained in section 592 of the Senate amendment. The House bill did not address these matters.

The conference agreement does not contain language allocating not less than \$2,000,000 for programs and activities that train emerging Afghan women leaders in civil society development and democracy building. However, the managers strongly support such programs and urge the Department of State to provide up to \$2,000,000 for such activities.

In addition to the funding authorized in this section and ongoing funding to support the maintenance of the Reagan/Fascell Fellowship Program, the managers support the

budget request for the Human Rights and Democracy Fund of the Department of State.

*Sec. 532. Authorities for the Peace Corps, Inter-American Foundation, and African Development Foundation*

The conference agreement does not include language, as proposed by the Senate, to include a waiver of prohibitions against certain activities for the International Fund for Agricultural Development (IFAD) from International Organizations and Programs funds. IFAD is no longer funded from the International Organizations and Programs account.

*Sec. 534. Special Authorities*

The conference agreement deletes language proposed by the House that provided that section 576 of the Foreign Operations, Export Financing, and Related Programs Act, 1997, as amended, shall not apply to the provision of assistance to the Federal Republic of Yugoslavia. The Senate amendment contained identical language in a general provision, and this matter is addressed in section 584 of the conference agreement.

The conference agreement does not contain language from the House bill that was not in the Senate amendment that would have subjected energy programs aimed at reducing greenhouse gas emissions to the regular notification requirements of the Committees on Appropriations. In addition, it does not contain a reference in the Senate amendment that was not in the House bill that adds the Global Development Alliance initiative to the provisions of this section.

The conference agreement authorizes the President to use up to \$45,000,000 under the authority of section 451 of the Foreign Assistance Act, rather than \$50,000,000 as proposed by the House and \$35,000,000 as proposed by the Senate.

The conference agreement includes language from the Senate amendment that was not in the House bill that states that in entering into multiple award indefinite-quantity contracts, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

The managers request that USAID place a high priority on generating meaningful opportunities for small businesses to compete for procurement of the agency. Specifically, of the multiple award indefinite quantity contract that will replace the current Support for Economic Growth and Institutional Reform/Legal and Institutional Reform contract, the managers support USAID's decision to define "fair opportunity" for task orders in excess of \$750,000 as requiring the submission of resumes of proposed personnel or technical proposals from businesses eligible to compete for such task orders.

By one year after enactment of this act, the managers look forward to a report on the effect of this change in promoting small business competition and participation in the contract, USAID's views as to whether such an approach should be extended to other multiple award indefinite quantity contracts, and an identification of annual benchmarks by which USAID will look to evaluate itself for advancing the ability of small businesses to participate and effectively compete in the procurement process.

USAID is strongly encouraged to take such other steps that would improve the participation of small businesses, as either prime or subcontractors, in future indefinite quantity contracts and to report to the Committees on Appropriations any legal or regulatory impediments to achieving this objective.

*Sec. 539. Ceilings and Earmarks*

The conference agreement includes Senate language that restores prior year language

regarding earmarks and minimum funding levels. The House bill did not address this matter.

*Sec. 545. Withholding of Assistance for Parking Fines Owed by Foreign Countries*

The conference agreement allows 110 percent of the total amount of unpaid fully adjudicated parking fines and penalties owed by foreign countries to New York City, New York, to be withheld from obligation for assistance to such country, as proposed by the Senate. The managers have modified similar prior year language relating to parking fines and penalties owed by foreign governments to the District of Columbia.

*Sec. 547. War Crimes Tribunals Drawdown*

The conference agreement includes House language authorizing up to \$30,000,000 in drawdowns of commodities or services for war crimes tribunals instead of \$35,000,000 as proposed by the Senate. It includes Senate language that authorizes such drawdowns for tribunals authorized or established by the United Nations Security Council. The conference agreement deletes House language that specifies that any drawdown made under this section shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court. The managers note that section 705 of H.R. 3427, as enacted into law as part of H.R. 3194 (Public Law 106-113) prohibits the obligation of any funds for use by, or for support of, the International Criminal Court.

*Sec. 548. Landmines*

The conference agreement contains Senate language, not addressed in the House bill, that amends Public Law 102-484 to extend the ban on the export of landmines until October 23, 2008.

*Sec. 553. Restrictions on Voluntary Contributions to United Nations Agencies*

The conference agreement is the same as current law, as proposed by the House. The Senate did not address this matter.

*Sec. 557. Discrimination Against Minority Religious Faiths in the Russian Federation*

The conference agreement retains prior year language as proposed by the House bill. The Senate amendment proposed technical modifications.

*Sec. 558. Assistance for the Middle East*

The conference agreement contains House language that imposes a spending ceiling of \$5,141,150,000 on specified assistance for the Middle East. The Senate amendment did not address this matter.

*Sec. 559. Energy Conservation and Clean Energy Programs*

The conference agreement requires the Executive Office of the President to submit an updated and revised annual government-wide report on federal activities and costs relating to climate change and greenhouse gas emissions. The report is due not later than 30 days following the date the President's budget is submitted to Congress, instead of on the same day that the budget is submitted as proposed by the Senate.

The managers have included a new provision, similar to the Senate proposal, that not less than \$155,000,000 should be made available to support policies and actions in certain countries that promote energy conservation and efficient energy production and use; that measure, monitor, and reduce greenhouse gas emissions; increase carbon sequestration activities; and enhance climate change mitigation programs. The House bill did not address this matter.

*Sec. 560. Zimbabwe*

The conference agreement includes the provision as included in the Senate amend-

ment to direct the Secretary of the Treasury to instruct the United States executive directors to the international financial institutions to vote against loans to the Government of Zimbabwe, except humanitarian assistance and the promotion of democracy. The House did not address this matter.

*Sec. 561. Central America Relief and Reconstruction*

The conference agreement extends current law by providing authority to allow funds appropriated in Public Law 106-31 to be used by the Comptroller General to monitor earthquake relief and reconstruction activities in El Salvador. The House did not address this matter.

*Sec. 563. Cambodia*

The conference agreement prohibits assistance to the central Government of Cambodia, unless the Secretary of State certifies to Congress that certain conditions have been met. The conditions governing the restoration of assistance are similar to those contained in the Senate amendment. However, exceptions to the ban on assistance are provided for basic education as proposed by the House and activities conducted by the Ministry of Women and Veteran's Affairs to combat human trafficking as proposed by the Senate. The conference agreement contains House language on the provision of assistance through international financial institutions.

The managers remain concerned with Cambodia's political, legal, and economic development, and the lack of independence of its judiciary. The managers strongly condemn acts of intimidation and violence against the democratic opposition in the run up to commune council elections next year, and note with concern human rights violations that are committed by government, police, and military officials with impunity. The conference agreement also contains the provisions of section 591 of the Senate amendment that conditions assistance to any Khmer Rouge tribunal established by the Government of Cambodia on a determination and certification to Congress that the tribunal is capable of delivering justice for crimes against humanity in an impartial and credible manner.

*Section 566. PLO Compliance Report*

The conference agreement contains language that states that the President should undertake certain assessments regarding actions of the Palestinian Liberation Organization or the Palestinian Authority, and should impose certain sanctions based on those assessments. The House bill would have mandated such assessments and certain sanctions. The Senate amendment did not address this matter.

*Section 567. Colombia*

The conference agreement includes a modified version of the Senate provision on Colombia. The House did not address this matter. The managers are concerned with the alarming number of human rights violations and massacres of civilians in Colombia by paramilitary forces, kidnapping and other abuses by guerrilla forces, as well as persistent reports of aiding and abetting of paramilitaries by some units of the Colombian Armed Forces. The conference agreement includes language that provides for the obligation of 60 percent of funds appropriated for the Colombian Armed Forces if certain conditions relating to human rights are met, and for the obligation of the balance of funds after June 1, 2002 if such are conditions are met.

The conditions on assistance to the Colombian Armed Forces require suspending individuals, of whatever rank, who have been credibly alleged to have committed gross

violations of human rights or to have aided or abetted paramilitary groups. By “suspending” the managers refer to removal from active duty and assignment to administrative duties only without combat responsibilities or command of troops in the field, pending investigation and prosecution, when civilian prosecutors determine there is credible evidence to support such allegations.

The conditions on assistance to the Colombian Armed Forces also require their cooperation with civilian prosecutors and judicial authorities, in prosecuting and punishing in civilian courts members of the Armed Forces who have been credibly alleged to have committed gross violations of human rights or aided or abetted paramilitary groups, including members who have been suspended for allegedly committing such crimes.

#### *Section 568. Illegal Armed Groups*

The conference agreement includes the provision in the Senate amendment prohibiting the Secretary of State from issuing visas to individuals with ties to illegal armed groups in Colombia. The House did not address this matter.

#### *Sec. 570. Iraq*

The conference agreement includes language similar to that in the Senate amendment, which provides that funds from the Economic Support Fund may be made available for programs benefiting the Iraqi people and to support efforts to bring about political transition in Iraq. The conference agreement also includes language that establishes a ceiling of 15 percent on administrative and representational expenses, except for costs related to broadcasting activities. It also includes language that directs the Administration to consult with the Committees on Appropriations within 60 days of enactment regarding its plans for the use of these funds.

The managers are troubled by the recent audit conducted by the State Department Inspector General on the use of prior year funds appropriated for this program. The managers also note that this section does not impose restrictions on which groups may receive these funds or on the use of funds for activities inside Iraq. As part of the consultation process regarding the use of these funds, the managers expect the Department to identify options for the transfer of funding for this program to a more appropriate source.

#### *Sec. 572. Indonesia*

The conference agreement provision regarding military assistance to Indonesia is similar to current law, except that it allows for civilian officials to participate in Expanded IMET activities. The House bill and the Senate amendment both included 4 prior year provisions under which a Presidential report and determination could result in a resumption of military assistance to Indonesia that is funded in this bill. The revised language includes new subsections relating to civilian control of the armed forces and the release of political detainees and it expands the geographical scope of the retained subsections beyond Timor island to other parts of Indonesia.

While the conference agreement does not include a specific reference to the murders of American citizen Carlos Caceres and two other United Nations humanitarian workers in West Timor on September 6, 2000, the managers insist that any determination that effective measures are being taken to investigate and bring to justice militia groups involved in human rights violations would accord special consideration to the just punishment for the killers of the United Nations humanitarian workers in West Timor.

#### *Sec. 573. Briefings on Potential Purchases of Defense Articles or Defense Services by Taiwan*

The conference agreement includes language similar to the House bill, which requires the State Department, in consultation with the Department of Defense, to provide briefings to the appropriate congressional committees (including the Committees on Appropriations) on any discussions conducted between the Administration and the Government of Taiwan concerning the potential purchase of defense articles or defense services by the Government of Taiwan. The briefings are to occur 90 days after enactment and every 120 days thereafter, during fiscal year 2002.

#### *Sec. 574. Restrictions on Assistance to Governments Destabilizing Sierra Leone*

The conference agreement prohibits assistance to any government for which the Secretary of State has credible evidence that such government has, within the previous six months, provided military support for, facilitated safe passage of weapons or other equipment to, or which has assisted illicit diamond trading which benefits the Revolutionary United Front in Sierra Leone, Liberian security forces, or any other group intent on destabilizing Sierra Leone. This section is similar to the Senate amendment. The House provision was identical to current law.

#### *Sec. 576. United Nations Population Fund*

The conference agreement provides that not more than \$34,000,000 from the “International Organizations and Programs” account shall be made available for the United Nations Fund for Population Activities, including UNFPA programs to combat HIV/AIDS, instead of not less than \$40,000,000 as proposed by the Senate and not more than \$25,000,000 as proposed by the House. The United States contribution to the UNFPA is subject to a number of conditions regarding UNFPA activities, including a provision relating to UNFPA activities in the People’s Republic of China as proposed by the House.

The conference agreement provides that not more than \$34,000,000 shall be made available for a United States contribution to the United Nations Fund for Population Activities (UNFPA). The managers recognize and support the family planning/reproductive health activities, and HIV/AIDS activities, conducted by UNFPA, and understand that a portion of the United States contribution to UNFPA will be used for HIV/AIDS activities. None of the United States contribution to UNFPA may be made available for activities in the People’s Republic of China. The Senate amendment addressed this matter under the heading “International Organizations and Programs” in title IV.

#### *Sec. 577. American Churchwomen and Other Citizens in El Salvador and Guatemala*

The conference agreement contains language similar to that in the Senate amendment that provides that information on certain murders in El Salvador and Guatemala is being released to the victims’ families. The House bill only addressed certain murders in El Salvador.

#### *Sec. 578. Procurement and Financial Management Reform*

The conference agreement includes language similar to a House provision withholding 10 percent of the funds made available for international financial institutions until the Secretary of the Treasury certifies that a number of procurement and financial management reforms are being implemented. The Senate did not address this matter. The modified provision deletes a reporting requirement.

#### *Sec. 579. Basic Education Assistance for Indonesia and Pakistan*

The conference agreement includes language that provides not less than \$8,000,000 from Development Assistance for basic education activities in Indonesia and Pakistan. The managers expect that \$3,000,000 will be provided for Indonesia and \$5,000,000 for Pakistan. House and Senate language did not refer to Indonesia.

The managers have also included language providing that \$2,500,000 from the Economic Support fund shall be transferred to Operating Expenses of the United States Agency for International Development for the purpose of monitoring and implementing United States economic and development assistance for Pakistan, including the \$500,000,000 that was provided in economic assistance under the provisions of P.L. 107-38, the Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, FY 2001 and the funds made available under this general provision for Pakistan. The funds would be derived from the amount for Pakistan in the fiscal year 2002 budget request for the Economic Support Fund.

The managers request the Administrator of USAID, after consultation with the Secretary of State, to report to the relevant committees not later than 60 days after enactment of the Act on the Agency’s proposals for implementing basic education activities in Indonesia and expanding ongoing education assistance for Pakistan. The report should include USAID’s plans to use its operating expenses to provide in-country monitoring of agreements between the United States and Pakistan to provide cash grants in support of Pakistan’s education and other social sectors, utilizing funds made available under the provisions of Public Law 107-38.

#### *Sec. 581. War Criminals*

The conference agreement contains language similar to that in both the House bill and Senate amendment regarding war criminals in the Balkans.

#### *Sec. 582. User Fees*

The conference agreement extends current law by requiring the Secretary of the Treasury to instruct the United States executive directors of the international financial institutions (IFIs) to oppose loans that would impose user fees on poor people for primary education and healthcare. While the managers did not include Senate language adding structural adjustment schemes, debt relief, and Poverty Reduction Strategy Papers (PRSPs) to the prohibition, the managers do not intend this exclusion to be interpreted as an endorsement for user fees on the poor in such actions. It is the managers’ understanding that the Treasury Department opposes user fees on the poor and that this is now Treasury’s policy with regard to all IFI actions. The managers support this policy and expect it to continue and to be applied in Treasury’s careful review process for PRSPs, which are subject to IFI review but not a vote. The managers direct the Secretary of the Treasury to examine the use of user fees by the World Bank, their impact on the poor, and whether such user fees exemption schemes for the poor are successful. The managers direct the Secretary to report back these findings to the House and Senate Committees on Appropriations before April 15, 2002.

#### *Sec. 584. Funding for Serbia*

The conference agreement authorizes funding for Serbia as proposed by the House but does not include a maximum funding level as proposed by the Senate. The conference agreement includes language similar to the

House bill that conditions assistance for Serbia that may be made available after March 31, 2002, on continued cooperation with the International Criminal Tribunal for the former Yugoslavia, the termination of financial and other support to Republika Srpska institutions, and respect for the rule of law including the release of political prisoners. The provision regarding the release of political prisoners was included in the Senate amendment but not in the House bill.

The managers recognize the efforts of Serbian democrats and reformers to implement much needed reforms necessitated by years of corruption and political violence, and expect that up to \$115,000,000 will be provided for assistance for Serbia, in addition to regional funds that may become available, as appropriate. The managers have also provided authority for debt forgiveness for the Federal Republic of Yugoslavia in title II of this Act.

*Sec. 585. El Salvador Reconstruction and Central America Disaster Relief*

The conference agreement includes a modified version of the House and Senate provisions making \$100,000,000 available for reconstruction assistance for El Salvador and \$35,000,000 in USAID-managed assistance for drought victims elsewhere in Central America.

*Sec. 586. Reports on Conditions in Hong Kong*

The conference agreement contains Senate language that amends section 301 of the United States-Hong Kong Policy Act to allow for annual reports on conditions in Hong Kong until March 31, 2006. The House bill did not address this matter.

*Sec. 587. Community-Based Police Assistance*

The conference agreement includes language similar to the Senate language authorizing use of certain USAID-administered funds in title II of this Act for support for civilian police in Jamaica, notwithstanding section 660 of the Foreign Assistance Act. The House did not address this matter. The conference agreement includes a ceiling on funds for this purpose at a level of \$1,500,000.

*Sec. 588. Authorizations*

The conference report includes the authorization for the International Fund for Agricultural Development, but not the Asian Development Fund. The Senate amendment included authorizations for both organizations. The House did not address this matter. The managers have also included an extension of the Export-Import Bank's charter until March 31, 2002.

*Sec. 589. Excess Defense Articles for Central and Southern European Countries and Certain Other Countries*

The conference agreement contains Senate language not in the House bill that authorizes the provision of excess defense articles for central and southern European countries and certain other countries. The House bill did not address this matter.

*Sec. 591. Modification to the Annual Drug Certification Procedures*

The conference agreement waives the annual drug certification process for one year on a global basis. The Senate amendment provided a waiver for the Western Hemisphere only. The House did not address this matter.

*Sec. 592. Kenneth M. Ludden*

The conference agreement includes language similar to that proposed by the Senate regarding a short title for the Act.

**PROVISIONS NOT ADOPTED BY THE CONFEREES:**

The conference agreement does not include section 567 of the House bill regarding "Man and the Biosphere". The Senate amendment did not address this matter.

The conference report does not include section 578 of the Senate amendment regarding "Funding for Private Organizations". The Senate amendment did not address this matter.

The conference report does not include section 580 of the House bill regarding "Improving Global Health Through Safe Injections". The Senate amendment did not address this matter. The managers concur with the language on safe injections under the heading "Child Survival and Health Programs" contained in Senate Report 107-58.

The conference report does not include section 580 of the Senate amendment regarding Cuba. The House did not address this matter. The managers are concerned about U.S. counternarcotics policy with respect to Cuba and the lack of authoritative information from the Government of Cuba with regard to drug trafficking through Cuba. The managers realize that Cuba's unique geography presents an appealing environment to air and maritime smugglers and recognize the national security threat posed by illicit drug production, distribution, and consumption, and crimes related thereto, particularly those in the Western Hemisphere. The managers are aware that there are reports of Cuba's willingness to cooperate with the U.S. in aiding U.S. interdiction of illicit drug distribution, as well as other reports that Cuba facilitates drug smuggling. Therefore the managers expect that not later than 6 months after the date of the enactment of this Act, the Secretary of State shall report to the Congress regarding the following: (1) the extent, if any, of the direct involvement of the Government of Cuba in illegal drug trafficking; (2) the likelihood that U.S. international narcotics assistance to the Government of Cuba would decrease the flow of drugs transiting through Cuba, and (3) the degree to which the Government of Cuba is exchanging with U.S. agencies drug-related law enforcement information. Additionally, the managers encourage the Administration, not later than 9 months after the date of the enactment of this Act, to transmit to Congress any legislation necessary to decrease the flow of drugs to or from Cuba.

The conference agreement does not include section 582 of the House bill prohibiting the use of funds in this Act for a contribution to the UN International Narcotics Control Board. Funds for such this purpose are not within the jurisdiction of this Act. The Senate did not address this matter.

The conference agreement does not include section 582 of the Senate amendment requiring that housing constructed with development assistance funds in this Act be wheelchair accessible. The House bill did not address this matter. However, the managers expect USAID to ensure that doors in houses or other facilities constructed with funds administered by USAID are of a sufficient width to accommodate wheelchairs.

The conference agreement does not include section 583 of the House bill regarding the "Buy America Act". The Senate amendment did not address this matter.

The conference agreement does not include section 584 of the House bill regarding the "Funding for Trafficking Victims Protection Act of 2000". The Senate amendment did not address this matter. However, the managers concur that trafficking in persons is a matter of urgency, and address related funding issues in report language under the heading "Development Assistance", and in bill and report language under the headings "Assistance for the Independent States of the Former Soviet Union" and "International Narcotics Control and Law Enforcement".

The conference agreement does not contain section 584 of the Senate amendment regarding democracy and human rights programs.

This matter is addressed under section 526 of the conference report.

The conference agreement does not include section 585 of the Senate amendment regarding a report on the use of defense articles, defense services, and financial assistance to Uzbekistan. The House bill did not address this matter. The managers recognize and appreciate that Uzbekistan is providing logistical support and facilities for United States military and humanitarian operations in Afghanistan. However, the managers are aware of reports by the Department of State of serious human rights violations by members of Uzbek security forces. Therefore, the managers direct the Secretary of State to submit two reports to the appropriate congressional committees not later than four months after the date of enactment and ten months thereafter, describing in detail (1) the defense articles, defense services, and financial assistance provided by the United States to Uzbekistan during the six-month period ending 30 days prior to the submission of such report; and (2) the use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the Uzbek Ministry of National Security or Ministry of Internal Affairs.

The conference agreement does not include section 586 of the Senate amendment expressing the Sense of the Senate on humanitarian assistance for Afghanistan. The House bill did not address this matter. The managers are concerned with the plight of Afghan refugees, and the status of women within Afghanistan who are emerging from years of repression under the Taliban. The managers support substantial United States contributions of humanitarian assistance for the people of Afghanistan, particularly through overland truck convoys, and efforts to ensure that Afghan women are included in planning the future reconstruction of Afghanistan and equal opportunities for women throughout Afghan society.

The conference agreement does not include section 589 of the Senate amendment expressing the Sense of the Senate regarding the role of women in the reconstruction of Afghanistan. The House bill did not address this matter. The managers address this matter under the heading "Development Assistance".

The conference agreement does not include section 591 of the Senate amendment regarding restrictions on funding for the Cambodian Genocide Tribunal. The substance of Senate section 591 is contained in section 563 of the conference report.

The conference agreement does not include section 593 of the Senate amendment regarding an increased Peace Corps presence in Muslim countries. The House bill did not address this matter. While the managers support the concept of the Senate language, a key concern of the managers is the safety of Peace Corps volunteers around the world. The managers direct the Director of the Peace Corps to undertake a study to determine the feasibility of an increase in volunteers in predominantly Muslim countries and to submit a report to the appropriate congressional committees not later than 6 months after the date of enactment. The study should make the determinations required by the Senate language but also should include a detailed description of measures the agency plans to implement in fiscal year 2002 to increase volunteers' safety.

The conference agreement does not include section 594 of the Senate amendment regarding machine readable passports. The House bill did not address this matter. The managers note that this matter has been addressed in Public Law 107-56.

The conference agreement does not include section 595 of the Senate amendment regarding Sudan. The House bill did not address this matter.

The conference agreement does not include section 598 of the Senate amendment regarding projects honoring the victims of terrorist attacks. The House bill did not address this matter.

The conference report does not include section 599 of the Senate bill regarding a conditional waiver of section 907 of the FREEDOM Support Act. This language is included in title II of the conference report. The House bill did not address this matter.

The conference report does not include section 599A of the Senate amendment regarding the Federal Investigation Enhancement Act of 2001. The House bill did not address this matter.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2001 .....	\$15,021,168
Budget estimates of new (obligational) authority, fiscal year 2002 .....	15,212,631
House bill, fiscal year 2002 .....	15,212,173
Senate bill, fiscal year 2002 .....	15,568,880
Conference agreement, fiscal year 2002 .....	15,390,780
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001 .....	+369,612
Budget estimates of new (obligational) authority, fiscal year 2002 .....	+178,149
House bill, fiscal year 2002 .....	+178,607
Senate bill, fiscal year 2002 .....	-178,100

JIM KOLBE,  
SONNY CALLAHAN,  
JOE KNOLLENBERG,  
JACK KINGSTON,  
JERRY LEWIS,

ROGER F. WICKER,  
HENRY BONILLA,  
JOHN E. SUNUNU,  
BILL YOUNG,  
NITA LOWEY,  
NANCY PELOSI,  
JESSE L. JACKSON, Jr.,  
CAROLYN C. KILPATRICK,  
STEVEN R. ROTHMAN,  
DAVE OBEY,

*Managers on the Part of the House.*

PATRICK J. LEAHY,  
DANIEL K. INOUEY,  
TOM HARKIN,  
TIM JOHNSON,  
JACK REED,  
ROBERT C. BYRD,  
MITCH MCCONNELL,  
JUDD GREGG,  
RICHARD C. SHELBY,  
ROBERT F. BENNETT,  
BEN NIGHTHORSE  
    CAMPBELL,  
    CHRISTOPHER BOND,  
    TED STEVENS,

*Managers on the Part of the Senate.*

## NOTICE

***Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.***

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4929. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sodium thiosulfate; Exemption from the Requirement of a Tolerance [OPP-301196; FRL-6811-6] (RIN: 2070-AB78) received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4930. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imazapic; Pesticide Tolerance [OPP-301198; FRL-6816-2] (RIN: 2070-AB78) received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4931. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fluthiacet-methyl; Pesticide Tolerance [OPP-301184; FRL-6806-7] (RIN: 2070-AB78) received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4932. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

4933. A letter from the Director, Office of Management and Budget, transmitting appropriations reports, as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on the Budget.

4934. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators;

State of Kansas [KS 0145-1145a; FRL-7120-2] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4935. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7121-1] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4936. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Kentucky: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7120-8] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4937. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Redesignation of Lafourche Parish Ozone Nonattainment Area to Attainment for Ozone [LA-55-1-7485a; FRL-7121-4] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4938. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(I) Authority for Hazardous Air Pollutants; District of Columbia; Department of Health [DC001-1000; FRL-7121-7] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4939. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the List of Proscribed Destinations—received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4940. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on International Relations.

4941. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Listing the Tumbling Creek Cavesnail as Endangered (RIN: 1018-A119) received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4942. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA-122-FOR] received December 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4943. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-093-FOR] received December 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4944. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Iowa Regulatory Program [IA-012-FOR] received December 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4945. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone Regulations: Savannah, GA [COTP SAVANNAH-01-022] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Windsor Beach State Park, Lake Havasu, Colorado River, AZ [COTP San Diego, CA; 01-001] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Mile Marker 94.0 to 96.0, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA 01-07] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30280; Amdt. No. 2079] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30276; Amdt. No. 2076] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30277; Amdt. No. 2077] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30279; Amdt. No. 2078] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Logan, UT [Airspace Docket No. 01-ANM-14] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Reform, AL [Airspace Docket No. 01-ASO-3] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4954. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 98-NM-122-AD; Amendment 39-12475; AD 2001-21-04] (RIN: 2120-AA64) received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4955. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Series Airplanes [Docket No. 2001-NM-208-AD; Amendment 39-12487; AD 2001-22-08]

(RIN: 2120-AA64) received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4956. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Mile Marker 94 to 96, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA 01-006] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4957. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes [Docket No. 2001-NM-21-AD; Amendment 39-12453; AD 2001-20-05] (RIN: 2120-AA64) received December 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4958. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Mile Marker 95 to 96, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA 01-005] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4959. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone Regulations: Mile 95.5, Erato Street Wharf, extending 300 feet around the USS AUSTIN (LDP-4), Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA 01-004] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4960. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2000-NM-68-AD; Amendment 39-12488; AD 2001-22-09] (RIN: 2120-AA64) received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4961. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting The Department's final rule—Safety Zone Regulations: Mile Marker 95 to 98, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA 01-002] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4962. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting The Department's final rule—Security Zone Regulations: Port of Gulfport, Mississippi; Gulfport Harbor, North Basin, East Terminal Berth 2 and 3, extending a radius of 150 feet surrounding the USS ASHLAND (LSD-48) (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4963. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone Regulations: Mobile River, Alabama State Docks, extending for a radius of 150 feet around the USS GUNSTON (LSD 44), USS CORMORANT (MHC 57), and USS SHRIKE (MHC 62) [COTP Mobile, AL 01-003] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4964. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation [COTP Memphis, TN Regulation 01-004] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4965. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation [COTP Memphis, TN Regulation 01-002] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4966. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation [COTP Memphis, TN Regulation 01-003] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4967. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Demolition of the Hennepin Bridge, Hennepin, Illinois [CGD09-01-007] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4968. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zones, Security Zones, and Special Local Regulations [USCG-2001-9668] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 3423. A bill to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery; with amendments (Rept. 107-346). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAXTON: Report of the Joint Economic Committee on the 2001 Economic Report of the President (Rept. 107-347). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 320. Resolution providing for consideration of the bill (H.R. 3529) to provide tax incentives for economic recovery and assistance to displaced workers (Rept. 107-348). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 321. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-349). Referred to the House Calendar.

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 3338. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-350). Ordered to be printed.