

103^D CONGRESS
1ST SESSION

H. R. 3690

To require that development assistance may be provided to certain governmental or nongovernmental organizations only if those organizations use that assistance in democratic countries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mr. SANTORUM introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To require that development assistance may be provided to certain governmental or nongovernmental organizations only if those organizations use that assistance in democratic countries, and for other purposes.

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

3 **SECTION 1. REQUIREMENTS FOR PROVISION OF DEVELOP-**
4 **MENT ASSISTANCE.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (b), development assistance may be provided to a govern-
7 mental or nongovernmental organization only if that orga-
8 nization—

1 (1) provides assurances that it will use such de-
2 velopment assistance to provide assistance only to
3 individuals or organizations that are located in coun-
4 tries, the governments of which—

5 (A) promote a political process open to
6 members of society with free and fair elections;

7 (B) adhere to the rule of law and fairness
8 of the judicial process;

9 (C) respect individual rights, including
10 freedom of association, assembly, press, and re-
11 ligion; and

12 (D) do not engage in a consistent pattern
13 of gross violations of internationally recognized
14 human rights;

15 (2) has, at a minimum, an adequate system of
16 financial auditing and accounting procedures appli-
17 cable to the provision of such assistance; and

18 (3) provides assurances that not more than 10
19 percent of the amount of development assistance al-
20 located for any program, project, or activity will be
21 used by a recipient for administrative costs associ-
22 ated with such program, project, or activity.

23 (b) WAIVER.—The President may waive the require-
24 ments in subparagraphs (A) through (D) of subsection
25 (a)(1) with respect to a government only if the President

1 certifies to the Congress that such government is making
2 substantial progress toward meeting such requirements.

3 (c) TERMINATION OF ASSISTANCE UPON DETER-
4 MINATION OF MISUSE OF FUNDS.—Upon a determination
5 by the inspector general of the agency primarily respon-
6 sible for administering part I of the Foreign Assistance
7 Act of 1961 that an organization receiving development
8 assistance under subsection (a) has used funds in a man-
9 ner inconsistent with the purpose of any program, project,
10 or activity for which such funds were provided, then devel-
11 opment assistance may not be provided to such organiza-
12 tion for the 5-year period beginning on the date of such
13 determination.

14 (d) DEVELOPMENT ASSISTANCE DEFINED.—For
15 purposes of this section, the term “development assist-
16 ance” means—

17 (1) assistance under chapter 1 or chapter 10 of
18 part I of the Foreign Assistance Act of 1961 (relat-
19 ing to development assistance and the Development
20 Fund for Africa);

21 (2) assistance under chapter 11 of part I of the
22 Foreign Assistance Act of 1961 (relating to assist-
23 ance for the independent states of the former Soviet
24 Union);

1 (3) assistance under chapter 4 of part II of
2 that Act (relating to the economic support fund);

3 (4) assistance under the Support for East Eu-
4 ropean Democracy (SEED) Act of 1989; or

5 (5) assistance under the Agricultural Trade De-
6 velopment and Assistance Act of 1954 (Public Law
7 480), excluding the sale of agricultural commodities
8 under title I of that Act.

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