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108TH CONGRESS
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[Report No. 108–346]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2004

Mr. McCONNELL, from the Committee on Appropriations, reported, under authority of the order of the Senate of January 7, 2003, the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, 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 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2005, and for other pur-
6 poses, namely:

1 TITLE I—EXPORT AND INVESTMENT
2 ASSISTANCE

3 EXPORT-IMPORT BANK OF THE UNITED STATES

4 INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$1,140,000.

8 EXPORT-IMPORT BANK LOANS PROGRAM ACCOUNT

9 The Export-Import Bank of the United States is au-
10 thorized to make such expenditures within the limits of
11 funds and borrowing authority available to such corpora-
12 tion, and in accordance with law, and to make such con-
13 tracts and commitments without regard to fiscal year limi-
14 tations, as provided by section 104 of the Government
15 Corporation Control Act, as may be necessary in carrying
16 out the program for the current fiscal year for such cor-
17 poration: *Provided*, That none of the funds available dur-
18 ing the current fiscal year may be used to make expendi-
19 tures, contracts, or commitments for the export of nuclear
20 equipment, fuel, or technology to any country, other than
21 a nuclear-weapon state as defined in Article IX of the
22 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
23 ble to receive economic or military assistance under this
24 Act, that has detonated a nuclear explosive after the date
25 of the enactment of this Act: *Provided further*, That not-
26 withstanding section 1(c) of Public Law 103–428, as

1 amended, sections 1(a) and (b) of Public Law 103–428
2 shall remain in effect through October 1, 2005.

3 SUBSIDY APPROPRIATION

4 For the cost of direct loans, loan guarantees, insur-
5 ance, and tied-aid grants as authorized by section 10 of
6 the Export-Import Bank Act of 1945, as amended,
7 \$115,700,000, to remain available until September 30,
8 2008: *Provided*, That such costs, including the cost of
9 modifying such loans, shall be as defined in section 502
10 of the Congressional Budget Act of 1974: *Provided fur-*
11 *ther*, That such sums shall remain available until Sep-
12 tember 30, 2023 for the disbursement of direct loans, loan
13 guarantees, insurance and tied-aid grants obligated in fis-
14 cal years 2005, 2006, 2007, and 2008: *Provided further*,
15 That none of the funds appropriated by this Act or any
16 prior Act appropriating funds for foreign operations, ex-
17 port financing, and related programs for tied-aid credits
18 or grants may be used for any other purpose except
19 through the regular notification procedures of the Com-
20 mittees on Appropriations: *Provided further*, That funds
21 appropriated by this paragraph are made available not-
22 withstanding section 2(b)(2) of the Export-Import Bank
23 Act of 1945, in connection with the purchase or lease of
24 any product by any Eastern European country, any Baltic
25 State or any agency or national thereof.

1 ADMINISTRATIVE EXPENSES

2 For administrative expenses to carry out the direct
3 and guaranteed loan and insurance programs, including
4 hire of passenger motor vehicles and services as authorized
5 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
6 reception and representation expenses for members of the
7 Board of Directors, \$73,200,000: *Provided*, That the Ex-
8 port-Import Bank may accept, and use, payment or serv-
9 ices provided by transaction participants for legal, finan-
10 cial, or technical services in connection with any trans-
11 action for which an application for a loan, guarantee or
12 insurance commitment has been made: *Provided further*,
13 That, notwithstanding subsection (b) of section 117 of the
14 Export Enhancement Act of 1992, subsection (a) thereof
15 shall remain in effect until October 1, 2005.

16 OVERSEAS PRIVATE INVESTMENT CORPORATION

17 NONCREDIT ACCOUNT

18 The Overseas Private Investment Corporation is au-
19 thorized to make, without regard to fiscal year limitations,
20 as provided by 31 U.S.C. 9104, such expenditures and
21 commitments within the limits of funds available to it and
22 in accordance with law as may be necessary: *Provided*,
23 That the amount available for administrative expenses to
24 carry out the credit and insurance programs (including an
25 amount for official reception and representation expenses

1 which shall not exceed \$35,000) shall not exceed
 2 \$42,885,000: *Provided further*, That project-specific trans-
 3 action costs, including direct and indirect costs incurred
 4 in claims settlements, and other direct costs associated
 5 with services provided to specific investors or potential in-
 6 vestors pursuant to section 234 of the Foreign Assistance
 7 Act of 1961, shall not be considered administrative ex-
 8 penses for the purposes of this heading.

9 PROGRAM ACCOUNT

10 For the cost of direct and guaranteed loans,
 11 \$24,000,000, as authorized by section 234 of the Foreign
 12 Assistance Act of 1961, to be derived by transfer from
 13 the Overseas Private Investment Corporation Non-Credit
 14 Account: *Provided*, That such costs, including the cost of
 15 modifying such loans, shall be as defined in section 502
 16 of the Congressional Budget Act of 1974: *Provided fur-*
 17 *ther*, That such sums shall be available for direct loan obli-
 18 gations and loan guaranty commitments incurred or made
 19 during fiscal years 2005 and 2006: *Provided further*, That
 20 such sums shall remain available through fiscal year 2013
 21 for the disbursement of direct and guaranteed loans obli-
 22 gated in fiscal year 2005, and through fiscal year 2014
 23 for the disbursement of direct and guaranteed loans obli-
 24 gated in fiscal year 2006.

25 In addition, such sums as may be necessary for ad-
 26 ministrative expenses to carry out the credit program may

1 be derived from amounts available for administrative ex-
 2 penses to carry out the credit and insurance programs in
 3 the Overseas Private Investment Corporation Noncredit
 4 Account and merged with said account.

5 FUNDS APPROPRIATED TO THE PRESIDENT

6 TRADE AND DEVELOPMENT AGENCY

7 For necessary expenses to carry out the provisions
 8 of section 661 of the Foreign Assistance Act of 1961,
 9 \$49,000,000, to remain available until September 30,
 10 2006.

11 TITLE II—BILATERAL ECONOMIC ASSISTANCE

12 FUNDS APPROPRIATED TO THE PRESIDENT

13 For expenses necessary to enable the President to
 14 carry out the provisions of the Foreign Assistance Act of
 15 1961, and for other purposes, to remain available until
 16 September 30, 2005, unless otherwise specified herein, as
 17 follows:

18 UNITED STATES AGENCY FOR INTERNATIONAL

19 DEVELOPMENT

20 CHILD SURVIVAL AND HEALTH PROGRAMS FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out the provisions
 23 of chapters 1 and 10 of part I of the Foreign Assistance
 24 Act of 1961, for child survival, health, and family plan-
 25 ning/reproductive health activities, in addition to funds
 26 otherwise available for such purposes, \$1,550,000,000, to

1 remain available until September 30, 2007: *Provided*,
 2 That this amount shall be made available for such activi-
 3 ties as: (1) immunization programs; (2) oral rehydration
 4 programs; (3) health, nutrition, water and sanitation pro-
 5 grams which directly address the needs of mothers and
 6 children, and related education programs; (4) assistance
 7 for children displaced or orphaned by causes other than
 8 AIDS; (5) programs for the prevention, treatment, control
 9 of, and research on HIV/AIDS, tuberculosis, polio, ma-
 10 laria, and other infectious diseases, and for assistance to
 11 communities severely affected by HIV/AIDS, including
 12 children displaced or orphaned by AIDS; and (6) family
 13 planning/reproductive health: *Provided further*, That none
 14 of the funds appropriated under this heading may be made
 15 available for nonproject assistance, except that funds may
 16 be made available for such assistance for ongoing health
 17 activities: *Provided further*, That of the funds appropriated
 18 under this heading, not to exceed \$250,000, in addition
 19 to funds otherwise available for such purposes, may be
 20 used to monitor and provide oversight of child survival,
 21 maternal and family planning/reproductive health, and in-
 22 fectious disease programs: *Provided further*, That the fol-
 23 lowing amounts should be allocated as follows:
 24 \$345,000,000 for child survival and maternal health;
 25 \$30,000,000 for vulnerable children; \$600,000,000 for

1 HIV/AIDS including not less than \$32,000,000 to support
2 the development of microbicides as a means for combating
3 HIV/AIDS; \$200,000,000 for other infectious diseases;
4 and \$375,000,000 for family planning/reproductive health,
5 including in areas where population growth threatens bio-
6 diversity or endangered species: *Provided further*, That of
7 the funds appropriated under this heading, not less than
8 \$250,000,000 shall be made available, notwithstanding
9 any other provision of law, except for the United States
10 Leadership Against HIV/AIDS, Tuberculosis and Malaria
11 Act of 2003 (117 Stat. 711; 22 U.S.C. 1701 et seq.) as
12 amended, for a United States contribution to the Global
13 Fund to Fight AIDS, Tuberculosis and Malaria (the
14 “Global Fund”), and shall be expended at the minimum
15 rate necessary to make timely payment for projects and
16 activities: *Provided further*, That of the funds appropriated
17 under this heading that are available for HIV/AIDS pro-
18 grams and activities, not less than \$28,000,000 should be
19 made available for the International AIDS Vaccine Initia-
20 tive and not less than \$28,000,000 should be made avail-
21 able for a United States contribution to UNAIDS: *Pro-*
22 *vided further*, That of the funds appropriated under this
23 heading, \$65,000,000 should be made available for a
24 United States contribution to The Vaccine Fund, and up
25 to \$6,000,000 may be transferred to and merged with

1 funds appropriated by this Act under the heading “Oper-
2 ating Expenses of the United States Agency for Inter-
3 national Development” for costs directly related to inter-
4 national health, but funds made available for such costs
5 may not be derived from amounts made available for con-
6 tribution under this and preceding provisos: *Provided fur-*
7 *ther*, That restrictions with respect to assistance provided
8 with funds appropriated by this Act for HIV/AIDS, family
9 planning, or child survival and health activities shall not
10 be construed to restrict assistance in support of programs
11 to expand the availability and use of condoms for HIV/
12 AIDS prevention and of contraceptives to reduce the inci-
13 dence of abortion: *Provided further*, That nothing in this
14 paragraph shall be construed to alter any existing statu-
15 tory prohibitions against abortion under section 104 of the
16 Foreign Assistance Act of 1961: *Provided further*, That
17 none of the funds made available in this Act nor any unob-
18 ligated balances from prior appropriations may be made
19 available to any organization or program which, as deter-
20 mined by the President of the United States, directly sup-
21 ports a program of coercive abortion or involuntary steri-
22 lization: *Provided further*, That the previous proviso shall
23 not be construed to deny funding to any organization or
24 program solely because the government of a country en-
25 gages in coercive abortion or involuntary sterilization: *Pro-*

1 *vided further*, That none of the funds made available under
 2 this Act may be used to pay for the performance of abor-
 3 tion as a method of family planning or to motivate or co-
 4 erce any person to practice abortions: *Provided further*,
 5 That none of the funds made available under this Act may
 6 be used to lobby for or against abortion: *Provided further*,
 7 That in order to reduce reliance on abortion in developing
 8 nations, funds shall be available only to voluntary family
 9 planning projects which offer, either directly or through
 10 referral to, or information about access to, a broad range
 11 of family planning methods and services, and that any
 12 such voluntary family planning project shall meet the fol-
 13 lowing requirements: (1) service providers or referral
 14 agents in the project shall not implement or be subject
 15 to quotas, or other numerical targets, of total number of
 16 births, number of family planning acceptors, or acceptors
 17 of a particular method of family planning (this provision
 18 shall not be construed to include the use of quantitative
 19 estimates or indicators for budgeting and planning pur-
 20 poses); (2) the project shall not include payment of incen-
 21 tives, bribes, gratuities, or financial reward to: (A) an indi-
 22 vidual in exchange for becoming a family planning accep-
 23 tor; or (B) program personnel for achieving a numerical
 24 target or quota of total number of births, number of fam-
 25 ily planning acceptors, or acceptors of a particular method

1 of family planning; (3) the project shall not deny any right
2 or benefit, including the right of access to participate in
3 any program of general welfare or the right of access to
4 health care, as a consequence of any individual's decision
5 not to accept family planning services; (4) the project shall
6 provide family planning acceptors comprehensible infor-
7 mation on the health benefits and risks of the method cho-
8 sen, including those conditions that might render the use
9 of the method inadvisable and those adverse side effects
10 known to be consequent to the use of the method; and
11 (5) the project shall ensure that experimental contracep-
12 tive drugs and devices and medical procedures are pro-
13 vided only in the context of a scientific study in which
14 participants are advised of potential risks and benefits;
15 and, not less than 60 days after the date on which the
16 Administrator of the United States Agency for Inter-
17 national Development determines that there has been a
18 violation of the requirements contained in paragraph (1),
19 (2), (3), or (5) of this proviso, or a pattern or practice
20 of violations of the requirements contained in paragraph
21 (4) of this proviso, the Administrator shall submit to the
22 Committees on Appropriations a report containing a de-
23 scription of such violation and the corrective action taken
24 by the Agency: *Provided further*, That in awarding grants
25 for natural family planning under section 104 of the For-

1 eign Assistance Act of 1961 no applicant shall be discrimi-
 2 nated against because of such applicant’s religious or con-
 3 scientious commitment to offer only natural family plan-
 4 ning; and, additionally, all such applicants shall comply
 5 with the requirements of the previous proviso: *Provided*
 6 *further*, That for purposes of this or any other Act author-
 7 izing or appropriating funds for foreign operations, export
 8 financing, and related programs, the term “motivate”, as
 9 it relates to family planning assistance, shall not be con-
 10 strued to prohibit the provision, consistent with local law,
 11 of information or counseling about all pregnancy options:
 12 *Provided further*, That nothing in this paragraph shall be
 13 construed to alter any existing statutory prohibitions
 14 against abortion under section 104 of the Foreign Assist-
 15 ance Act of 1961.

16 DEVELOPMENT ASSISTANCE

17 For necessary expenses of the United States Agency
 18 for International Development to carry out the provisions
 19 of sections 103, 105, 106, and 131, and chapter 10 of
 20 part I of the Foreign Assistance Act of 1961,
 21 \$1,460,000,000, to remain available until September 30,
 22 2006: *Provided*, That none of the funds appropriated
 23 under title II of this Act that are managed by or allocated
 24 to the United States Agency for International Develop-
 25 ment’s Global Development Secretariat, may be made
 26 available except through the regular notification proce-

dures of the Committees on Appropriations: *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 \$37,500, 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, \$40,000,000 shall be made available for plant biotechnology research and development: *Provided further*, That not less than \$2,300,000 shall 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 \$22,000,000 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 \$1,000,000 shall be made available for support of the United States Telecommunications Training Institute: *Provided further*, That of the funds appropriated under this heading, not less than \$2,000,000 shall be made available for support of the International Real Property Foundation: *Provided further*, That of the funds appropriated under this heading, not less than \$5,000,000 should be

1 made available for pilot programs in the Democratic Re-
2 public of the Congo, Uganda, Burundi, and Liberia to ad-
3 dress sexual and gender-based violence: *Provided further*,
4 That of the funds appropriated under this heading, in ad-
5 dition to funds made available pursuant to the previous
6 proviso, not less than \$8,000,000 should be made available
7 for assistance for Liberia: *Provided further*, That of the
8 funds appropriated under this heading, \$2,000,000 shall
9 be made available for Water Missions International to de-
10 velop clean water treatment projects in developing coun-
11 tries: *Provided further*, That of the funds appropriated by
12 this Act, \$100,000,000 shall be made available for drink-
13 ing water supply projects and related activities.

14 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

15 For necessary expenses of the United States Agency
16 for International Development to carry out the provisions
17 of section 491 of the Foreign Assistance Act of 1961 for
18 international disaster relief, rehabilitation, and recon-
19 struction assistance, \$335,500,000, to remain available
20 until expended.

21 In addition, for necessary expenses for assistance for
22 famine prevention and relief, including for mitigation of
23 the effects of famine, \$50,000,000, to remain available
24 until expended: *Provided*, That such funds shall be made
25 available utilizing the general authorities of section 491
26 of the Foreign Assistance Act of 1961, and shall be in

1 addition to amounts otherwise available for such purposes:
 2 *Provided further*, That funds appropriated by this para-
 3 graph shall be available for obligation subject to prior con-
 4 sultation with the Committees on Appropriations.

5 TRANSITION INITIATIVES

6 For necessary expenses for international disaster re-
 7 habilitation and reconstruction assistance pursuant to sec-
 8 tion 491 of the Foreign Assistance Act of 1961,
 9 \$50,000,000, to remain available until expended, to sup-
 10 port transition to democracy and to long-term develop-
 11 ment of countries in crisis: *Provided*, That such support
 12 may include assistance to develop, strengthen, or preserve
 13 democratic institutions and processes, revitalize basic in-
 14 frastructure, and foster the peaceful resolution of conflict:
 15 *Provided further*, That the United States Agency for Inter-
 16 national Development shall submit a report to the Com-
 17 mittees on Appropriations at least 5 days prior to begin-
 18 ning a new program of assistance: *Provided further*, That
 19 if the President determines that is important to the na-
 20 tional interests of the United States to provide transition
 21 assistance in excess of the amount appropriated under this
 22 heading, up to \$15,000,000 of the funds appropriated by
 23 this Act to carry out the provisions of part I of the For-
 24 eign Assistance Act of 1961 may be used for purposes of
 25 this heading and under the authorities applicable to funds
 26 appropriated under this heading: *Provided further*, That

1 funds made available pursuant to the previous proviso
 2 shall be made available subject to prior consultation with
 3 the Committees on Appropriations.

4 DEVELOPMENT CREDIT AUTHORITY

5 (INCLUDING TRANSFER OF FUNDS)

6 For the cost of direct loans and loan guarantees pro-
 7 vided by the United States Agency for International De-
 8 velopment, as authorized by sections 108 and 635 of the
 9 Foreign Assistance Act of 1961, funds may be derived by
 10 transfer from funds appropriated by this Act to carry out
 11 part I of such Act and under the heading “Assistance for
 12 Eastern Europe and the Baltic States”: *Provided*, That
 13 such funds shall not exceed \$21,000,000, which shall be
 14 made available only for micro and small enterprise pro-
 15 grams, urban programs, and other programs which fur-
 16 ther the purposes of part I of the Act: *Provided further*,
 17 That such costs, including the cost of modifying such di-
 18 rect and guaranteed loans, shall be as defined in section
 19 502 of the Congressional Budget Act of 1974, as amend-
 20 ed: *Provided further*, That these funds are available to sub-
 21 sidize total loan principal, any part of which is to be guar-
 22 anteed, of up to \$700,000,000: *Provided further*, That the
 23 provisions of section 107A(d) (relating to general provi-
 24 sions applicable to the Development Credit Authority) of
 25 the Foreign Assistance Act of 1961, as contained in sec-
 26 tion 306 of H.R. 1486 as reported by the House Com-

9 In addition, for administrative expenses to carry out
10 credit programs administered by the United States Agency
11 for International Development, \$8,000,000, which may be
12 transferred to and merged with the appropriation for Op-
13 erating Expenses of the United States Agency for Inter-
14 national Development: *Provided*, That funds made avail-
15 able under this heading shall remain available until Sep-
16 tember 30, 2007.

17 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
18 DISABILITY FUND

19 For payment to the “Foreign Service Retirement and
20 Disability Fund”, as authorized by the Foreign Service
21 Act of 1980, \$42,500,000.

22 OPERATING EXPENSES OF THE UNITED STATES AGENCY
23 FOR INTERNATIONAL DEVELOPMENT

24 For necessary expenses to carry out the provisions
25 of section 667 of the Foreign Assistance Act of 1961,
26 \$600,000,000, of which up to \$25,000,000 may remain

1 available until September 30, 2006: *Provided*, That none
2 of the funds appropriated under this heading and under
3 the heading “Capital Investment Fund” may be made
4 available to finance the construction (including architect
5 and engineering services), purchase, or long term lease of
6 offices for use by the United States Agency for Inter-
7 national Development, unless the Administrator has iden-
8 tified such proposed construction (including architect and
9 engineering services), purchase, or long term lease of of-
10 fices in a report submitted to the Committees on Appro-
11 priations at least 15 days prior to the obligation of these
12 funds for such purposes: *Provided further*, That the pre-
13 vious proviso shall not apply where the total cost of con-
14 struction (including architect and engineering services),
15 purchase, or long term lease of offices does not exceed
16 \$1,000,000: *Provided further*, That contracts or agree-
17 ments entered into with funds appropriated under this
18 heading may entail commitments for the expenditure of
19 such funds through fiscal year 2006: *Provided further*,
20 That none of the funds in this Act may be used to open
21 a new overseas mission of the United States Agency for
22 International Development without the prior written noti-
23 fication of the Committees on Appropriations: *Provided*
24 *further*, That the authority of sections 610 and 109 of the
25 Foreign Assistance Act of 1961 may be exercised by the

1 Secretary of State to transfer funds appropriated to carry
 2 out chapter 1 of part I of such Act to “Operating Ex-
 3 penses of the United States Agency for International De-
 4 velopment” in accordance with the provisions of those sec-
 5 tions.

6 CAPITAL INVESTMENT FUND

7 For necessary expenses for overseas construction and
 8 related costs, and for the procurement and enhancement
 9 of information technology and related capital investments,
 10 pursuant to section 667 of the Foreign Assistance Act of
 11 1961, \$59,000,000, to remain available until expended:
 12 *Provided*, That this amount is in addition to funds other-
 13 wise available for such purposes: *Provided further*, That
 14 the Administrator of the United States Agency for Inter-
 15 national Development shall assess fair and reasonable
 16 rental payments for the use of space by employees of other
 17 United States Government agencies in buildings con-
 18 structed using funds appropriated under this heading, and
 19 such rental payments shall be deposited into this account
 20 as an offsetting collection: *Provided further*, That the rent-
 21 al payments collected pursuant to the previous proviso and
 22 deposited as an offsetting collection shall be available for
 23 obligation only pursuant to the regular notification proce-
 24 dures of the Committees on Appropriations: *Provided fur-*
 25 *ther*, That the assignment of United States Government
 26 employees or contractors to space in buildings constructed

1 using funds appropriated under this heading shall be sub-
 2 ject to the concurrence of the Administrator of the United
 3 States Agency for International Development: *Provided*
 4 *further*, That funds appropriated under this heading shall
 5 be available for obligation only pursuant to the regular
 6 notification procedures of the Committees on Appropria-
 7 tions.

8 OPERATING EXPENSES OF THE UNITED STATES AGENCY
 9 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-
 10 SPECTOR GENERAL

11 For necessary expenses to carry out the provisions
 12 of section 667 of the Foreign Assistance Act of 1961,
 13 \$35,000,000, to remain available until September 30,
 14 2006, which sum shall be available for the Office of the
 15 Inspector General of the United States Agency for Inter-
 16 national Development.

17 OTHER BILATERAL ECONOMIC ASSISTANCE
 18 ECONOMIC SUPPORT FUND

19 For necessary expenses to carry out the provisions
 20 of chapter 4 of part II, \$2,470,000,000, to remain avail-
 21 able until September 30, 2006: *Provided*, That of the
 22 funds appropriated under this heading, not less than
 23 \$360,000,000 shall be available only for Israel, which sum
 24 shall be available on a grant basis as a cash transfer and
 25 shall be disbursed within 30 days of the enactment of this
 26 Act or by October 31, 2004, whichever is later: *Provided*

1 *further*, That not less than \$535,000,000 shall be available
2 only for Egypt, which sum shall be provided on a grant
3 basis, and of which sum cash transfer assistance shall be
4 provided with the understanding that Egypt will under-
5 take significant economic and political reforms which are
6 additional to those which were undertaken in previous fis-
7 cal years, and of which not more than \$200,000,000 shall
8 be provided as Commodity Import Program assistance:
9 *Provided further*, That with respect to the provision of as-
10 sistance for Egypt for democracy and governance activi-
11 ties, the organizations implementing such assistance and
12 the specific nature of that assistance shall not be subject
13 to the prior approval by the Government of Egypt: *Pro-*
14 *vided further*, That in exercising the authority to provide
15 cash transfer assistance for Israel, the President shall en-
16 sure that the level of such assistance does not cause an
17 adverse impact on the total level of nonmilitary exports
18 from the United States to such country and that Israel
19 enters into a side letter agreement in an amount propor-
20 tional to the fiscal year 1999 agreement: *Provided further*,
21 That of the funds appropriated under this heading, not
22 less than \$250,000,000 shall be made available only for
23 assistance for Jordan: *Provided further*, That funds appro-
24 priated under this heading shall be made available for ad-
25 ministrative costs of the United States Agency for Inter-

1 national Development to implement regional programs in
2 Asia and the Near East, including the Middle East Part-
3 nership Initiative, in addition to amounts otherwise avail-
4 able for such purposes: *Provided further*, That
5 \$13,500,000 of the funds appropriated under this heading
6 shall be made available for Cyprus to be used only for
7 scholarships, administrative support of the scholarship
8 program, bicommunal projects, and measures aimed at re-
9 unification of the island and designed to reduce tensions
10 and promote peace and cooperation between the two com-
11 munities on Cyprus: *Provided further*, That \$35,000,000
12 of the funds appropriated under this heading shall be
13 made available for assistance for Lebanon, of which not
14 less than \$4,000,000 should be made available to Amer-
15 ican educational institutions for scholarships and direct
16 support: *Provided further*, That notwithstanding section
17 534(a) of this Act, funds appropriated under this heading
18 that are made available for assistance for the Central Gov-
19 ernment of Lebanon shall be subject to the regular notifi-
20 cation procedures of the Committees on Appropriations:
21 *Provided further*, That not to exceed \$200,000,000 of the
22 funds appropriated under this heading may be used for
23 the costs, as defined in section 502 of the Congressional
24 Budget Act of 1974, of modifying direct loans and guaran-
25 tees for Pakistan: *Provided further*, That amounts that are

1 made available under the previous proviso for the costs
2 of modifying direct loans and guarantees shall not be con-
3 sidered “assistance” for the purposes of provisions of law
4 limiting assistance to a country: *Provided further*, That of
5 the funds appropriated under this heading, not less than
6 \$22,000,000 shall be made available for assistance for the
7 Democratic Republic of Timor-Leste, of which up to
8 \$1,000,000 may be available for administrative expenses
9 of the United States Agency for International Develop-
10 ment: *Provided further*, That of the funds available under
11 this heading for assistance for Indonesia, not less than
12 \$3,000,000 shall be made available to Internews to pro-
13 mote freedom of the media in Indonesia and not less than
14 \$2,000,000 shall be made available for economic develop-
15 ment programs conducted by Indonesian universities: *Pro-*
16 *vided further*, That of the funds available under this head-
17 ing for assistance for Jordan, \$5,000,000 should be made
18 available for the Rosary Sisters Hospital in Jordan: *Pro-*
19 *vided further*, That of the funds available under this head-
20 ing for the “Middle East Partnership Initiative”, up to
21 \$4,500,000 may be made available for scholarship pro-
22 grams for students from countries with significant Muslim
23 populations at American institutions of higher education
24 in the Middle East that are accredited by an accrediting
25 agency recognized by the United States Department of

1 Education: *Provided further*, That of the funds appro-
 2 priated under this heading, not less than \$2,500,000
 3 should be made available for technical assistance for coun-
 4 tries to implement and enforce the Kimberley Process Cer-
 5 tification Scheme: *Provided further*, That of the funds ap-
 6 propriated under this heading, not less than \$3,750,000
 7 should be made available for East Asia and Pacific Envi-
 8 ronment Initiatives: *Provided further*, That of the funds
 9 appropriated under this heading, not less than
 10 \$10,000,000 should be made available for assistance for
 11 Kenya: *Provided further*, That of the funds appropriated
 12 under this heading, not less than \$500,000 should be
 13 made available to support the Commission to Investigate
 14 Illegal Groups and Clandestine Security Apparatus in
 15 Guatemala: *Provided further*, That of the funds appro-
 16 priated under this heading, \$3,000,000 shall be made
 17 available for the Foundation for Security and Sustain-
 18 ability: *Provided further*, That of the funds appropriated
 19 under this heading that are made available for assistance
 20 for Pakistan, not less than \$10,000,000 should be made
 21 available to support programs and activities conducted by
 22 indigenous organizations that seek to further educational,
 23 health, employment, and other opportunities for the people
 24 of Pakistan, of which up to \$4,000,000 should be made
 25 available for the Pakistan Human Development Fund and

1 \$1,000,000 for the Amanut Society: *Provided further*,
 2 That of the funds appropriated under this heading,
 3 \$10,000,000 shall be made available to continue to sup-
 4 port the provision of wheelchairs for needy persons in de-
 5 veloping countries: *Provided further*, That funds appro-
 6 priated under this heading that are made available for a
 7 Middle East Financing Facility, Middle East Enterprise
 8 Fund, or any other similar entity in the Middle East shall
 9 be subject to the regular notification procedures of the
 10 Committees on Appropriations: *Provided further*, That
 11 with respect to funds appropriated under this heading in
 12 this Act or prior Acts making appropriations for foreign
 13 operations, export financing, and related programs, the re-
 14 sponsibility for policy decisions and justifications for the
 15 use of such funds, including whether there will be a pro-
 16 gram for a country that uses those funds and the amount
 17 of each such program, shall be the responsibility of the
 18 Secretary of State and the Deputy Secretary of State and
 19 this responsibility shall not be delegated.

20 ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC
 21 STATES

22 (a) For necessary expenses to carry out the provisions
 23 of the Foreign Assistance Act of 1961 and the Support
 24 for East European Democracy (SEED) Act of 1989,
 25 \$410,000,000, to remain available until September 30,
 26 2006, which shall be available, notwithstanding any other

1 provision of law, for assistance and for related programs
2 for Eastern Europe and the Baltic States: *Provided*, That
3 of the funds appropriated under this heading that are
4 made available for assistance for Bulgaria, \$2,000,000
5 shall be made available to enhance safety at nuclear power
6 plants: *Provided further*, That of the funds appropriated
7 under this heading, not more than \$87,000,000 may be
8 made available for assistance for Serbia: *Provided further*,
9 That the amount contained in the previous proviso shall
10 be reduced by an amount equal to the amount of financial
11 and other support, as determined by the Secretary of
12 State, that Serbia has provided to Slobodan Milosevic and
13 other indicted war criminals, and their families, during
14 calendar year 2004: *Provided further*, That funds appro-
15 priated under this heading shall be made available for pro-
16 grams and countries in the amounts contained in the table
17 included in the report accompanying this Act: *Provided*
18 *further*, That any proposed increases or decreases to the
19 amounts contained in such table shall be subject to the
20 regular notification procedures of the Committees on Ap-
21 propriations and section 634A of the Foreign Assistance
22 Act of 1961 and notifications shall be transmitted at least
23 15 days in advance of the obligation of funds.

24 (b) Funds appropriated under this heading shall be
25 considered to be economic assistance under the Foreign

1 Assistance Act of 1961 for purposes of making available
 2 the administrative authorities contained in that Act for
 3 the use of economic assistance.

4 (c) Notwithstanding any provision of this or any
 5 other Act, local currencies generated by, or converted
 6 from, funds appropriated by this Act and by previous ap-
 7 propriations Acts and made available for the economic re-
 8 vitalization program in Bosnia may be used in Eastern
 9 Europe and the Baltic States to carry out the provisions
 10 of the Foreign Assistance Act of 1961 and the Support
 11 for East European Democracy (SEED) Act of 1989.

12 ASSISTANCE FOR THE INDEPENDENT STATES OF THE
 13 FORMER SOVIET UNION

14 (a) For necessary expenses to carry out the provisions
 15 of chapters 11 and 12 of part I of the Foreign Assistance
 16 Act of 1961 and the FREEDOM Support Act, for assist-
 17 ance for the Independent States of the former Soviet
 18 Union and for related programs, \$560,000,000, to remain
 19 available until September 30, 2006: *Provided*, That the
 20 provisions of such chapters shall apply to funds appro-
 21 priated by this paragraph: *Provided further*, That funds
 22 made available for the Southern Caucasus region may be
 23 used, notwithstanding any other provision of law, for con-
 24 fidence-building measures and other activities in further-
 25 ance of the peaceful resolution of the regional conflicts,
 26 especially those in the vicinity of Abkhazia and Nagorno-

1 Karabagh: *Provided further*, That of the funds appro-
2 priated under this heading, \$8,000,000 should be available
3 only to meet the health and other assistance needs of vic-
4 tims of trafficking in persons: *Provided further*, That of
5 the funds appropriated under this heading, \$20,000,000
6 shall be made available solely for assistance for the Rus-
7 sian Far East: *Provided further*, That of the funds appro-
8 priated under this heading, \$6,000,000 should be made
9 available for an emergency operations center in
10 Kazakhstan: *Provided further*, That, notwithstanding any
11 other provision of law, funds appropriated under this
12 heading in this Act or prior Acts making appropriations
13 for foreign operations, export financing, and related pro-
14 grams, that are made available pursuant to the provisions
15 of section 807 of Public Law 102–511 shall be subject
16 to a 6 percent ceiling on administrative expenses: *Provided*
17 *further*, That funds appropriated under this heading shall
18 be made available for programs and countries in the
19 amounts contained in the table included in the report ac-
20 companying this Act: *Provided further*, That any proposed
21 increases or decreases to the amounts contained in such
22 table shall be subject to the regular notification procedures
23 of the Committees on Appropriations and section 634A
24 of the Foreign Assistance Act of 1961 and notifications

1 shall be transmitted at least 15 days in advance of the
2 obligation of funds.

3 (b) Of the funds appropriated under this heading that
4 are made available for assistance for Ukraine, not less
5 than \$5,000,000 shall be made available for nuclear reac-
6 tor safety initiatives, and not less than \$3,000,000 shall
7 be made available for coal mine safety programs.

8 (c) Of the funds appropriated under this heading, not
9 less than \$93,000,000 shall be made available for assist-
10 ance for Russia, of which not less than \$4,000,000 shall
11 be made available to the National Endowment for Democ-
12 racy for democracy, human rights and rule of law pro-
13 grams.

14 (d) Of the funds appropriated under this heading, not
15 less than \$75,000,000 shall be made available for assist-
16 ance for Armenia.

17 (e) Of the funds appropriated under this heading, not
18 less than \$6,500,000 shall be made available for democ-
19 racy, human rights, and rule of law programs in Belarus.

20 (f)(1) Of the funds appropriated under this heading
21 that are allocated for assistance for the Government of
22 the Russian Federation, 60 percent shall be withheld from
23 obligation until the President determines and certifies in
24 writing to the Committees on Appropriations that the Gov-
25 ernment of the Russian Federation:

1 (A) has terminated implementation of arrange-
2 ments to provide Iran with technical expertise, train-
3 ing, technology, or equipment necessary to develop a
4 nuclear reactor, related nuclear research facilities or
5 programs, or ballistic missile capability; and

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

10 (2) Paragraph (1) shall not apply to—

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

14 (B) activities authorized under title V (Non-
15 proliferation and Disarmament Programs and Ac-
16 tivities) of the FREEDOM Support Act.

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

19 (1) activities to support democracy or assist-
20 ance under title V of the FREEDOM Support Act
21 and section 1424 of Public Law 104–201 or non-
22 proliferation assistance;

23 (2) any assistance provided by the Trade and
24 Development Agency under section 661 of the For-
25 eign Assistance Act of 1961 (22 U.S.C. 2421);

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

4 (4) any insurance, reinsurance, guarantee or
 5 other assistance provided by the Overseas Private
 6 Investment Corporation under title IV of chapter 2
 7 of part I of the Foreign Assistance Act of 1961 (22
 8 U.S.C. 2191 et seq.);

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

11 (6) humanitarian assistance.

12 INDEPENDENT AGENCIES

13 INTER-AMERICAN FOUNDATION

14 For necessary expenses to carry out the functions of
 15 the Inter-American Foundation in accordance with the
 16 provisions of section 401 of the Foreign Assistance Act
 17 of 1969, \$19,000,000, to remain available until September
 18 30, 2006.

19 AFRICAN DEVELOPMENT FOUNDATION

20 For necessary expenses to carry out title V of the
 21 International Security and Development Cooperation Act
 22 of 1980, Public Law 96–533, \$20,000,000, to remain
 23 available until September 30, 2006: *Provided*, That funds
 24 made available to grantees may be invested pending ex-
 25 penditure for project purposes when authorized by the
 26 board of directors of the Foundation: *Provided further*,

1 That interest earned shall be used only for the purposes
 2 for which the grant was made: *Provided further*, That not-
 3 withstanding section 505(a)(2) of the African Develop-
 4 ment Foundation Act, in exceptional circumstances the
 5 board of directors of the Foundation may waive the
 6 \$250,000 limitation contained in that section with respect
 7 to a project: *Provided further*, That the Foundation shall
 8 provide a report to the Committees on Appropriations
 9 after each time such waiver authority is exercised.

10 PEACE CORPS

11 For necessary expenses to carry out the provisions
 12 of the Peace Corps Act (75 Stat. 612), \$310,000,000, in-
 13 cluding the purchase of not to exceed five passenger motor
 14 vehicles for administrative purposes for use outside of the
 15 United States: *Provided*, That none of the funds appro-
 16 priated under this heading shall be used to pay for abor-
 17 tions: *Provided further*, That funds appropriated under
 18 this heading shall remain available until September 30,
 19 2006.

20 MILLENNIUM CHALLENGE CORPORATION

21 For necessary expenses for the “Millennium Chal-
 22 lenge Account”, \$1,120,000,000, to remain available until
 23 expended.

1 DEPARTMENT OF STATE

2 GLOBAL HIV/AIDS INITIATIVE

3 For necessary expenses to carry out the provisions
4 of the Foreign Assistance Act of 1961 for the prevention,
5 treatment, and control of, and research on, HIV/AIDS,
6 \$1,450,000,000, to remain available until expended: *Pro-*
7 *vided*, That increased emphasis should be given to building
8 local capacity of foreign governments and nongovern-
9 mental organizations to implement sustainable HIV/AIDS
10 prevention, care and treatment programs as a component
11 of national health care delivery systems: *Provided further*,
12 That of the funds appropriated under this heading,
13 \$25,000,000 shall be made available for HIV/AIDS edu-
14 cation and outreach programs that utilize state of the art
15 information technology: *Provided further*, That of the
16 funds appropriated under the headings “Assistance for
17 Eastern Europe and the Baltic States”, “Assistance for
18 the Independent States of the Former Soviet Union”,
19 “Andean Counterdrug Initiative”, “Foreign Military Fi-
20 nancing Program”, and “Economic Support Fund”, not
21 less than \$42,000,000 shall be made available for pro-
22 grams for the prevention, treatment, and control of, and
23 research on, HIV/AIDS, tuberculosis, and malaria: *Pro-*
24 *vided further*, That of the funds appropriated under this
25 heading, not more than \$8,818,000 may be made available

1 for administrative expenses of the office of the Coordi-
2 nator of United States Government Activities to Combat
3 HIV/AIDS Globally of the Department of State.

4 INTERNATIONAL NARCOTICS CONTROL AND LAW
5 ENFORCEMENT

6 For necessary expenses to carry out section 481 of
7 the Foreign Assistance Act of 1961, \$328,820,000, to re-
8 main available until September 30, 2007: *Provided*, That
9 during fiscal year 2005, the Department of State may also
10 use the authority of section 608 of the Foreign Assistance
11 Act of 1961, without regard to its restrictions, to receive
12 excess property from an agency of the United States Gov-
13 ernment for the purpose of providing it to a foreign coun-
14 try under chapter 8 of part I of that Act subject to the
15 regular notification procedures of the Committees on Ap-
16 propriations: *Provided further*, That of the funds appro-
17 priated under this heading, \$15,000,000 should be made
18 available for anti-trafficking in persons programs, includ-
19 ing trafficking prevention, protection and assistance for
20 victims, and prosecution of traffickers: *Provided further*,
21 That the Secretary of State shall provide to the Commit-
22 tees on Appropriations not later than 45 days after the
23 date of the enactment of this Act and prior to the initial
24 obligation of funds appropriated under this heading, a re-
25 port on the proposed uses of all funds under this heading
26 on a country-by-country basis for each proposed program,

1 project, or activity: *Provided further*, That of the funds
2 appropriated under this heading, not less than
3 \$17,000,000 should be made available for training pro-
4 grams and activities of the International Law Enforce-
5 ment Academies: *Provided further*, That of the funds ap-
6 propriated under this heading, not less than \$12,000,000
7 shall be made available for assistance for the Philippines
8 for police training and other related activities: *Provided*
9 *further*, That of the funds appropriated under this head-
10 ing, \$3,000,000 shall be made available for assistance for
11 the Government of Malta for the purchase of helicopters
12 to enhance its ability to control its borders and deter ter-
13 rorists: *Provided further*, That of the funds appropriated
14 under this heading, \$5,000,000 shall be made available
15 for combating piracy of United States intellectual prop-
16 erty: *Provided further*, That of the funds appropriated
17 under this heading, not less than \$1,500,000 should be
18 made available to the International Foundation of Hope
19 for alternative crop programs in Nangarhar Province, Af-
20 ghanistan: *Provided further*, That of the funds appro-
21 priated under this heading, not less than \$1,000,000
22 should be made available for police training in the Demo-
23 cratic Republic of Timor-Leste: *Provided further*, That of
24 the funds appropriated under this heading, not more than
25 \$26,117,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, \$731,000,000, to remain available until September 30, 2007: *Provided*, That in fiscal year 2005, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided further*, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: *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

1 shall be immediately returned to the United States: *Pro-*
2 *vided further*, That the Secretary of State, in consultation
3 with the Administrator of the United States Agency for
4 International Development, shall provide to the Commit-
5 tees on Appropriations not later than 45 days after the
6 date of the enactment of this Act and prior to the initial
7 obligation of funds appropriated under this heading, a re-
8 port on the proposed uses of all funds under this heading
9 on a country-by-country basis for each proposed program,
10 project, or activity: *Provided further*, That of the funds
11 appropriated under this heading, not less than
12 \$272,000,000 shall be made available for alternative de-
13 velopment/institution building, of which \$240,000,000
14 shall be apportioned directly to the United States Agency
15 for International Development, including \$140,000,000
16 for assistance for Colombia: *Provided further*, That with
17 respect to funds apportioned to the United States Agency
18 for International Development under the previous proviso,
19 the responsibility for policy decisions for the use of such
20 funds, including what activities will be funded and the
21 amount of funds that will be provided for each of those
22 activities, shall be the responsibility of the Administrator
23 of the United States Agency for International Develop-
24 ment in consultation with the Assistant Secretary of State
25 for International Narcotics and Law Enforcement Affairs:

1 *Provided further*, That of the funds appropriated under
2 this heading, not less than \$6,000,000 should be made
3 available for judicial reform programs in Colombia: *Pro-*
4 *vided further*, That of the funds appropriated under this
5 heading, in addition to funds made available pursuant to
6 the previous proviso, not less than \$6,000,000 shall be
7 made available to the United States Agency for Inter-
8 national Development for organizations and programs to
9 protect human rights: *Provided further*, That funds appro-
10 priated by this Act that are otherwise available for such
11 purposes may be made available to support the demobiliza-
12 tion of illegal armed groups in Colombia only if the Sec-
13 retary of State certifies to the Committees on Appropria-
14 tions that: (1) the Colombian legal framework governing
15 the demobilization of such groups provides for prosecution
16 and punishment, in proportion to the crimes committed,
17 of those responsible for gross violations of human rights
18 and drug trafficking; (2) actions are being taken by the
19 Government of Colombia to ensure the dismantling of un-
20 derlying structures of such groups, including the seizure
21 of financial and real property assets; (3) actions are being
22 taken by the Government of Colombia to enable the return
23 of civilians forcibly displaced by such groups; and (4) the
24 United States Government may continue to extradite Co-
25 lombian citizens in accordance with existing extradition

1 treaties: *Provided further*, That not more than 20 percent
2 of the funds appropriated by this Act that are used for
3 the procurement of chemicals for aerial coca and poppy
4 fumigation programs may be made available for such pro-
5 grams unless the Secretary of State certifies to the Com-
6 mittees on Appropriations that: (1) the herbicide mixture
7 is being used in accordance with EPA label requirements
8 for comparable use in the United States and with Colom-
9 bian laws; and (2) the herbicide mixture, in the manner
10 it is being used, does not pose unreasonable risks or ad-
11 verse effects to humans or the environment: *Provided fur-*
12 *ther*, That such funds may not be made available unless
13 the Secretary of State certifies to the Committees on Ap-
14 propriations that complaints of harm to health or licit
15 crops caused by such fumigation are evaluated and fair
16 compensation is being paid for meritorious claims: *Pro-*
17 *vided further*, That such funds may not be made available
18 for such purposes unless programs are being implemented
19 by the United States Agency for International Develop-
20 ment, the Government of Colombia, or other organiza-
21 tions, in consultation with local communities, to provide
22 alternative sources of income in areas where security per-
23 mits for small-acreage growers whose illicit crops are tar-
24 geted for fumigation: *Provided further*, That of the funds
25 appropriated under this heading, not less than \$2,000,000

1 should be made available through nongovernmental orga-
2 nizations for programs to protect biodiversity and indige-
3 nous reserves in Colombia: *Provided further*, That funds
4 appropriated by this Act may be used for aerial fumigation
5 in Colombia's national parks or reserves only if the Sec-
6 retary of State certifies that it is in accordance with Co-
7 lombian laws and that there are no effective alternatives
8 to reduce drug cultivation in these areas: *Provided further*,
9 That section 482(b) of the Foreign Assistance Act of 1961
10 shall not apply to funds appropriated under this heading:
11 *Provided further*, That assistance provided with funds ap-
12 propriated under this heading that is made available not-
13 withstanding section 482(b) of the Foreign Assistance Act
14 of 1961 shall be made available subject to the regular noti-
15 fication procedures of the Committees on Appropriations:
16 *Provided further*, That no United States Armed Forces
17 personnel or United States civilian contractor employed by
18 the United States will participate in any combat operation
19 in connection with assistance made available by this Act
20 for Colombia: *Provided further*, That funds appropriated
21 under this heading that are available for assistance for
22 the Bolivian military and police are subject to the regular
23 notification procedures of the Committees on Appropria-
24 tions and may be made available for such purposes only
25 if the Bolivian military and police are respecting human

1 rights and cooperating with civilian judicial authorities,
 2 and the Bolivian Government is prosecuting and punishing
 3 those responsible for violations of human rights: *Provided*
 4 *further*, That of the funds appropriated under this head-
 5 ing, not more than \$16,285,000 may be available for ad-
 6 ministrative expenses of the Department of State, and not
 7 more than \$4,500,000 may be available, in addition to
 8 amounts otherwise available for such purposes, for admin-
 9 istrative expenses of the United States Agency for Inter-
 10 national Development.

11 MIGRATION AND REFUGEE ASSISTANCE

12 For expenses, not otherwise provided for, necessary
 13 to enable the Secretary of State to provide, as authorized
 14 by law, a contribution to the International Committee of
 15 the Red Cross, assistance to refugees, including contribu-
 16 tions to the International Organization for Migration and
 17 the United Nations High Commissioner for Refugees, and
 18 other activities to meet refugee and migration needs; sala-
 19 ries and expenses of personnel and dependents as author-
 20 ized by the Foreign Service Act of 1980; allowances as
 21 authorized by sections 5921 through 5925 of title 5,
 22 United States Code; purchase and hire of passenger motor
 23 vehicles; and services as authorized by section 3109 of title
 24 5, United States Code, \$775,000,000, which shall remain
 25 available until expended: *Provided*, That not more than
 26 \$22,000,000 may be available for administrative expenses:

1 *Provided further*, That not less than \$50,000,000 of the
2 funds made available under this heading shall be made
3 available for refugees from the former Soviet Union and
4 Eastern Europe and other refugees resettling in Israel:
5 *Provided further*, That funds made available under this
6 heading should be made available to international organi-
7 zations for assistance for refugees from North Korea: *Pro-*
8 *vided further*, That funds made available under this head-
9 ing and the heading “Emergency Migration and Refugee
10 Assistance Fund” shall be made available to nongovern-
11 mental organizations located in Thailand for humanitarian
12 assistance inside Burma: *Provided further*, That funds ap-
13 propriated under this heading may be made available for
14 a headquarters contribution to the International Com-
15 mittee of the Red Cross only if the Secretary of State de-
16 termines (and so reports to the appropriate committees
17 of Congress) that the Magen David Adom Society of Israel
18 is not being denied participation in the activities of the
19 International Red Cross and Red Crescent Movement.

20 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
21 ASSISTANCE FUND

22 For necessary expenses to carry out the provisions
23 of section 2(c) of the Migration and Refugee Assistance
24 Act of 1962, as amended (22 U.S.C. 2601(c)),
25 \$50,000,000, to remain available until expended: *Pro-*
26 *vided*, That funds made available under this heading are

1 appropriated notwithstanding the provisions contained in
2 section 2(c)(2) of such Act which would limit the amount
3 of funds which could be appropriated for this purpose.

4 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
5 RELATED PROGRAMS

6 For necessary expenses for nonproliferation, anti-ter-
7 rorism, demining and related programs and activities,
8 \$415,200,000, to carry out the provisions of chapter 8 of
9 part II of the Foreign Assistance Act of 1961 for anti-
10 terrorism assistance, chapter 9 of part II of the Foreign
11 Assistance Act of 1961, section 504 of the FREEDOM
12 Support Act, section 23 of the Arms Export Control Act
13 or the Foreign Assistance Act of 1961 for demining activi-
14 ties, the clearance of unexploded ordnance, the destruction
15 of small arms, and related activities, notwithstanding any
16 other provision of law, including activities implemented
17 through nongovernmental and international organizations,
18 and section 301 of the Foreign Assistance Act of 1961
19 for a voluntary contribution to the International Atomic
20 Energy Agency (IAEA), and for a United States contribu-
21 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
22 paratory Commission: *Provided*, That of this amount not
23 to exceed \$34,500,000, to remain available until expended,
24 may be made available for the Nonproliferation and Disar-
25 mament Fund, notwithstanding any other provision of
26 law, to promote bilateral and multilateral activities relat-

1 ing to nonproliferation and disarmament: *Provided further,*
2 That such funds may also be used for such countries other
3 than the Independent States of the former Soviet Union
4 and international organizations when it is in the national
5 security interest of the United States to do so: *Provided*
6 *further,* That funds appropriated under this heading may
7 be made available for the International Atomic Energy
8 Agency only if the Secretary of State determines (and so
9 reports to the Congress) that Israel is not being denied
10 its right to participate in the activities of that Agency:
11 *Provided further,* That funds available during fiscal year
12 2005 for a contribution to the Comprehensive Nuclear
13 Test Ban Treaty Preparatory Commission and that are
14 not necessary to make the United States contribution to
15 the Commission in the amount assessed for fiscal year
16 2005 shall be made available for a voluntary contribution
17 to the International Atomic Energy Agency and shall re-
18 main available until September 30, 2006: *Provided further,*
19 That of the funds made available for demining and related
20 activities, not to exceed \$690,000, in addition to funds
21 otherwise available for such purposes, may be used for ad-
22 ministrative expenses related to the operation and man-
23 agement of the demining program: *Provided further,* That
24 the Secretary of State is authorized to provide, from funds
25 appropriated under this heading in this Act and each sub-

1 sequent Act making appropriations for foreign operations,
 2 export financing and related programs, not to exceed
 3 \$250,000 for public-private partnerships for mine action
 4 by grant, cooperative agreement, or contract: *Provided fur-*
 5 *ther*, That funds appropriated under this heading that are
 6 available for “Anti-terrorism Assistance” and “Export
 7 Control and Border Security” shall remain available until
 8 September 30, 2006: *Provided further*, That of the funds
 9 appropriated under this heading, \$10,000,000 should be
 10 made available for mobile robot systems and radiation de-
 11 tection technology to combat international terrorism: *Pro-*
 12 *vided further*, That funds appropriated under this heading
 13 shall be made available for programs and countries in the
 14 amounts contained in the table included in the report ac-
 15 companying this Act: *Provided further*, That any proposed
 16 increases or decreases to the amounts contained in such
 17 table shall be subject to the regular notification procedures
 18 of the Committees on Appropriations and section 634A
 19 of the Foreign Assistance Act of 1961 and notifications
 20 shall be transmitted at least 15 days in advance of the
 21 obligation of funds.

22 CONFLICT RESPONSE FUND

23 For necessary expenses to assist in stabilizing and re-
 24 constructing a country that is in, or is in transition from,
 25 conflict or civil strife, \$20,000,000, to remain available
 26 until expended: *Provided*, That funds available under this

1 paragraph may be used for assistance for a country only
2 if the Secretary of State determines and reports to the
3 Committees on Appropriations, that it is important to the
4 national security interest of the United States to do so
5 and consults with the Committees on Appropriations prior
6 to making any such determination: *Provided further*, That
7 the responsibility for this determination required by the
8 previous proviso and policy decisions and justifications for
9 the use of funds made available under the authority of
10 this paragraph, including the amount of assistance pro-
11 vided to a country under this authority, shall be the re-
12 sponsibility of the Secretary of State and the Deputy Sec-
13 retary of State and shall not be delegated: *Provided fur-*
14 *ther*, That the President may exercise the authority of sec-
15 tion 552 of the Foreign Assistance Act of 1961, without
16 regard and in addition to the dollar limitations contained
17 in that section, to furnish assistance under this heading
18 with respect to any country that is the subject of a deter-
19 mination made under this heading: *Provided further*, That
20 assistance furnished under this heading for any country
21 that is the subject of a determination under this heading
22 may be made available notwithstanding any other provi-
23 sion of law: *Provided further*, That the previous proviso
24 shall not apply to section 551 of this Act: *Provided further*,
25 That the administrative authorities of the Foreign Assist-

1 ance Act of 1961 shall be applicable to the funds and re-
 2 sources available under this paragraph: *Provided further*,
 3 That up to 5 percent of the funds available under this
 4 paragraph may be made available for the administrative
 5 costs of United States Government agencies implementing
 6 activities under this paragraph: *Provided further*, That
 7 funds and resources available under this heading shall be
 8 subject to the regular notification procedures of the Com-
 9 mittees on Appropriations except that such notifications
 10 shall be transmitted at least 5 days in advance of the obli-
 11 gation of funds.

12 DEPARTMENT OF THE TREASURY

13 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

14 For necessary expenses to carry out the provisions
 15 of section 129 of the Foreign Assistance Act of 1961,
 16 \$17,500,000, to remain available until September 30,
 17 2007, which shall be available notwithstanding any other
 18 provision of law.

19 DEBT RESTRUCTURING

20 For the cost, as defined in section 502 of the Con-
 21 gressional Budget Act of 1974, of modifying loans and
 22 loan guarantees, as the President may determine, for
 23 which funds have been appropriated or otherwise made
 24 available for programs within the International Affairs
 25 Budget Function 150, including the cost of selling, reduc-
 26 ing, or canceling amounts owed to the United States as

1 a result of concessional loans made to eligible countries,
2 pursuant to parts IV and V of the Foreign Assistance Act
3 of 1961, and of modifying concessional credit agreements
4 with least developed countries, as authorized under section
5 411 of the Agricultural Trade Development and Assist-
6 ance Act of 1954, as amended, and concessional loans,
7 guarantees and credit agreements, as authorized under
8 section 572 of the Foreign Operations, Export Financing,
9 and Related Programs Appropriations Act, 1989 (Public
10 Law 100–461), and of canceling amounts owed, as a result
11 of loans or guarantees made pursuant to the Export-Im-
12 port Bank Act of 1945, by countries that are eligible for
13 debt reduction pursuant to title V of H.R. 3425 as enacted
14 into law by section 1000(a)(5) of Public Law 106–113,
15 \$95,000,000, to remain available until September 30,
16 2007: *Provided*, That not less than \$20,000,000 of the
17 funds appropriated under this heading shall be made avail-
18 able to carry out the provisions of part V of the Foreign
19 Assistance Act of 1961: *Provided further*, That
20 \$75,000,000 of the funds appropriated under this heading
21 may be used by the Secretary of the Treasury to pay to
22 the Heavily Indebted Poor Countries (HIPC) Trust Fund
23 administered by the International Bank for Reconstruc-
24 tion and Development amounts for the benefit of countries
25 that are eligible for debt reduction pursuant to title V of

1 H.R. 3425 as enacted into law by section 1000(a)(5) of
2 Public Law 106–113: *Provided further*, That amounts paid
3 to the HIPC Trust Fund may be used only to fund debt
4 reduction under the enhanced HIPC initiative by—

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

10 *Provided further*, That funds may not be paid to the HIPC
11 Trust Fund for the benefit of any country if the Secretary
12 of State has credible evidence that the government of such
13 country is engaged in a consistent pattern of gross viola-
14 tions of internationally recognized human rights or in mili-
15 tary or civil conflict that undermines its ability to develop
16 and implement measures to alleviate poverty and to devote
17 adequate human and financial resources to that end: *Pro-*
18 *vided further*, That on the basis of final appropriations,
19 the Secretary of the Treasury shall consult with the Com-
20 mittees on Appropriations concerning which countries and
21 international financial institutions are expected to benefit
22 from a United States contribution to the HIPC Trust
23 Fund during the fiscal year: *Provided further*, That the
24 Secretary of the Treasury shall inform the Committees on
25 Appropriations not less than 15 days in advance of the

1 signature of an agreement by the United States to make
 2 payments to the HIPC Trust Fund of amounts for such
 3 countries and institutions: *Provided further*, That the Sec-
 4 retary of the Treasury may disburse funds designated for
 5 debt reduction through the HIPC Trust Fund only for the
 6 benefit of countries that—

7 (1) have committed, for a period of 24 months,
 8 not to accept new market-rate loans from the inter-
 9 national financial institution receiving debt repay-
 10 ment as a result of such disbursement, other than
 11 loans made by such institutions to export-oriented
 12 commercial projects that generate foreign exchange
 13 which are generally referred to as “enclave” loans;
 14 and

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

21 *Provided further*, That any limitation of subsection (e) of
 22 section 411 of the Agricultural Trade Development and
 23 Assistance Act of 1954 shall not apply to funds appro-
 24 priated under this heading: *Provided further*, That none
 25 of the funds made available under this heading in this or

1 any other appropriations Act shall be made available for
 2 Sudan or Burma unless the Secretary of the Treasury de-
 3 termines and notifies the Committees on Appropriations
 4 that a democratically elected government has taken office.

5 TITLE III—MILITARY ASSISTANCE

6 FUNDS APPROPRIATED TO THE PRESIDENT

7 INTERNATIONAL MILITARY EDUCATION AND TRAINING

8 For necessary expenses to carry out the provisions
 9 of section 541 of the Foreign Assistance Act of 1961,
 10 \$89,730,000, of which up to \$3,000,000 may remain
 11 available until expended: *Provided*, That the civilian per-
 12 sonnel for whom military education and training may be
 13 provided under this heading may include civilians who are
 14 not members of a government whose participation would
 15 contribute to improved civil-military relations, civilian con-
 16 trol of the military, or respect for human rights: *Provided*
 17 *further*, That funds appropriated under this heading for
 18 military education and training for Guatemala may only
 19 be available for expanded international military education
 20 and training, and funds made available for Cambodia,
 21 Haiti, the Democratic Republic of the Congo, Nigeria and
 22 Guatemala may only be provided through the regular noti-
 23 fication procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,777,500,000: *Provided*, That of the funds appropriated under this heading, not less than \$2,220,000,000 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, 2004, 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 \$583,000,000 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, \$206,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated by this paragraph, \$5,000,000 may be transferred to and consolidated with funds appropriated under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, and made available, in

1 addition to amounts otherwise available for such purposes,
2 as follows: \$2,500,000, to remain available until expended,
3 may be made available to carry out the provisions of sec-
4 tion 504 of the FREEDOM Support Act for the Non-
5 proliferation and Disarmament Fund, notwithstanding
6 any other provision of law, to promote bilateral and multi-
7 lateral activities relating to nonproliferation and disar-
8 mament; and \$2,500,000 may be made available as an ad-
9 ditional contribution to “Anti-Terrorism Assistance” pro-
10 grams: *Provided further*, That of the funds appropriated
11 by this paragraph, \$10,000,000 shall be made available
12 for assistance for Tunisia: *Provided further*, That of the
13 funds appropriated by this paragraph, \$8,000,000 shall
14 be made available for assistance for Armenia: *Provided*
15 *further*, That of the funds appropriated by this paragraph,
16 not less than \$30,000,000 shall be made available for as-
17 sistance for Liberia: *Provided further*, That of the funds
18 appropriated under this heading, not more than
19 \$2,000,000 may be made available for assistance for
20 Uganda and only for non-lethal military equipment if the
21 Secretary of State determines and reports to the Commit-
22 tees on Appropriations that the Government of Uganda,
23 during the previous six months, has made significant im-
24 provements in: (1) the protection of human rights, espe-
25 cially preventing acts of torture; (2) the protection of civil-

1 ians in northern and eastern Uganda; (3) the
 2 professionalization of the Ugandan armed forces, includ-
 3 ing transparency of military budgets; and (4) the preven-
 4 tion of recruitment of children into armed militias and the
 5 demobilization of existing militias: *Provided further*, That
 6 of the funds appropriated under this heading, not less
 7 than \$15,000,000 shall be made available for assistance
 8 for Georgia: *Provided further*, That in addition to the
 9 funds appropriated under this heading, up to
 10 \$150,000,000 may be derived by transfer from unobli-
 11 gated balances of funds appropriated under the headings
 12 “Economic Support Fund” and “Foreign Military Financ-
 13 ing Program” in prior appropriations Acts and not other-
 14 wise designated in those Acts for a specific country, use,
 15 or purpose: *Provided further*, That funds appropriated by
 16 this paragraph shall be nonrepayable notwithstanding any
 17 requirement in section 23 of the Arms Export Control Act:
 18 *Provided further*, That funds made available under this
 19 paragraph shall be obligated upon apportionment in ac-
 20 cordance with paragraph (5)(C) of title 31, United States
 21 Code, section 1501(a).

22 None of the funds made available under this heading
 23 shall be available to finance the procurement of defense
 24 articles, defense services, or design and construction serv-
 25 ices that are not sold by the United States Government

1 under the Arms Export Control Act unless the foreign
2 country proposing to make such procurements has first
3 signed an agreement with the United States Government
4 specifying the conditions under which such procurements
5 may be financed with such funds: *Provided*, That all coun-
6 try and funding level increases in allocations shall be sub-
7 mitted through the regular notification procedures of sec-
8 tion 515 of this Act: *Provided further*, That none of the
9 funds appropriated under this heading shall be available
10 for assistance for Sudan and Guatemala: *Provided further*,
11 That none of the funds appropriated under this heading
12 may be made available for assistance for Haiti except pur-
13 suant to the regular notification procedures of the Com-
14 mittees on Appropriations: *Provided further*, That funds
15 made available under this heading may be used, notwith-
16 standing any other provision of law, for demining, the
17 clearance of unexploded ordnance, and related activities,
18 and may include activities implemented through non-
19 governmental and international organizations: *Provided*
20 *further*, That only those countries for which assistance was
21 justified for the “Foreign Military Sales Financing Pro-
22 gram” in the fiscal year 1989 congressional presentation
23 for security assistance programs may utilize funds made
24 available under this heading for procurement of defense
25 articles, defense services or design and construction serv-

1 ices that are not sold by the United States Government
2 under the Arms Export Control Act: *Provided further,*
3 That funds appropriated under this heading shall be ex-
4 pended at the minimum rate necessary to make timely
5 payment for defense articles and services: *Provided fur-*
6 *ther,* That not more than \$40,500,000 of the funds appro-
7 priated under this heading may be obligated for necessary
8 expenses, including the purchase of passenger motor vehi-
9 cles for replacement only for use outside of the United
10 States, for the general costs of administering military as-
11 sistance and sales: *Provided further,* That not more than
12 \$367,000,000 of funds realized pursuant to section
13 21(e)(1)(A) of the Arms Export Control Act may be obli-
14 gated for expenses incurred by the Department of Defense
15 during fiscal year 2005 pursuant to section 43(b) of the
16 Arms Export Control Act, except that this limitation may
17 be exceeded only through the regular notification proce-
18 dures of the Committees on Appropriations: *Provided fur-*
19 *ther,* That foreign military financing program funds esti-
20 mated to be outlayed for Egypt during fiscal year 2005
21 shall be transferred to an interest bearing account for
22 Egypt in the Federal Reserve Bank of New York within
23 30 days of enactment of this Act or by October 31, 2004,
24 whichever is later.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$104,000,000: *Provided*, That notwithstanding any other provision of law except section 551 of this Act, funds appropriated for the Department of Defense for fiscal year 2005 may be transferred to the Department of State and may be made available by the Department of State to provide such assistance as the Secretary of State deems appropriate for the military or security forces of a foreign country in order to enhance the capability of such country to participate in international peacekeeping or peace enforcement operations: *Provided further*, 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, \$120,678,000 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.

1 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
 2 ASSOCIATION

3 For payment to the International Development Asso-
 4 ciation by the Secretary of the Treasury, \$820,000,000,
 5 to remain available until expended.

6 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
 7 MULTILATERAL INVESTMENT FUND

8 For payment to the Enterprise for the Americas Mul-
 9 tilateral Investment Fund by the Secretary of the Treas-
 10 ury, for the United States contribution to the fund,
 11 \$15,000,000, to remain available until expended.

12 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

13 For the United States contribution by the Secretary
 14 of the Treasury to the increase in resources of the Asian
 15 Development Fund, as authorized by the Asian Develop-
 16 ment Bank Act, as amended, \$69,691,000, to remain
 17 available until expended.

18 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

19 For payment to the African Development Bank by
 20 the Secretary of the Treasury, \$1,100,000, for the United
 21 States paid-in share of the increase in capital stock, to
 22 remain available until expended.

23 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

24 The United States Governor of the African Develop-
 25 ment Bank may subscribe without fiscal year limitation
 26 for the callable capital portion of the United States share

1 of such capital stock in an amount not to exceed
2 \$79,532,933.

3 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

4 For the United States contribution by the Secretary
5 of the Treasury to the increase in resources of the African
6 Development Fund, \$75,000,000, to remain available until
7 expended.

8 CONTRIBUTION TO THE EUROPEAN BANK FOR
9 RECONSTRUCTION AND DEVELOPMENT

10 For payment to the European Bank for Reconstruct-
11 ion and Development by the Secretary of the Treasury,
12 \$35,431,000 for the United States share of the paid-in
13 portion of the increase in capital stock, to remain available
14 until expended.

15 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

16 The United States Governor of the European Bank
17 for Reconstruction and Development may subscribe with-
18 out fiscal year limitation to the callable capital portion of
19 the United States share of such capital stock in an amount
20 not to exceed \$121,997,000.

21 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
22 AGRICULTURAL DEVELOPMENT

23 For the United States contribution by the Secretary
24 of the Treasury to increase the resources of the Inter-
25 national Fund for Agricultural Development,
26 \$15,000,000, to remain available until expended.

1 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

2 For necessary expenses to carry out the provisions
 3 of section 301 of the Foreign Assistance Act of 1961, and
 4 of section 2 of the United Nations Environment Program
 5 Participation Act of 1973, \$328,925,000: *Provided*, That
 6 none of the funds appropriated under this heading may
 7 be made available to the International Atomic Energy
 8 Agency (IAEA): *Provided further*, That funds appro-
 9 priated under this heading shall be made available for pro-
 10 grams and countries in the amounts contained in the table
 11 included in the report accompanying this Act: *Provided*
 12 *further*, That any proposed increases or decreases to the
 13 amounts contained in such table shall be subject to the
 14 regular notification procedures of the Committees on Ap-
 15 propriations and section 634A of the Foreign Assistance
 16 Act of 1961 and notifications shall be transmitted at least
 17 15 days in advance of the obligation of funds.

18 TITLE V—GENERAL PROVISIONS

19 COMPENSATION FOR UNITED STATES EXECUTIVE
 20 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

21 SEC. 501. (a) No funds appropriated by this Act may
 22 be made as payment to any international financial institu-
 23 tion while the United States Executive Director to such
 24 institution is compensated by the institution at a rate
 25 which, together with whatever compensation such Director

1 receives from the United States, is in excess of the rate
 2 provided for an individual occupying a position at level IV
 3 of the Executive Schedule under section 5315 of title 5,
 4 United States Code, or while any alternate United States
 5 Director to such institution is compensated by the institu-
 6 tion at a rate in excess of the rate provided for an indi-
 7 vidual occupying a position at level V of the Executive
 8 Schedule under section 5316 of title 5, United States
 9 Code.

10 (b) For purposes of this section, “international finan-
 11 cial institutions” are: the International Bank for Recon-
 12 struction and Development, the Inter-American Develop-
 13 ment Bank, the Asian Development Bank, the Asian De-
 14 velopment Fund, the African Development Bank, the Afri-
 15 can Development Fund, the International Monetary Fund,
 16 the North American Development Bank, and the Euro-
 17 pean Bank for Reconstruction and Development.

18 RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO
 19 UNITED NATIONS AGENCIES

20 SEC. 502. None of the funds appropriated by this Act
 21 may be made available to pay any voluntary contribution
 22 of the United States to the United Nations (including the
 23 United Nations Development Program) if the United Na-
 24 tions implements or imposes any taxation on any United
 25 States persons.

1 LIMITATION ON RESIDENCE EXPENSES

2 SEC. 503. Of the funds appropriated or made avail-
3 able pursuant to this Act, not to exceed \$100,500 shall
4 be for official residence expenses of the United States
5 Agency for International Development during the current
6 fiscal year: *Provided*, That appropriate steps shall be
7 taken to assure that, to the maximum extent possible,
8 United States-owned foreign currencies are utilized in lieu
9 of dollars.

10 LIMITATION ON EXPENSES

11 SEC. 504. Of the funds appropriated or made avail-
12 able pursuant to this Act, not to exceed \$5,000 shall be
13 for entertainment expenses of the United States Agency
14 for International Development during the current fiscal
15 year.

16 LIMITATION ON REPRESENTATIONAL ALLOWANCES

17 SEC. 505. Of the funds appropriated or made avail-
18 able pursuant to this Act, not to exceed \$125,000 shall
19 be available for representation allowances for the United
20 States Agency for International Development during the
21 current fiscal year: *Provided*, That appropriate steps shall
22 be taken to assure that, to the maximum extent possible,
23 United States-owned foreign currencies are utilized in lieu
24 of dollars: *Provided further*, That of the funds made avail-
25 able by this Act for general costs of administering military
26 assistance and sales under the heading “Foreign Military

1 Financing Program”, not to exceed \$2,000 shall be avail-
 2 able for entertainment expenses and not to exceed
 3 \$125,000 shall be available for representation allowances:
 4 *Provided further*, That of the funds made available by this
 5 Act under the heading “International Military Education
 6 and Training”, not to exceed \$50,000 shall be available
 7 for entertainment allowances: *Provided further*, That of
 8 the funds made available by this Act for the Inter-Amer-
 9 ican Foundation, not to exceed \$2,000 shall be available
 10 for entertainment and representation allowances: *Provided*
 11 *further*, That of the funds made available by this Act for
 12 the Peace Corps, not to exceed a total of \$4,000 shall be
 13 available for entertainment expenses: *Provided further*,
 14 That of the funds made available by this Act under the
 15 heading “Trade and Development Agency”, not to exceed
 16 \$2,000 shall be available for representation and entertain-
 17 ment allowances: *Provided further*, That of the funds made
 18 available by this Act under the heading “Millennium Chal-
 19 lenge Corporation”, not to exceed \$100,000 shall be avail-
 20 able for representation allowances.

21 PROHIBITION ON TAXATION OF UNITED STATES

22 ASSISTANCE

23 SEC. 506. (a) PROHIBITION ON TAXATION.—None of
 24 the funds appropriated by this Act may be made available
 25 to provide assistance for a foreign country under a new
 26 bilateral agreement governing the terms and conditions

1 under which such assistance is to be provided unless such
2 agreement includes a provision stating that assistance pro-
3 vided by the United States shall be exempt from taxation,
4 or reimbursed, by the foreign government, and the Sec-
5 retary of State shall expeditiously seek to negotiate
6 amendments to existing bilateral agreements, as nec-
7 essary, to conform with this requirement.

8 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
9 amount equivalent to 200 percent of the total taxes as-
10 sessed during fiscal year 2005 on funds appropriated by
11 this Act by a foreign government or entity against com-
12 modities financed under United States assistance pro-
13 grams for which funds are appropriated by this Act, either
14 directly or through grantees, contractors and subcontrac-
15 tors shall be withheld from obligation from funds appro-
16 priated for assistance for fiscal year 2006 and allocated
17 for the central government of such country and for the
18 West Bank and Gaza Program to the extent that the Sec-
19 retary of State certifies and reports in writing to the Com-
20 mittees on Appropriations that such taxes have not been
21 reimbursed to the Government of the United States.

22 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
23 minimis nature shall not be subject to the provisions of
24 subsection (b).

1 (d) REPROGRAMMING OF FUNDS.—Funds withheld
2 from obligation for each country or entity pursuant to sub-
3 section (b) shall be reprogrammed for assistance to coun-
4 tries which do not assess taxes on United States assistance
5 or which have an effective arrangement that is providing
6 substantial reimbursement of such taxes.

7 (e) DETERMINATIONS.—

8 (1) The provisions of this section shall not
9 apply to any country or entity the Secretary of State
10 determines—

11 (A) does not assess taxes on United States
12 assistance or which has an effective arrange-
13 ment that is providing substantial reimburse-
14 ment of such taxes; or

15 (B) the foreign policy interests of the
16 United States outweigh the policy of this sec-
17 tion to ensure that United States assistance is
18 not subject to taxation.

19 (2) The Secretary of State shall consult with
20 the Committees on Appropriations at least 15 days
21 prior to exercising the authority of this subsection
22 with regard to any country or entity.

23 (f) IMPLEMENTATION.—The Secretary of State shall
24 issue rules, regulations, or policy guidance, as appropriate,

1 to implement the prohibition against the taxation of assist-
2 ance contained in this section.

3 (g) DEFINITIONS.—As used in this section—

4 (1) the terms “taxes” and “taxation” refer to
5 value added taxes and customs duties imposed on
6 commodities financed with United States assistance
7 for programs for which funds are appropriated by
8 this Act; and

9 (2) the term “bilateral agreement” refers to a
10 framework bilateral agreement between the Govern-
11 ment of the United States and the government of
12 the country receiving assistance that describes the
13 privileges and immunities applicable to United
14 States foreign assistance for such country generally,
15 or an individual agreement between the Government
16 of the United States and such government that de-
17 scribes, among other things, the treatment for tax
18 purposes that will be accorded the United States as-
19 sistance provided under that agreement.

20 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
21 COUNTRIES

22 SEC. 507. None of the funds appropriated or other-
23 wise made available pursuant to this Act shall be obligated
24 or expended to finance directly any assistance or repara-
25 tions to Cuba, Libya, North Korea, Iran, or Syria: *Pro-*
26 *vided*, That for purposes of this section, the prohibition

1 on obligations or expenditures shall include direct loans,
 2 credits, insurance and guarantees of the Export-Import
 3 Bank or its agents.

4 MILITARY COUPS

5 SEC. 508. None of the funds appropriated or other-
 6 wise made available pursuant to this Act shall be obligated
 7 or expended to finance directly any assistance to the gov-
 8 ernment of any country whose duly elected head of govern-
 9 ment is deposed by decree or military coup: *Provided*, That
 10 assistance may be resumed to such government if the
 11 President determines and certifies to the Committees on
 12 Appropriations that subsequent to the termination of as-
 13 sistance a democratically elected government has taken of-
 14 fice: *Provided further*, That the provisions of this section
 15 shall not apply to assistance to promote democratic elec-
 16 tions or public participation in democratic processes: *Pro-*
 17 *vided further*, That funds made available pursuant to the
 18 previous provisos shall be subject to the regular notifica-
 19 tion procedures of the Committees on Appropriations.

20 TRANSFERS

21 SEC. 509. (a)(1) LIMITATION ON TRANSFERS BE-
 22 TWEEN AGENCIES.—None of the funds made available by
 23 this Act may be transferred to any department, agency,
 24 or instrumentality of the United States Government, ex-
 25 cept pursuant to a transfer made by, or transfer authority
 26 provided in, this Act or any other appropriation Act.

1 (2) Notwithstanding paragraph (1), in addition to
2 transfers made by, or authorized elsewhere in, this Act,
3 funds appropriated by this Act to carry out the purposes
4 of the Foreign Assistance Act of 1961 may be allocated
5 or transferred to agencies of the United States Govern-
6 ment pursuant to the provisions of sections 109, 610, and
7 632 of the Foreign Assistance Act of 1961.

8 (b) TRANSFERS BETWEEN ACCOUNTS.—None of the
9 funds made available by this Act may be obligated under
10 an appropriation account to which they were not appro-
11 priated, except for transfers specifically provided for in
12 this Act, unless the President, not less than five days prior
13 to the exercise of any authority contained in the Foreign
14 Assistance Act of 1961 to transfer funds, consults with
15 and provides a written policy justification to the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate.

18 (c) AUDIT OF INTER-AGENCY TRANSFERS.—Any
19 agreement for the transfer or allocation of funds appro-
20 priated by this Act, or prior Acts, entered into between
21 the United States Agency for International Development
22 and another agency of the United States Government
23 under the authority of section 632(a) of the Foreign As-
24 sistance Act of 1961 or any comparable provision of law,
25 shall expressly provide that the Office of the Inspector

1 General for the agency receiving the transfer or allocation
2 of such funds shall perform periodic program and financial
3 audits of the use of such funds: *Provided*, That funds
4 transferred under such authority may be made available
5 for the cost of such audits.

6 COMMERCIAL LEASING OF DEFENSE ARTICLES

7 SEC. 510. Notwithstanding any other provision of
8 law, and subject to the regular notification procedures of
9 the Committees on Appropriations, the authority of sec-
10 tion 23(a) of the Arms Export Control Act may be used
11 to provide financing to Israel, Egypt and NATO and
12 major non-NATO allies for the procurement by leasing
13 (including leasing with an option to purchase) of defense
14 articles from United States commercial suppliers, not in-
15 cluding Major Defense Equipment (other than helicopters
16 and other types of aircraft having possible civilian applica-
17 tion), if the President determines that there are compel-
18 ling foreign policy or national security reasons for those
19 defense articles being provided by commercial lease rather
20 than by government-to-government sale under such Act.

21 AVAILABILITY OF FUNDS

22 SEC. 511. No part of any appropriation contained in
23 this Act shall remain available for obligation after the ex-
24 piration of the current fiscal year unless expressly so pro-
25 vided in this Act: *Provided*, That funds appropriated for
26 the purposes of chapters 1, 8, 11, and 12 of part I, section

1 667, chapters 4, 6, 8, and 9 of part II of the Foreign
 2 Assistance Act of 1961, section 23 of the Arms Export
 3 Control Act, and funds provided under the heading “As-
 4 sistance for Eastern Europe and the Baltic States”, shall
 5 remain available for an additional four years from the date
 6 on which the availability of such funds would otherwise
 7 have expired, if such funds are initially obligated before
 8 the expiration of their respective periods of availability
 9 contained in this Act: *Provided further*, That, notwith-
 10 standing any other provision of this Act, any funds made
 11 available for the purposes of chapter 1 of part I and chap-
 12 ter 4 of part II of the Foreign Assistance Act of 1961
 13 which are allocated or obligated for cash disbursements
 14 in order to address balance of payments or economic policy
 15 reform objectives, shall remain available until expended.

16 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

17 SEC. 512. No part of any appropriation contained in
 18 this Act shall be used to furnish assistance to the govern-
 19 ment of any country which is in default during a period
 20 in excess of one calendar year in payment to the United
 21 States of principal or interest on any loan made to the
 22 government of such country by the United States pursuant
 23 to a program for which funds are appropriated under this
 24 Act unless the President determines, following consulta-
 25 tions with the Committees on Appropriations, that assist-

1 ance to such country is in the national interest of the
2 United States.

3 COMMERCE AND TRADE

4 SEC. 513. (a) None of the funds appropriated or
5 made available pursuant to this Act for direct assistance
6 and none of the funds otherwise made available pursuant
7 to this Act to the Export-Import Bank and the Overseas
8 Private Investment Corporation shall be obligated or ex-
9 pended to finance any loan, any assistance or any other
10 financial commitments for establishing or expanding pro-
11 duction of any commodity for export by any country other
12 than the United States, if the commodity is likely to be
13 in surplus on world markets at the time the resulting pro-
14 ductive capacity is expected to become operative and if the
15 assistance will cause substantial injury to United States
16 producers of the same, similar, or competing commodity:
17 *Provided*, That such prohibition shall not apply to the Ex-
18 port-Import Bank if in the judgment of its Board of Direc-
19 tors the benefits to industry and employment in the
20 United States are likely to outweigh the injury to United
21 States producers of the same, similar, or competing com-
22 modity, and the Chairman of the Board so notifies the
23 Committees on Appropriations.

24 (b) None of the funds appropriated by this or any
25 other Act to carry out chapter 1 of part I of the Foreign
26 Assistance Act of 1961 shall be available for any testing

1 or breeding feasibility study, variety improvement or intro-
 2 duction, consultancy, publication, conference, or training
 3 in connection with the growth or production in a foreign
 4 country of an agricultural commodity for export which
 5 would compete with a similar commodity grown or pro-
 6 duced in the United States: *Provided*, That this subsection
 7 shall not prohibit—

8 (1) activities designed to increase food security
 9 in developing countries where such activities will not
 10 have a significant impact on the export of agricul-
 11 tural commodities of the United States; or

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

14 SURPLUS COMMODITIES

15 SEC. 514. The Secretary of the Treasury shall in-
 16 struct the United States Executive Directors of the Inter-
 17 national Bank for Reconstruction and Development, the
 18 International Development Association, the International
 19 Finance Corporation, the Inter-American Development
 20 Bank, the International Monetary Fund, the Asian Devel-
 21 opment Bank, the Inter-American Investment Corpora-
 22 tion, the North American Development Bank, the Euro-
 23 pean Bank for Reconstruction and Development, the Afri-
 24 can Development Bank, and the African Development
 25 Fund to use the voice and vote of the United States to
 26 oppose any assistance by these institutions, using funds

1 appropriated or made available pursuant to this Act, for
 2 the production or extraction of any commodity or mineral
 3 for export, if it is in surplus on world markets and if the
 4 assistance will cause substantial injury to United States
 5 producers of the same, similar, or competing commodity.

6 NOTIFICATION REQUIREMENTS

7 SEC. 515. For the purposes of providing the executive
 8 branch with the necessary administrative flexibility, none
 9 of the funds made available under this Act for “Child Sur-
 10 vival and Health Programs Fund”, “Development Assist-
 11 ance”, “International Organizations and Programs”,
 12 “Trade and Development Agency”, “International Nar-
 13 cotics Control and Law Enforcement”, “Andean
 14 Counterdrug Initiative”, “Assistance for Eastern Europe
 15 and the Baltic States”, “Assistance for the Independent
 16 States of the Former Soviet Union”, “Economic Support
 17 Fund”, “Global HIV/AIDS Initiative”, “Peacekeeping
 18 Operations”, “Capital Investment Fund”, “Operating Ex-
 19 penses of the United States Agency for International De-
 20 velopment”, “Operating Expenses of the United States
 21 Agency for International Development Office of Inspector
 22 General”, “Nonproliferation, Anti-terrorism, Demining
 23 and Related Programs”, “Millennium Challenge Corpora-
 24 tion” (by country only), “Foreign Military Financing Pro-
 25 gram”, “International Military Education and Training”,
 26 “Peace Corps”, and “Migration and Refugee Assistance”,

1 shall be available for obligation for activities, programs,
2 projects, type of materiel assistance, countries, or other
3 operations not justified or in excess of the amount justi-
4 fied to the Committees on Appropriations for obligation
5 under any of these specific headings unless the Commit-
6 tees on Appropriations of both Houses of Congress are
7 previously notified 15 days in advance: *Provided*, That the
8 President shall not enter into any commitment of funds
9 appropriated for the purposes of section 23 of the Arms
10 Export Control Act for the provision of major defense
11 equipment, other than conventional ammunition, or other
12 major defense items defined to be aircraft, ships, missiles,
13 or combat vehicles, not previously justified to Congress or
14 20 percent in excess of the quantities justified to Congress
15 unless the Committees on Appropriations are notified 15
16 days in advance of such commitment: *Provided further*,
17 That this section shall not apply to any reprogramming
18 for an activity, program, or project for which funds are
19 appropriated under title II of this Act of less than 10 per-
20 cent of the amount previously justified to the Congress
21 for obligation for such activity, program, or project for the
22 current fiscal year: *Provided further*, That all
23 reprogrammings of funds appropriated by this Act and
24 prior Acts under the headings “International Narcotics
25 Control and Law Enforcement” and “Andean

1 Counterdrug Initiative” by the Department of State shall
2 be subject to the same review and approval procedures by
3 the Department of State as apply to the reprogramming
4 by the Department of funds appropriated under the head-
5 ing “Economic Support Fund”: *Provided further*, That the
6 requirements of this section or any similar provision of
7 this Act or any other Act, including any prior Act requir-
8 ing notification in accordance with the regular notification
9 procedures of the Committees on Appropriations, may be
10 waived if failure to do so would pose a substantial risk
11 to human health or welfare: *Provided further*, That in case
12 of any such waiver, notification to the Congress, or the
13 appropriate congressional committees, shall be provided as
14 early as practicable, but in no event later than 3 days after
15 taking the action to which such notification requirement
16 was applicable, in the context of the circumstances neces-
17 sitating such waiver: *Provided further*, That any notifica-
18 tion provided pursuant to such a waiver shall contain an
19 explanation of the emergency circumstances.

20 LIMITATION ON AVAILABILITY OF FUNDS FOR

21 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

22 SEC. 516. Subject to the regular notification proce-
23 dures of the Committees on Appropriations, funds appro-
24 priated under this Act or any previously enacted Act mak-
25 ing appropriations for foreign operations, export financ-
26 ing, and related programs, which are returned or not made

1 available for organizations and programs because of the
2 implementation of section 307(a) of the Foreign Assist-
3 ance Act of 1961, shall remain available for obligation
4 until September 30, 2006.

5 INDEPENDENT STATES OF THE FORMER SOVIET UNION

6 SEC. 517. (a) None of the funds appropriated under
7 the heading “Assistance for the Independent States of the
8 Former Soviet Union” shall be made available for assist-
9 ance for a government of an Independent State of the
10 former Soviet Union if that government directs any action
11 in violation of the territorial integrity or national sov-
12 ereignty of any other Independent State of the former So-
13 viet Union, such as those violations included in the Hel-
14 sinki Final Act: *Provided*, That such funds may be made
15 available without regard to the restriction in this sub-
16 section if the President determines that to do so is in the
17 national security interest of the United States.

18 (b) None of the funds appropriated under the heading
19 “Assistance for the Independent States of the Former So-
20 viet Union” shall be made available for any state to en-
21 hance its military capability: *Provided*, That this restric-
22 tion does not apply to demilitarization, demining or non-
23 proliferation programs.

24 (c) Funds appropriated under the heading “Assist-
25 ance for the Independent States of the Former Soviet
26 Union” for the Russian Federation, Armenia, Georgia,

1 and Ukraine shall be subject to the regular notification
2 procedures of the Committees on Appropriations.

3 (d) Funds made available in this Act for assistance
4 for the Independent States of the former Soviet Union
5 shall be subject to the provisions of section 117 (relating
6 to environment and natural resources) of the Foreign As-
7 sistance Act of 1961.

8 (e) In issuing new task orders, entering into con-
9 tracts, or making grants, with funds appropriated in this
10 Act or prior appropriations Acts under the heading “As-
11 sistance for the Independent States of the Former Soviet
12 Union” and under comparable headings in prior appro-
13 priations Acts, for projects or activities that have as one
14 of their primary purposes the fostering of private sector
15 development, the Coordinator for United States Assistance
16 to Europe and Eurasia and the implementing agency shall
17 encourage the participation of and give significant weight
18 to contractors and grantees who propose investing a sig-
19 nificant amount of their own resources (including volun-
20 teer services and in-kind contributions) in such projects
21 and activities.

22 PROHIBITION ON FUNDING FOR ABORTIONS AND

23 INVOLUNTARY STERILIZATION

24 SEC. 518. None of the funds made available to carry
25 out part I of the Foreign Assistance Act of 1961, as
26 amended, may be used to pay for the performance of abor-

1 tions as a method of family planning or to motivate or
2 coerce any person to practice abortions. None of the funds
3 made available to carry out part I of the Foreign Assist-
4 ance Act of 1961, as amended, may be used to pay for
5 the performance of involuntary sterilization as a method
6 of family planning or to coerce or provide any financial
7 incentive to any person to undergo sterilizations. None of
8 the funds made available to carry out part I of the Foreign
9 Assistance Act of 1961, as amended, may be used to pay
10 for any biomedical research which relates in whole or in
11 part, to methods of, or the performance of, abortions or
12 involuntary sterilization as a means of family planning.
13 None of the funds made available to carry out part I of
14 the Foreign Assistance Act of 1961, as amended, may be
15 obligated or expended for any country or organization if
16 the President certifies that the use of these funds by any
17 such country or organization would violate any of the
18 above provisions related to abortions and involuntary steri-
19 lizations.

20 EXPORT FINANCING TRANSFER AUTHORITIES

21 SEC. 519. Not to exceed 5 percent of any appropria-
22 tion other than for administrative expenses made available
23 for fiscal year 2005, for programs under title I of this
24 Act may be transferred between such appropriations for
25 use for any of the purposes, programs, and activities for
26 which the funds in such receiving account may be used,

1 but no such appropriation, except as otherwise specifically
 2 provided, shall be increased by more than 25 percent by
 3 any such transfer: *Provided*, That the exercise of such au-
 4 thority shall be subject to the regular notification proce-
 5 dures of the Committees on Appropriations.

6 SPECIAL NOTIFICATION REQUIREMENTS

7 SEC. 520. None of the funds appropriated by this Act
 8 shall be obligated or expended for Liberia, Serbia, Sudan,
 9 Zimbabwe, Pakistan, Cambodia, or Haiti except as pro-
 10 vided through the regular notification procedures of the
 11 Committees on Appropriations.

12 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

13 SEC. 521. For the purpose of this Act, “program,
 14 project, and activity” shall be defined at the appropria-
 15 tions Act account level and shall include all appropriations
 16 and authorizations Acts earmarks, ceilings, and limita-
 17 tions with the exception that for the following accounts:
 18 Economic Support Fund and Foreign Military Financing
 19 Program, “program, project, and activity” shall also be
 20 considered to include country, regional, and central pro-
 21 gram level funding within each such account; for the devel-
 22 opment assistance accounts of the United States Agency
 23 for International Development “program, project, and ac-
 24 tivity” shall also be considered to include central, country,
 25 regional, and program level funding, either as: (1) justified
 26 to the Congress; or (2) allocated by the executive branch

1 in accordance with a report, to be provided to the Commit-
 2 tees on Appropriations within 30 days of the enactment
 3 of this Act, as required by section 653(a) of the Foreign
 4 Assistance Act of 1961.

5 CHILD SURVIVAL AND HEALTH ACTIVITIES

6 SEC. 522. Up to \$13,500,000 of the funds made
 7 available by this Act for assistance under the heading
 8 “Child Survival and Health Programs Fund”, may be
 9 used to reimburse United States Government agencies,
 10 agencies of State governments, institutions of higher
 11 learning, and private and voluntary organizations for the
 12 full cost of individuals (including for the personal services
 13 of such individuals) detailed or assigned to, or contracted
 14 by, as the case may be, the United States Agency for
 15 International Development for the purpose of carrying out
 16 activities under that heading: *Provided*, That up to
 17 \$3,500,000 of the funds made available by this Act for
 18 assistance under the heading “Development Assistance”
 19 may be used to reimburse such agencies, institutions, and
 20 organizations for such costs of such individuals carrying
 21 out other development assistance activities: *Provided fur-*
 22 *ther*, That funds appropriated by titles II and III of this
 23 Act that are made available for bilateral assistance for
 24 child survival activities or disease programs including ac-
 25 tivities relating to research on, and the prevention, treat-
 26 ment and control of, HIV/AIDS may be made available

1 notwithstanding any other provision of law except for the
 2 provisions under the heading “Child Survival and Health
 3 Programs Fund” and the United States Leadership
 4 Against HIV/AIDS, Tuberculosis, and Malaria Act of
 5 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-
 6 ed: *Provided further*, That of the funds appropriated under
 7 title II of this Act, not less than \$450,000,000 shall be
 8 made available for family planning/reproductive health.

9 AFGHANISTAN

10 SEC. 523. Of the funds appropriated by this Act, not
 11 less than \$504,450,000 shall be made available for hu-
 12 manitarian and reconstruction assistance for Afghanistan:
 13 *Provided*, That of the funds made available pursuant to
 14 this section, not less than \$225,000,000 should be from
 15 funds appropriated under the heading “Economic Support
 16 Fund”: *Provided further*, That funds appropriated by this
 17 Act that are available for assistance for the Afghan Na-
 18 tional Army should be made available if members of the
 19 Army have been vetted for any involvement in terrorism,
 20 human rights violations, drug trafficking, and other seri-
 21 ous criminal activity: *Provided further*, That of the funds
 22 made available pursuant to this section, not less than
 23 \$2,000,000 should be made available for reforestation ac-
 24 tivities: *Provided further*, That funds made available pur-
 25 suant to the previous proviso should be matched, to the
 26 maximum extent possible, with contributions from Amer-

1 ican and Afghan businesses: *Provided further*, That of the
2 funds made available pursuant to this section, not less
3 than \$2,000,000 shall be made available for the Afghan
4 Independent Human Rights Commission and for other Af-
5 ghan human rights organizations: *Provided further*, That
6 of the funds made available pursuant to this section, not
7 less than \$50,000,000 shall be made available to support
8 programs that directly address the needs of Afghan
9 women and girls, of which not less than \$15,000,000 shall
10 be made available for small grants to support training and
11 equipment to improve the capacity of women-led Afghan
12 nongovernmental organizations and to support the activi-
13 ties of such organizations: *Provided further*, That not less
14 than \$2,000,000 should be made available for assistance
15 for Afghan communities and families that have suffered
16 losses as a result of the military operations.

17 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

18 SEC. 524. Prior to providing excess Department of
19 Defense articles in accordance with section 516(a) of the
20 Foreign Assistance Act of 1961, the Department of De-
21 fense shall notify the Committees on Appropriations to the
22 same extent and under the same conditions as are other
23 committees pursuant to subsection (f) of that section: *Pro-*
24 *vided*, That before issuing a letter of offer to sell excess
25 defense articles under the Arms Export Control Act, the
26 Department of Defense shall notify the Committees on

1 Appropriations in accordance with the regular notification
 2 procedures of such Committees if such defense articles are
 3 significant military equipment (as defined in section 47(9)
 4 of the Arms Export Control Act) or are valued (in terms
 5 of original acquisition cost) at \$7,000,000 or more, or if
 6 notification is required elsewhere in this Act for the use
 7 of appropriated funds for specific countries that would re-
 8 ceive such excess defense articles: *Provided further*, That
 9 such Committees shall also be informed of the original ac-
 10 quisition cost of such defense articles.

11 HIV/AIDS WORKING CAPITAL FUND

12 SEC. 525. (a) In furtherance of the purposes of sec-
 13 tion 104A of the Foreign Assistance Act of 1961, and to
 14 assist in providing a safe, secure, reliable, and sustainable
 15 supply chain of pharmaceuticals and other products need-
 16 ed to provide care and treatment of persons with HIV/
 17 AIDS and related infections, the Coordinator of the
 18 United States Government Activities to Combat HIV/
 19 AIDS Globally (the “Coordinator”) is authorized to estab-
 20 lish an HIV/AIDS Working Capital Fund (in this section
 21 referred to as the “HIV/AIDS Fund”).

22 (b) Funds deposited during any fiscal year in the
 23 HIV/AIDS Fund shall be available without fiscal year lim-
 24 itation and used for pharmaceuticals and other products
 25 needed to provide care and treatment of persons with

1 HIV/AIDS and related infections, including, but not lim-
2 ited to—

3 (1) anti-retroviral drugs;

4 (2) other pharmaceuticals and medical items
5 needed to provide care and treatment to persons
6 with HIV/AIDS and related infections;

7 (3) laboratory and other supplies for per-
8 forming tests related to the provision of care and
9 treatment to persons with HIV/AIDS and related in-
10 fections;

11 (4) other medical supplies needed for the oper-
12 ation of HIV/AIDS treatment and care centers, in-
13 cluding products needed in programs for the preven-
14 tion of mother-to-child transmission;

15 (5) pharmaceuticals and health commodities
16 needed for the provision of palliative care; and

17 (6) laboratory and clinical equipment, as well as
18 equipment needed for the transportation and care of
19 HIV/AIDS supplies, and other equipment needed to
20 provide prevention, care and treatment of HIV/
21 AIDS described above.

22 (c) There may be deposited during any fiscal year in
23 the HIV/AIDS Fund payments for HIV/AIDS pharma-
24 ceuticals and products provided from the HIV/AIDS Fund
25 received from applicable appropriations and funds of the

1 United States Agency for International Development, the
2 Department of Health and Human Services, the Depart-
3 ment of Defense, or other Federal agencies and other
4 sources at actual cost of the HIV/AIDS pharmaceuticals
5 and other products, actual cost plus the additional costs
6 of providing such HIV/AIDS pharmaceuticals and other
7 products, or at any other price agreed to by the Coordi-
8 nator or his designee.

9 (d) There may be deposited in the HIV/AIDS Fund
10 payments for the loss of, or damage to, HIV/AIDS phar-
11 maceuticals and products held in the HIV/AIDS Fund, re-
12 bates, reimbursements, refunds and other credits applica-
13 tion to the operation of the HIV/AIDS Fund.

14 (e) At the close of each fiscal year the Coordinator
15 may transfer out of the HIV/AIDS Fund to other HIV/
16 AIDS programmatic areas such amounts as the Coordi-
17 nator determines to be in excess of the needs of the HIV/
18 AIDS Fund.

19 (f) At the close of each fiscal year the Coordinator
20 shall submit a report to the Committees on Appropriations
21 detailing the financial activities of the HIV/AIDS Fund,
22 including sources of income and information regarding
23 disbursements.

24 DEMOCRACY PROGRAMS

25 SEC. 526. (a) Notwithstanding any other provision
26 of law, of the funds appropriated by this Act to carry out

1 the provisions of chapter 4 of part II of the Foreign As-
 2 sistance Act of 1961, not less than \$35,000,000 shall be
 3 made available for assistance for activities to support de-
 4 mocracy, human rights, and the rule of law in the People's
 5 Republic of China and Hong Kong: *Provided*, That funds
 6 appropriated under the heading "Economic Support
 7 Fund" should be made available for assistance for Taiwan
 8 for the purposes of furthering political and legal reforms:
 9 *Provided further*, That such funds shall only be made
 10 available to the extent that they are matched from sources
 11 other than the United States Government: *Provided fur-*
 12 *ther*, That funds made available pursuant to the authority
 13 of this subsection shall be subject to the regular notifica-
 14 tion procedures of the Committees on Appropriations.

15 (b)(1) In addition to the funds made available in sub-
 16 section (a), of the funds appropriated by this Act under
 17 the heading "Economic Support Fund" not less than
 18 \$25,000,000 shall be made available for programs and ac-
 19 tivities to foster democracy, human rights, civic education,
 20 women's development, press freedom, and the rule of law
 21 in countries with a significant Muslim population, and
 22 where such programs and activities would be important
 23 to United States efforts to respond to, deter, or prevent
 24 acts of international terrorism: *Provided*, That funds made
 25 available pursuant to the authority of this subsection

1 should support new initiatives and activities in those coun-
2 tries: *Provided further*, That of the funds appropriated
3 under this heading, \$3,000,000 shall be made available
4 for programs and activities that provide professional train-
5 ing for journalists, of which \$2,000,000 shall be made
6 available to Internews: *Provided further*, That of the funds
7 appropriated under such heading, in addition to other
8 amounts made available for Egypt in this Act, funds shall
9 be made available to support civil society organizations
10 working for democracy, human rights, and the rule of law
11 in Egypt: *Provided further*, That notwithstanding any
12 other provision of law, not less than \$3,000,000 of such
13 funds may be used for making grants to educational, hu-
14 manitarian and nongovernmental organizations and indi-
15 viduals inside Iran to support the advancement of democ-
16 racy and human rights in Iran: *Provided further*, That not-
17 withstanding any other provision of law, funds appro-
18 priated pursuant to the authority of this subsection may
19 be made available for democracy, human rights, and rule
20 of law programs for Syria: *Provided further*, That funds
21 made available pursuant to this subsection shall be subject
22 to the regular notification procedures of the Committees
23 on Appropriations.

24 (2) In addition to funds made available under sub-
25 sections (a) and (b)(1), of the funds appropriated by this

1 Act under the heading “Economic Support Fund” not less
2 than \$5,000,000 shall be made available for programs and
3 activities of the National Endowment for Democracy to
4 foster democracy, human rights, civic education, women’s
5 development, press freedom, and the rule of law in coun-
6 tries in sub-Saharan Africa, and not less than \$1,500,000
7 shall be made available for such programs and activities
8 of the National Endowment for Democracy in countries
9 in Asia.

10 (c) Of the funds made available under subsection (a),
11 not less than \$15,000,000 shall be made available for the
12 Human Rights and Democracy Fund of the Bureau of De-
13 mocracy, Human Rights and Labor, Department of State,
14 to support the activities described in subsection (a), and
15 of the funds made available under subsection (b)(1), not
16 less than \$15,000,000 shall be made available for such
17 Fund to support the activities described in subsection
18 (b)(1): *Provided*, That the total amount of funds made
19 available by this Act under “Economic Support Fund” for
20 activities of the Bureau of Democracy, Human Rights and
21 Labor, Department of State, including funds available in
22 this section, shall be not less than \$57,000,000.

23 (d) Of the funds made available under subsection (a),
24 not less than \$10,000,000 shall be made available for the
25 National Endowment for Democracy to support the activi-

1 ties described in subsection (a), and of the funds made
 2 available under subsection (b)(1), not less than
 3 \$5,000,000 shall be made available for the National En-
 4 dowment for Democracy to support the activities described
 5 in subsection (b)(1): *Provided*, That the Secretary of State
 6 shall provide a report to the Committees on Appropria-
 7 tions within 120 days of the date of enactment of this
 8 Act on the status of the allocation and obligation of such
 9 funds.

10 (e) Of the funds made available under subsection (a),
 11 \$10,000,000 shall be made available to American edu-
 12 cational institutions for programs and activities in the
 13 People's Republic of China relating to the environment,
 14 democracy and the rule of law: *Provided*, That funds avail-
 15 able under this subsection shall be made available subject
 16 to prior consultation with the Committees on Appropria-
 17 tions.

18 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
 19 COUNTRIES

20 SEC. 527. (a) Funds appropriated for bilateral assist-
 21 ance under any heading of this Act and funds appro-
 22 priated under any such heading in a provision of law en-
 23 acted prior to the enactment of this Act, shall not be made
 24 available to any country which the President determines—

14 DEBT-FOR-DEVELOPMENT

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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 depos-

1 ited in a separate account pursuant to subsection (a), or
 2 an equivalent amount of local currencies, shall be used
 3 only—

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

7 (i) project and sector assistance activities;

8 or

9 (ii) debt and deficit financing; or

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

12 (3) PROGRAMMING ACCOUNTABILITY.—The United
 13 States Agency for International Development shall take all
 14 necessary steps to ensure that the equivalent of the local
 15 currencies disbursed pursuant to subsection (a)(2)(A)
 16 from the separate account established pursuant to sub-
 17 section (a)(1) are used for the purposes agreed upon pur-
 18 suant to subsection (a)(2).

19 (4) TERMINATION OF ASSISTANCE PROGRAMS.—
 20 Upon termination of assistance to a country under chapter
 21 1 or 10 of part I or chapter 4 of part II (as the case
 22 may be), any unencumbered balances of funds which re-
 23 main in a separate account established pursuant to sub-
 24 section (a) shall be disposed of for such purposes as may

1 be agreed to by the government of that country and the
2 United States Government.

3 (5) REPORTING REQUIREMENT.—The Administrator
4 of the United States Agency for International Develop-
5 ment shall report on an annual basis as part of the jus-
6 tification documents submitted to the Committees on Ap-
7 propriations on the use of local currencies for the adminis-
8 trative requirements of the United States Government as
9 authorized in subsection (a)(2)(B), and such report shall
10 include the amount of local currency (and United States
11 dollar equivalent) used and/or to be used for such purpose
12 in each applicable country.

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

21 (2) APPLICABILITY OF OTHER PROVISIONS OF
22 LAW.—Such funds may be obligated and expended not-
23 withstanding provisions of law which are inconsistent with
24 the nature of this assistance including provisions which
25 are referenced in the Joint Explanatory Statement of the

1 Committee of Conference accompanying House Joint Res-
2 olution 648 (House Report No. 98–1159).

3 (3) NOTIFICATION.—At least 15 days prior to obli-
4 gating any such cash transfer or nonproject sector assist-
5 ance, the President shall submit a notification through the
6 regular notification procedures of the Committees on Ap-
7 propriations, which shall include a detailed description of
8 how the funds proposed to be made available will be used,
9 with a discussion of the United States interests that will
10 be served by the assistance (including, as appropriate, a
11 description of the economic policy reforms that will be pro-
12 moted by such assistance).

13 (4) EXEMPTION.—Nonproject sector assistance funds
14 may be exempt from the requirements of subsection (b)(1)
15 only through the notification procedures of the Commit-
16 tees on Appropriations.

17 ENTERPRISE FUND RESTRICTIONS

18 SEC. 530. (a) Prior to the distribution of any assets
19 resulting from any liquidation, dissolution, or winding up
20 of an Enterprise Fund, in whole or in part, the President
21 shall submit to the Committees on Appropriations, in ac-
22 cordance with the regular notification procedures of the
23 Committees on Appropriations, a plan for the distribution
24 of the assets of the Enterprise Fund.

1 (b) Funds made available by this Act for Enterprise
2 Funds shall be expended at the minimum rate necessary
3 to make timely payment for projects and activities.

4 BURMA

5 SEC. 531. (a) The Secretary of the Treasury shall
6 instruct the United States executive director to each ap-
7 propriate international financial institution in which the
8 United States participates, to oppose and vote against the
9 extension by such institution of any loan or financial or
10 technical assistance or any other utilization of funds of
11 the respective bank to and for Burma.

12 (b) Of the funds appropriated under the heading
13 “Economic Support Fund”, not less than \$15,000,000
14 shall be made available to support democracy activities in
15 Burma, along the Burma-Thailand border, for activities
16 of Burmese student groups and other organizations lo-
17 cated outside Burma, and for the purpose of supporting
18 the provision of humanitarian assistance to displaced Bur-
19 mese along Burma’s borders: *Provided*, That funds made
20 available under this heading may be made available not-
21 withstanding any other provision of law: *Provided further*,
22 That in addition to assistance for Burmese refugees pro-
23 vided under the heading “Migration and Refugee Assist-
24 ance” in this Act, not less than \$4,000,000 of the funds
25 made available under this heading shall be made available
26 for humanitarian assistance for displaced Burmese and

1 host communities in Thailand, and not less than
 2 \$3,000,000 of such funds shall be made available to Thai-
 3 land-based, nongovernmental organizations operating
 4 along the Thai-Burma border to provide food, medical and
 5 other humanitarian assistance to internally displaced peo-
 6 ples in Burma: *Provided further*, That funds made avail-
 7 able under this section shall be subject to the regular noti-
 8 fication procedures of the Committees on Appropriations.

9 (c) None of the funds appropriated by this Act may
 10 be made available to the government of any country that
 11 is a major provider of weapons or other defense-related
 12 equipment to the State Peace and Development Council.

13 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
 14 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

15 SEC. 532. Unless expressly provided to the contrary,
 16 provisions of this or any other Act, including provisions
 17 contained in prior Acts authorizing or making appropria-
 18 tions for foreign operations, export financing, and related
 19 programs, shall not be construed to prohibit activities au-
 20 thorized by or conducted under the Peace Corps Act, the
 21 Inter-American Foundation Act or the African Develop-
 22 ment Foundation Act. The agency shall promptly report
 23 to the Committees on Appropriations whenever it is con-
 24 ducting activities or is proposing to conduct activities in
 25 a country for which assistance is prohibited.

1 IMPACT ON JOBS IN THE UNITED STATES

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

4 (a) any financial incentive to a business enter-
5 prise currently located in the United States for the
6 purpose of inducing such an enterprise to relocate
7 outside the United States if such incentive or in-
8 ducement is likely to reduce the number of employ-
9 ees of such business enterprise in the United States
10 because United States production is being replaced
11 by such enterprise outside the United States; or

12 (b) assistance for any program, project, or ac-
13 tivity that contributes to the violation of internation-
14 ally recognized workers rights, as defined in section
15 507(4) of the Trade Act of 1974, of workers in the
16 recipient country, including any designated zone or
17 area in that country: *Provided*, That the application
18 of section 507(4) (D) and (E) of such Act should be
19 commensurate with the level of development of the
20 recipient country and sector, and shall not preclude
21 assistance for the informal sector in such country,
22 micro and small-scale enterprise, and smallholder
23 agriculture.

24 SPECIAL AUTHORITIES

25 SEC. 534. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEB-
26 ANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED

1 CHILDREN, AND DISPLACED BURMESE.—Funds appro-
 2 priated by this Act that are made available for assistance
 3 for Afghanistan may be made available notwithstanding
 4 section 512 of this Act or any similar provision of law and
 5 section 660 of the Foreign Assistance Act of 1961, and
 6 funds appropriated in titles I and II of this Act that are
 7 made available for Iraq, Lebanon, Montenegro, Pakistan,
 8 and for victims of war, displaced children, and displaced
 9 Burmese, and to assist victims of trafficking in persons
 10 and, subject to the regular notification procedures of the
 11 Committees on Appropriations, to combat such trafficking
 12 and to address sexual and gender-based violence, may be
 13 made available notwithstanding any other provision of law.

14 (b) TROPICAL FORESTRY AND BIODIVERSITY CON-
 15 SERVATION ACTIVITIES.—Funds appropriated by this Act
 16 to carry out the provisions of sections 103 through 106,
 17 and chapter 4 of part II, of the Foreign Assistance Act
 18 of 1961 may be used, notwithstanding any other provision
 19 of law, for the purpose of supporting tropical forestry and
 20 biodiversity conservation activities and energy programs
 21 aimed at reducing greenhouse gas emissions: *Provided*,
 22 That such assistance shall be subject to sections 116,
 23 502B, and 620A of the Foreign Assistance Act of 1961.

24 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-
 25 propriated by this Act to carry out chapter 1 of part I,

1 chapter 4 of part II, and section 667 of the Foreign As-
2 sistance Act of 1961, and title II of the Agricultural Trade
3 Development and Assistance Act of 1954, may be used
4 by the United States Agency for International Develop-
5 ment to employ up to 25 personal services contractors in
6 the United States, notwithstanding any other provision of
7 law, for the purpose of providing direct, interim support
8 for new or expanded overseas programs and activities
9 managed by the agency until permanent direct hire per-
10 sonnel are hired and trained: *Provided*, That not more
11 than 10 of such contractors shall be assigned to any bu-
12 reau or office: *Provided further*, That such funds appro-
13 priated to carry out title II of the Agricultural Trade De-
14 velopment and Assistance Act of 1954, may be made avail-
15 able only for personal services contractors assigned to the
16 Office of Food for Peace.

17 (d)(1) WAIVER.—The President may waive the provi-
18 sions of section 1003 of Public Law 100–204 if the Presi-
19 dent determines and certifies in writing to the Speaker
20 of the House of Representatives and the President pro
21 tempore of the Senate that it is important to the national
22 security interests of the United States.

23 (2) PERIOD OF APPLICATION OF WAIVER.—Any waiv-
24 er pursuant to paragraph (1) shall be effective for no more

1 than a period of 6 months at a time and shall not apply
2 beyond 12 months after the enactment of this Act.

3 (e) SMALL BUSINESS.—In entering into multiple
4 award indefinite-quantity contracts with funds appro-
5 priated by this Act, the United States Agency for Inter-
6 national Development may provide an exception to the fair
7 opportunity process for placing task orders under such
8 contracts when the order is placed with any category of
9 small or small disadvantaged business.

10 (f) CONTINGENCIES.—During fiscal year 2005, the
11 President may use up to \$50,000,000 under the authority
12 of section 451 of the Foreign Assistance Act of 1961, not-
13 withstanding the funding ceiling in section 451(a).

14 (g) RECONSTITUTING CIVILIAN POLICE AUTHOR-
15 ITY.—In providing assistance with funds appropriated by
16 this Act under section 660(b)(6) of the Foreign Assistance
17 Act of 1961, support for a nation emerging from insta-
18 bility may be deemed to mean support for regional, dis-
19 trict, municipal, or other sub-national entity emerging
20 from instability, as well as a nation emerging from insta-
21 bility.

22 (h) WORLD FOOD PROGRAM.—Of the funds managed
23 by the Bureau for Democracy, Conflict, and Humanitarian
24 Assistance of the United States Agency for International
25 Development, from this or any other Act, not less than

1 \$6,000,000 shall be made available as a general contribu-
2 tion to the World Food Program, notwithstanding any
3 other provision of law.

4 (i) NATIONAL ENDOWMENT FOR DEMOCRACY.—
5 Funds appropriated by this Act that are provided to the
6 National Endowment for Democracy may be provided not-
7 withstanding any other provision of law or regulation.

8 (j) SUDAN.—For the purposes of section 501 of Pub-
9 lic Law 106–570, the terms “areas outside of control of
10 the Government of Sudan” and “area in Sudan outside
11 of control of the Government of Sudan” shall, upon con-
12 clusion of a peace agreement between the Government of
13 Sudan and the Sudan People’s Liberation Movement, have
14 the same meaning and application as was the case imme-
15 diately prior to the conclusion of such agreement.

16 (k) INDOCHINESE PAROLEES.—Section 586 of the
17 Foreign Operations, Export Financing, and Related Pro-
18 grams Appropriations Act, 2001 (8 U.S.C. 1255 note), as
19 enacted into law by section 101(a) of Public Law 106–
20 429, is amended—

21 (1) by striking “Attorney General” each place
22 that term appears and inserting “Secretary of
23 Homeland Security”;

24 (2) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “she” and inserting “the Secretary
3 of Homeland Security”; and

4 (B) in paragraph (1), by striking “within
5 three years after the date of promulgation by
6 the Attorney General of regulations in connec-
7 tion with this title”;

8 (3) in subsection (c), by striking “212(8)(A)”
9 and inserting “212(a)(8)(A)”;

10 (4) by striking subsection (d);

11 (5) by redesignating subsections (e) and (f) as
12 subsections (d) and (e), respectively;

13 (6) by adding at the end the following new sub-
14 section:

15 “(f) ADJUDICATION OF APPLICATIONS.—The Sec-
16 retary of Homeland Security shall—

17 “(1) adjudicate applications for adjustment
18 under this section, notwithstanding any limitation on
19 the number of adjustments under this section or any
20 deadline for such applications that previously existed
21 in law or regulation; and

22 “(2) not charge a fee in addition to any fee that
23 previously was submitted with such application.”;
24 and

1 (7) The amendments made by this subsection
2 shall take effect as if enacted as part of the Foreign
3 Operations, Export Financing, and Related Pro-
4 grams Appropriations Act, 2001.

5 (l) EXTENSION OF AUTHORITY.—Public Law 107–
6 57, as amended, is further amended—

7 (1) in section 1(b) by striking “2004” wherever
8 appearing (including in the caption), and inserting
9 in lieu thereof “2005”;

10 (2) in section 3(2), by striking “and “2004”
11 and inserting in lieu thereof “2004 and 2005”; and

12 (3) in section 6, by striking “2004” and insert-
13 ing in lieu thereof “2005”.

14 (m) ENDOWMENTS.—

15 (1) Of the funds appropriated by this Act and
16 prior Acts making appropriations for foreign oper-
17 ations, export financing, and related programs, that
18 are available for assistance for Cambodia, the fol-
19 lowing amounts should be made available as follows:

20 (A) \$5,000,000 for an endowment for a
21 Cambodian nongovernmental organization to
22 document genocide and crimes against human-
23 ity in Cambodia; and

24 (B) \$3,750,000 for an endowment for an
25 American nongovernmental organization to sus-

1 tain rehabilitation programs in Cambodia for
2 persons suffering from physical disabilities.

3 (2) Such organizations may place amounts
4 made available under this subsection in interest
5 bearing accounts and any interest earned on such in-
6 vestment shall be used for the purpose for which
7 funds were made available under this subsection.

8 (3) Funds appropriated in subsequent Acts
9 making appropriations for foreign operations, export
10 financing, and related programs may also be used
11 for purposes of this subsection.

12 (n) CONFORMITY OF LAWS.—Title 16, United States
13 Code is amended—

14 (1) in section 3371(f), by inserting “or foreign
15 country” after “indigenous to any State”;

16 (2) in section 3371(f)(B), by inserting “or for-
17 eign” after “State”;

18 (3) in section 3372(a)(2)(B), by inserting be-
19 fore the semicolon “or in violation of any foreign
20 law”; and

21 (4) in section 3372(a)(3)(B), by inserting be-
22 fore the semicolon “or in violation of any foreign
23 law”.

24 (o) EXTENSION OF AUTHORITY.—Chapter 5 of title
25 I of the Emergency Wartime Supplemental Appropriations

1 Act, 2003 (Public Law 108–11), is amended under the
2 heading “Loan Guarantees to Israel”—

3 (1) by striking “During the period beginning
4 March 1, 2003, and ending September 30, 2005,”
5 and inserting “During the period beginning March
6 1, 2003, and ending September 30, 2007,”; and

7 (2) by striking “That if less than the full
8 amount of guarantees authorized to be made avail-
9 able is issued prior to September 30, 2005,” and in-
10 serting “That if less than the full amount of guaran-
11 tees authorized to be made available is issued prior
12 to September 30, 2007,”.

13 ARAB LEAGUE BOYCOTT OF ISRAEL

14 SEC. 535. It is the sense of the Congress that—

15 (1) the Arab League boycott of Israel, and the
16 secondary boycott of American firms that have com-
17 mercial ties with Israel, is an impediment to peace
18 in the region and to United States investment and
19 trade in the Middle East and North Africa;

20 (2) the Arab League boycott, which was regret-
21 tably reinstated in 1997, should be immediately and
22 publicly terminated, and the Central Office for the
23 Boycott of Israel immediately disbanded;

24 (3) the three Arab League countries with diplo-
25 matic and trade relations with Israel should return
26 their ambassadors to Israel, should refrain from

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

23 SEC. 536. (a) ASSISTANCE THROUGH NONGOVERN-
24 MENTAL ORGANIZATIONS.—Restrictions contained in this
25 or any other Act with respect to assistance for a country
26 shall not be construed to restrict assistance in support of

1 programs of nongovernmental organizations from funds
2 appropriated by this Act to carry out the provisions of
3 chapters 1, 10, 11, and 12 of part I and chapter 4 of
4 part II of the Foreign Assistance Act of 1961, and from
5 funds appropriated under the heading “Assistance for
6 Eastern Europe and the Baltic States”: *Provided*, That
7 before using the authority of this subsection to furnish as-
8 sistance in support of programs of nongovernmental orga-
9 nizations, the President shall notify the Committees on
10 Appropriations under the regular notification procedures
11 of those committees, including a description of the pro-
12 gram to be assisted, the assistance to be provided, and
13 the reasons for furnishing such assistance: *Provided fur-*
14 *ther*, That nothing in this subsection shall be construed
15 to alter any existing statutory prohibitions against abor-
16 tion or involuntary sterilizations contained in this or any
17 other Act.

18 (b) PUBLIC LAW 480.—During fiscal year 2005, re-
19 strictions contained in this or any other Act with respect
20 to assistance for a country shall not be construed to re-
21 strict assistance under the Agricultural Trade Develop-
22 ment and Assistance Act of 1954: *Provided*, That none
23 of the funds appropriated to carry out title I of such Act
24 and made available pursuant to this subsection may be
25 obligated or expended except as provided through the reg-

1 ular notification procedures of the Committees on Appro-
 2 priations.

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

4 (1) with respect to section 620A of the Foreign
 5 Assistance Act of 1961 or any comparable provision
 6 of law prohibiting assistance to countries that sup-
 7 port international terrorism; or

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

13 RESERVATIONS OF FUNDS

14 SEC. 537. (a) Funds appropriated by this Act which
 15 are earmarked may be reprogrammed for other programs
 16 within the same account notwithstanding the earmark if
 17 compliance with the earmark is made impossible by oper-
 18 ation of any provision of this or any other Act: *Provided*,
 19 That any such reprogramming shall be subject to the reg-
 20 ular notification procedures of the Committees on Appro-
 21 priations: *Provided further*, That assistance that is repro-
 22 grammed pursuant to this subsection shall be made avail-
 23 able under the same terms and conditions as originally
 24 provided.

25 (b) In addition to the authority contained in sub-
 26 section (a), the original period of availability of funds ap-

1 appropriated by this Act and administered by the United
 2 States Agency for International Development that are ear-
 3 marked for particular programs or activities by this or any
 4 other Act shall be extended for an additional fiscal year
 5 if the Administrator of such agency determines and re-
 6 ports promptly to the Committees on Appropriations that
 7 the termination of assistance to a country or a significant
 8 change in circumstances makes it unlikely that such ear-
 9 marked funds can be obligated during the original period
 10 of availability: *Provided*, That such earmarked funds that
 11 are continued available for an additional fiscal year shall
 12 be obligated only for the purpose of such earmark.

13 CEILINGS AND EARMARKS

14 SEC. 538. Ceilings and earmarks contained in this
 15 Act shall not be applicable to funds or authorities appro-
 16 priated or otherwise made available by any subsequent Act
 17 unless such Act specifically so directs. Earmarks or min-
 18 imum funding requirements contained in any other Act
 19 shall not be applicable to funds appropriated by this Act.

20 PROHIBITION ON PUBLICITY OR PROPAGANDA

21 SEC. 539. No part of any appropriation contained in
 22 this Act shall be used for publicity or propaganda purposes
 23 within the United States not authorized before the date
 24 of the enactment of this Act by the Congress: *Provided*,
 25 That not to exceed \$750,000 may be made available to

1 carry out the provisions of section 316 of Public Law 96–
2 533.

3 PROHIBITION OF PAYMENTS TO UNITED NATIONS

4 MEMBERS

5 SEC. 540. None of the funds appropriated or made
6 available pursuant to this Act for carrying out the Foreign
7 Assistance Act of 1961, may be used to pay in whole or
8 in part any assessments, arrearages, or dues of any mem-
9 ber of the United Nations or, from funds appropriated by
10 this Act to carry out chapter 1 of part I of the Foreign
11 Assistance Act of 1961, the costs for participation of an-
12 other country's delegation at international conferences
13 held under the auspices of multilateral or international or-
14 ganizations.

15 NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

16 SEC. 541. None of the funds appropriated or made
17 available pursuant to this Act shall be available to a non-
18 governmental organization which fails to provide upon
19 timely request any document, file, or record necessary to
20 the auditing requirements of the United States Agency for
21 International Development.

1 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-
2 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
3 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
4 TERRORISM

5 SEC. 542. (a) None of the funds appropriated or oth-
6 erwise made available by this Act may be available to any
7 foreign government which provides lethal military equip-
8 ment to a country the government of which the Secretary
9 of State has determined is a terrorist government for pur-
10 poses of section 6(j) of the Export Administration Act.
11 The prohibition under this section with respect to a for-
12 eign government shall terminate 12 months after that gov-
13 ernment ceases to provide such military equipment. This
14 section applies with respect to lethal military equipment
15 provided under a contract entered into after October 1,
16 1997.

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

21 (c) Whenever the waiver authority of subsection (b)
22 is exercised, the President shall submit to the appropriate
23 congressional committees a report with respect to the fur-
24 nishing of such assistance. Any such report shall include
25 a detailed explanation of the assistance to be provided, in-

cluding 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. 543. (a) Subject to subsection (c), of the funds
appropriated by this Act that are made available for as-
sistance for a foreign country, an amount equal to 110
percent of the total amount of the unpaid fully adjudicated
parking fines and penalties owed by the central govern-
ment of such country shall be withheld from obligation for
assistance for the central government of such country
until the Secretary of State submits a certification to the
appropriate congressional committees stating that such
parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to sub-
section (a) may be made available for other programs or
activities funded by this Act, after consultation with and
subject to the regulation notification procedures of the ap-
propriate congressional committees, provided that no such
funds shall be made available for assistance for the central
government of a foreign country that has not paid the
total amount of the fully adjudicated parking fines and
penalties owed by such country.

(c) Subsection (a) shall not include amounts that
have been withheld under any other provision of law.

1 (d) The Secretary of State may waive the require-
2 ments set forth in subsection (a) no sooner than 60 days
3 from the date of enactment of this Act, or at any time
4 with respect to a particular country, if the Secretary deter-
5 mines that it is in the national interests of the United
6 States to do so.

7 (e) Not later than 6 months after the initial exercise
8 of the waiver authority in subsection (d), the Secretary
9 of State, after consultations with the City of New York,
10 shall submit a report to the Committees on Appropriations
11 describing a strategy, including a timetable and steps cur-
12 rently being taken, to collect the parking fines and pen-
13 alties owed by nations receiving foreign assistance under
14 this Act.

15 (f) In this section:

16 (1) The term “appropriate congressional com-
17 mittees” means the Committee on Appropriations of
18 the Senate and the Committee on Appropriations of
19 the House of Representatives.

20 (2) The term “fully adjudicated” includes cir-
21 cumstances in which the person to whom the vehicle
22 is registered—

23 (A)(i) has not responded to the parking
24 violation summons; or

6 (3) The term “parking fines and penalties”
7 means parking fines and penalties—

10 (ii) New York, New York; and

13 LIMITATION ON ASSISTANCE FOR THE PLO FOR THE
14 WEST BANK AND GAZA

S 2812 PCS

1 may not be obligated for assistance for the Palestine Lib-
2 eration Organization for the West Bank and Gaza.

3 WAR CRIMES TRIBUNALS DRAWDOWN

4 SEC. 545. If the President determines that doing so
5 will contribute to a just resolution of charges regarding
6 genocide or other violations of international humanitarian
7 law, the President may direct a drawdown pursuant to sec-
8 tion 552(c) of the Foreign Assistance Act of 1961 of up
9 to \$32,000,000 of commodities and services for the United
10 Nations War Crimes Tribunal established with regard to
11 the former Yugoslavia by the United Nations Security
12 Council or such other tribunals or commissions as the
13 Council may establish or authorize to deal with such viola-
14 tions, without regard to the ceiling limitation contained
15 in paragraph (2) thereof: *Provided*, That the determina-
16 tion required under this section shall be in lieu of any de-
17 terminations otherwise required under section 552(c): *Pro-*
18 *vided further*, That the drawdown made under this section
19 for any tribunal shall not be construed as an endorsement
20 or precedent for the establishment of any standing or per-
21 manent international criminal tribunal or court: *Provided*
22 *further*, That funds made available for tribunals other
23 than Yugoslavia, Rwanda, or the Special Court for Sierra
24 Leone shall be made available subject to the regular notifi-
25 cation procedures of the Committees on Appropriations.

1 LANDMINES

2 SEC. 546. Notwithstanding any other provision of
3 law, demining equipment available to the United States
4 Agency for International Development and the Depart-
5 ment of State and used in support of the clearance of
6 landmines and unexploded ordnance for humanitarian
7 purposes may be disposed of on a grant basis in foreign
8 countries, subject to such terms and conditions as the
9 President may prescribe.

10 RESTRICTIONS CONCERNING THE PALESTINIAN

11 AUTHORITY

12 SEC. 547. None of the funds appropriated by this Act
13 may be obligated or expended to create in any part of Je-
14 rusalem a new office of any department or agency of the
15 United States Government for the purpose of conducting
16 official United States Government business with the Pal-
17 estinian Authority over Gaza and Jericho or any successor
18 Palestinian governing entity provided for in the Israel-
19 PLO Declaration of Principles: *Provided*, That this re-
20 striction shall not apply to the acquisition of additional
21 space for the existing Consulate General in Jerusalem:
22 *Provided further*, That meetings between officers and em-
23 ployees of the United States and officials of the Pales-
24 tinian Authority, or any successor Palestinian governing
25 entity provided for in the Israel-PLO Declaration of Prin-
26 ciples, for the purpose of conducting official United States

1 Government business with such authority should continue
 2 to take place in locations other than Jerusalem. As has
 3 been true in the past, officers and employees of the United
 4 States Government may continue to meet in Jerusalem on
 5 other subjects with Palestinians (including those who now
 6 occupy positions in the Palestinian Authority), have social
 7 contacts, and have incidental discussions.

8 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

9 SEC. 548. None of the funds appropriated or other-
 10 wise made available by this Act under the heading “Inter-
 11 national Military Education and Training” or “Foreign
 12 Military Financing Program” for Informational Program
 13 activities or under the headings “Child Survival and
 14 Health Programs Fund”, “Development Assistance”, and
 15 “Economic Support Fund” may be obligated or expended
 16 to pay for—

17 (1) alcoholic beverages; or

18 (2) entertainment expenses for activities that
 19 are substantially of a recreational character, includ-
 20 ing but not limited to entrance fees at sporting
 21 events, theatrical and musical productions, and
 22 amusement parks.

23 HAITI

24 SEC. 549. (a) Of the funds appropriated by this Act,
 25 not less than the following amounts shall be made avail-
 26 able for assistance for Haiti—

1 (1) \$20,000,000 from “Child Survival and
2 Health Programs Fund”, including \$2,000,000 for
3 Zanmi Lasante;

4 (2) \$25,000,000 from “Development Assist-
5 ance”, of which not less than \$15,000,000 shall be
6 made available for agriculture and environment pro-
7 grams, including \$2,000,000 for the Hillside Agri-
8 culture Production program;

9 (3) \$25,000,000 from “Economic Support
10 Fund”, which shall be made available for judicial re-
11 form programs; and

12 (4) \$10,000,000 from “International Narcotics
13 Control and Law Enforcement”, which shall be
14 made available for police training.

15 (b) The Government of Haiti shall be eligible to pur-
16 chase defense articles and services under the Arms Export
17 Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

18 (c) Not later than 60 days after enactment of this
19 Act, the Secretary of State shall submit a report to the
20 Committees on Appropriations containing an assessment
21 of the Haitian Government’s role in the trial and acquittal
22 of Louis Jodel Chamblain, and of the Haitian Govern-
23 ment’s efforts to prosecute and punish individuals respon-
24 sible for gross violations of human rights.

1 (d) Not less than 90 days after enactment of this Act,
2 the Secretary of State shall submit a report to the Com-
3 mittees on Appropriations which contains a detailed multi-
4 year assistance strategy for Haiti.

5 (e) Not later than 180 days after enactment of this
6 Act and after consultation with appropriate international
7 development organizations and Haitian officials, organiza-
8 tions and communities, the Administrator of the United
9 States Agency for International Development shall submit
10 a report to the Committees on Appropriations setting
11 forth a plan for the reforestation of areas in Haiti that
12 are vulnerable to erosion which pose significant danger to
13 human health and safety.

14 LIMITATION ON ASSISTANCE TO THE PALESTINIAN
15 AUTHORITY

16 SEC. 550. (a) PROHIBITION OF FUNDS.—None of the
17 funds appropriated by this Act to carry out the provisions
18 of chapter 4 of part II of the Foreign Assistance Act of
19 1961 may be obligated or expended with respect to pro-
20 viding funds to the Palestinian Authority.

21 (b) WAIVER.—The prohibition included in subsection
22 (a) shall not apply if the President certifies in writing to
23 the Speaker of the House of Representatives and the
24 President pro tempore of the Senate that waiving such
25 prohibition is important to the national security interests
26 of the United States.

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

5 (d) REPORT.—Whenever the waiver authority pursu-
6 ant to subsection (b) is exercised, the President shall sub-
7 mit a report to the Committees on Appropriations detail-
8 ing the steps the Palestinian Authority has taken to arrest
9 terrorists, confiscate weapons and dismantle the terrorist
10 infrastructure. The report shall also include a description
11 of how funds will be spent and the accounting procedures
12 in place to ensure that they are properly disbursed.

13 LIMITATION ON ASSISTANCE TO SECURITY FORCES

14 SEC. 551. None of the funds made available by this
15 Act may be provided to any unit of the security forces
16 of a foreign country if the Secretary of State has credible
17 evidence that such unit has committed gross violations of
18 human rights, unless the Secretary determines and reports
19 to the Committees on Appropriations that the government
20 of such country is taking effective measures to bring the
21 responsible members of the security forces unit to justice:
22 *Provided*, That nothing in this section shall be construed
23 to withhold funds made available by this Act from any
24 unit of the security forces of a foreign country not credibly
25 alleged to be involved in gross violations of human rights:
26 *Provided further*, That in the event that funds are withheld

1 from any unit pursuant to this section, the Secretary of
 2 State shall promptly inform the foreign government of the
 3 basis for such action and shall, to the maximum extent
 4 practicable, assist the foreign government in taking effec-
 5 tive measures to bring the responsible members of the se-
 6 curity forces to justice.

7 FOREIGN MILITARY TRAINING REPORT

8 SEC. 552. The annual foreign military training report
 9 required by section 656 of the Foreign Assistance Act of
 10 1961 shall be submitted by the Secretary of Defense and
 11 the Secretary of State to the Committees on Appropria-
 12 tions of the House of Representatives and the Senate by
 13 the date specified in that section.

14 AUTHORIZATION REQUIREMENT

15 SEC. 553. Funds appropriated by this Act, except
 16 funds appropriated under the headings “Trade and Devel-
 17 opment Agency”, “Millenium Challenge Corporation”, and
 18 “Global HIV/AIDS Initiative”, may be obligated and ex-
 19 pended notwithstanding section 10 of Public Law 91–672
 20 and section 15 of the State Department Basic Authorities
 21 Act of 1956.

22 CAMBODIA

23 SEC. 554. (a) The Secretary of the Treasury should
 24 instruct the United States executive directors of the inter-
 25 national financial institutions to use the voice and vote
 26 of the United States to oppose loans to the Central Gov-

1 ernment of Cambodia, except loans to meet basic human
2 needs.

3 (b)(1) None of the funds appropriated by this Act
4 may be made available for assistance for the Central Gov-
5 ernment of Cambodia.

6 (2) Paragraph (1) shall not apply to assistance for
7 basic education, reproductive and maternal and child
8 health, cultural and historic preservation, programs for
9 the prevention, treatment, and control of, and research on,
10 HIV/AIDS, tuberculosis, malaria, polio and other infec-
11 tious diseases, development and implementation of legisla-
12 tion and implementation of procedures on inter-country
13 adoptions consistent with international standards, coun-
14 ternarcotics programs, programs to combat human traf-
15 ficking that are provided through nongovernmental orga-
16 nizations, and for the Ministry of Women and Veterans
17 Affairs to combat human trafficking.

18 (c) Notwithstanding subsection (b), of the funds ap-
19 propriated by this Act under the heading “Economic Sup-
20 port Fund”, up to \$5,000,000 may be made available for
21 activities to support democracy, including assistance for
22 democratic political parties.

23 (d) Funds appropriated by this Act to carry out pro-
24 visions of section 541 of the Foreign Assistance Act of
25 1961 may be made available notwithstanding subsection

1 (b) only if at least 15 days prior to the obligation of such
 2 funds, the Secretary of State provides to the Committees
 3 on Appropriations a list of those individuals who have been
 4 credibly alleged to have ordered or carried out
 5 extrajudicial and political killings that occurred during the
 6 March 1997 grenade attack against the Khmer Nation
 7 Party.

8 (e) None of the funds appropriated or otherwise made
 9 available by this Act may be used to provide assistance
 10 to any tribunal established by the Government of Cam-
 11 bodia.

12 PALESTINIAN STATEHOOD

13 SEC. 555. (a) LIMITATION ON ASSISTANCE.—None
 14 of the funds appropriated by this Act may be provided
 15 to support a Palestinian state unless the Secretary of
 16 State determines and certifies to the appropriate congres-
 17 sional committees that—

18 (1) a new leadership of a Palestinian governing
 19 entity has been democratically elected through cred-
 20 ible and competitive elections;

21 (2) the elected governing entity of a new Pales-
 22 tinian state—

23 (A) has demonstrated a firm commitment
 24 to peaceful co-existence with the State of Israel;

25 (B) is taking appropriate measures to
 26 counter terrorism and terrorist financing in the

1 West Bank and Gaza, including the dismantling
2 of terrorist infrastructures;

3 (C) is establishing a new Palestinian secu-
4 rity entity that is cooperative with appropriate
5 Israeli and other appropriate security organiza-
6 tions; and

7 (3) the Palestinian Authority (or the governing
8 body of a new Palestinian state) is working with
9 other countries in the region to vigorously pursue ef-
10 forts to establish a just, lasting, and comprehensive
11 peace in the Middle East that will enable Israel and
12 an independent Palestinian state to exist within the
13 context of full and normal relationships, which
14 should include—

15 (A) termination of all claims or states of
16 belligerency;

17 (B) respect for and acknowledgement of
18 the sovereignty, territorial integrity, and polit-
19 ical independence of every state in the area
20 through measures including the establishment
21 of demilitarized zones;

22 (C) their right to live in peace within se-
23 cure and recognized boundaries free from
24 threats or acts of force;

1 (D) freedom of navigation through inter-
2 national waterways in the area; and

3 (E) a framework for achieving a just set-
4 tlement of the refugee problem.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the newly elected governing entity should enact
7 a constitution assuring the rule of law, an independent ju-
8 diciary, and respect for human rights for its citizens, and
9 should enact other laws and regulations assuring trans-
10 parent and accountable governance.

11 (c) WAIVER.—The President may waive subsection
12 (a) if he determines that it is important to the national
13 security interests of the United States to do so.

14 (d) EXEMPTION.—The restriction in subsection (a)
15 shall not apply to assistance intended to help reform the
16 Palestinian Authority and affiliated institutions, or a
17 newly elected governing entity, in order to help meet the
18 requirements of subsection (a), consistent with the provi-
19 sions of section 550 of this Act (“Limitation on Assistance
20 to the Palestinian Authority”).

21 COLOMBIA

22 SEC. 556. (a) DETERMINATION AND CERTIFICATION
23 REQUIRED.—Notwithstanding any other provision of law,
24 funds appropriated by this Act that are available for as-
25 sistance for the Colombian Armed Forces, may be made
26 available as follows:

1 (1) Up to 75 percent of such funds may be obli-
2 gated prior to a determination and certification by
3 the Secretary of State pursuant to paragraph (2).

4 (2) Up to 12.5 percent of such funds may be
5 obligated only after the Secretary of State certifies
6 and reports to the appropriate congressional com-
7 mittees that:

8 (A) The Commander General of the Co-
9 lombian Armed Forces is suspending from the
10 Armed Forces those members, of whatever rank
11 who, according to the Minister of Defense or
12 the Procuraduria General de la Nacion, have
13 been credibly alleged to have committed gross
14 violations of human rights, including extra-judi-
15 cial killings, or to have aided or abetted para-
16 military organizations.

17 (B) The Colombian Government is vigor-
18 ously investigating and prosecuting those mem-
19 bers of the Colombian Armed Forces, of what-
20 ever rank, who have been credibly alleged to
21 have committed gross violations of human
22 rights, including extra-judicial killings, or to
23 have aided or abetted paramilitary organiza-
24 tions, and is promptly punishing those members
25 of the Colombian Armed Forces found to have

1 committed such violations of human rights or to
2 have aided or abetted paramilitary organiza-
3 tions.

4 (C) The Colombian Armed Forces have
5 made substantial progress in cooperating with
6 civilian prosecutors and judicial authorities in
7 such cases (including providing requested infor-
8 mation, such as the identity of persons sus-
9 pended from the Armed Forces and the nature
10 and cause of the suspension, and access to wit-
11 nesses, relevant military documents, and other
12 requested information).

13 (D) The Colombian Armed Forces have
14 made substantial progress in severing links (in-
15 cluding denying access to military intelligence,
16 vehicles, and other equipment or supplies, and
17 ceasing other forms of active or tacit coopera-
18 tion) at the command, battalion, and brigade
19 levels, with paramilitary organizations, espe-
20 cially in regions where these organizations have
21 a significant presence.

22 (E) The Colombian Government is disman-
23 tling paramilitary leadership and financial net-
24 works by arresting commanders and financial

1 backers, especially in regions where these net-
2 works have a significant presence.

3 (3) The balance of such funds may be obligated
4 after July 31, 2005, if the Secretary of State cer-
5 tifies and reports to the appropriate congressional
6 committees, after such date, that the Colombian
7 Armed Forces are continuing to meet the conditions
8 contained in paragraph (2) and are conducting vig-
9 orous operations to restore government authority
10 and respect for human rights in areas under the ef-
11 fective control of paramilitary and guerrilla organi-
12 zations.

13 (b) CONGRESSIONAL NOTIFICATION.—Funds made
14 available by this Act for the Colombian Armed Forces
15 shall be subject to the regular notification procedures of
16 the Committees on Appropriations.

17 (c) CONSULTATIVE PROCESS.—

18 (1) Prior to making the certifications required
19 by subsection (a), the Secretary of State shall re-
20 quest the opinion of the Office of the United Nations
21 High Commissioner for Human Rights in Colombia
22 and consult with the International Committee of the
23 Red Cross regarding each of the conditions specified
24 in paragraphs (2)(A) through (E) of that subsection.

(2) Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2006, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(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. 557. (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,

1 facilitate, or otherwise foster the activities of such
2 groups; or

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

7 (b) WAIVER.—Subsection (a) shall not apply if the
8 Secretary of State determines and certifies to the appro-
9 priate congressional committees, on a case-by-case basis,
10 that the issuance of a visa to the alien is necessary to
11 support the peace process in Colombia or for urgent hu-
12 manitarian reasons.

13 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
14 BROADCASTING CORPORATION

15 SEC. 558. None of the funds appropriated or other-
16 wise made available by this Act may be used to provide
17 equipment, technical support, consulting services, or any
18 other form of assistance to the Palestinian Broadcasting
19 Corporation.

20 WEST BANK AND GAZA PROGRAM

21 SEC. 559. (a) OVERSIGHT.—For fiscal year 2005, 30
22 days prior to the initial obligation of funds for the bilateral
23 West Bank and Gaza Program, the Secretary of State
24 shall certify to the appropriate committees of Congress
25 that procedures have been established to assure the Comp-
26 troller General of the United States will have access to

1 appropriate United States financial information in order
2 to review the uses of United States assistance for the Pro-
3 gram funded under the heading “Economic Support
4 Fund” for the West Bank and Gaza.

5 (b) VETTING.—Prior to the obligation of funds ap-
6 propriated by this Act under the heading “Economic Sup-
7 port Fund” for assistance for the West Bank and Gaza,
8 the Secretary of State shall take all appropriate steps to
9 ensure that such assistance is not provided to or through
10 any individual, private or government entity, or edu-
11 cational institution that the Secretary knows or has reason
12 to believe advocates, plans, sponsors, engages in, or has
13 engaged in, terrorist activity. The Secretary of State shall,
14 as appropriate, establish procedures specifying the steps
15 to be taken in carrying out this subsection and shall termi-
16 nate assistance to any individual, entity, or educational in-
17 stitution which he has determined to be involved in or ad-
18 vocating terrorist activity.

19 (c) CERTIFICATION.—Prior to making an award of
20 any grant or cooperative agreement obligating funds ap-
21 propriated by this Act for assistance under the West Bank
22 and Gaza program, the United States Agency for Inter-
23 national Development shall obtain from the proposed re-
24 cipient of such funds a certification to the effect that the
25 recipient will take all reasonable steps to ensure that it

1 does not, and will not, knowingly provide material support
2 or resources to any individual or entity that engages in,
3 or has engaged in, terrorist acts: *Provided*, That such cer-
4 tification shall also require that the proposed recipient will
5 implement reasonable monitoring and oversight procedure
6 to safeguard against assistance being diverted to support
7 terrorist activity.

8 (d) PROHIBITION.—None of the funds appropriated
9 by this Act for assistance under the West Bank and Gaza
10 program may be made available for the purpose of recog-
11 nizing or otherwise honoring individuals who commit, or
12 have committed, acts of terrorism.

13 (e) AUDITS.—(1) The Administrator of the United
14 States Agency for International Development shall ensure
15 that Federal or non-Federal audits of all contractors and
16 grantees, and significant subcontractors and subgrantees,
17 under the West Bank and Gaza Program, are conducted
18 at least on an annual basis to ensure, among other things,
19 compliance with this section.

20 (2) Of the funds appropriated by this Act under the
21 heading “Economic Support Fund” that are made avail-
22 able for assistance for the West Bank and Gaza, up to
23 \$1,000,000 may be used by the Office of the Inspector
24 General of the United States Agency for International De-
25 velopment for audits, inspections, and other activities in

1 furtherance of the requirements of this subsection. Such
 2 funds are in addition to funds otherwise available for such
 3 purposes.

4 CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

5 SEC. 560. (a) LIMITATIONS ON AMOUNT OF CON-
 6 TRIBUTION.—Of the amounts made available under
 7 “International Organizations and Programs” and “Child
 8 Survival and Health Programs Fund” for fiscal year
 9 2005, \$34,000,000 shall be made available for the United
 10 Nations Population Fund (hereafter in this section re-
 11 ferred to as the “UNFPA”): *Provided*, That of this
 12 amount, not less than \$25,000,000 shall be derived from
 13 funds appropriated under the heading “International Or-
 14 ganizations and Programs”.

15 (b) REPROGRAMMING OF FUNDS.—Of the funds ap-
 16 propriated in Public Law 108–199 that were available for
 17 the UNFPA, \$25,000,000 shall be made available for the
 18 family planning, maternal, and reproductive health activi-
 19 ties of the United States Agency for International Devel-
 20 opment in Albania, Azerbaijan, the Democratic Republic
 21 of the Congo, Ethiopia, Georgia, Haiti, Kazakhstan,
 22 Kenya, Nigeria, Romania, Russia, Rwanda, Tanzania,
 23 Uganda, and the Ukraine: *Provided*, That such programs
 24 and activities shall be deemed to have been justified to
 25 Congress.

1 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—

2 None of the funds made available under “International
3 Organizations and Programs” may be made available for
4 the UNFPA for a country program in the People’s Repub-
5 lic of China.

6 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—

7 Amounts made available under “International Organiza-
8 tions and Programs” for fiscal year 2005 for the UNFPA
9 may not be made available to UNFPA unless—

10 (1) the UNFPA maintains amounts made avail-
11 able to the UNFPA under this section in an account
12 separate from other accounts of the UNFPA;

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

16 (3) the UNFPA does not fund abortions.

17 WAR CRIMINALS

18 SEC. 561. (a)(1) None of the funds appropriated or
19 otherwise made available pursuant to this Act may be
20 made available for assistance, and the Secretary of the
21 Treasury shall instruct the United States executive direc-
22 tors to the international financial institutions to vote
23 against any new project involving the extension by such
24 institutions of any financial or technical assistance, to any
25 country, entity, or municipality whose competent authori-
26 ties have failed, as determined by the Secretary of State,

1 to take necessary and significant steps to implement its
2 international legal obligations to apprehend and transfer
3 to the International Criminal Tribunal for the former
4 Yugoslavia (the “Tribunal”) all persons in their territory
5 who have been indicted by the Tribunal and to otherwise
6 cooperate with the Tribunal.

7 (2) The provisions of this subsection shall not apply
8 to humanitarian assistance or assistance for democratiza-
9 tion.

10 (b) The provisions of subsection (a) shall apply unless
11 the Secretary of State determines and reports to the ap-
12 propriate congressional committees that the competent au-
13 thorities of such country, entity, or municipality are—

14 (1) cooperating with the Tribunal, including ac-
15 cess for investigators to archives and witnesses, the
16 provision of documents, and the surrender and
17 transfer of indictees or assistance in their apprehen-
18 sion; and

19 (2) are acting consistently with the Dayton Ac-
20 cords.

21 (c) Not less than 10 days before any vote in an inter-
22 national financial institution regarding the extension of
23 any new project involving financial or technical assistance
24 or grants to any country or entity described in subsection
25 (a), the Secretary of the Treasury, in consultation with

1 the Secretary of State, shall provide to the Committees
2 on Appropriations a written justification for the proposed
3 assistance, including an explanation of the United States
4 position regarding any such vote, as well as a description
5 of the location of the proposed assistance by municipality,
6 its purpose, and its intended beneficiaries.

7 (d) In carrying out this section, the Secretary of
8 State, the Administrator of the United States Agency for
9 International Development, and the Secretary of the
10 Treasury shall consult with representatives of human
11 rights organizations and all government agencies with rel-
12 evant information to help prevent indicted war criminals
13 from benefiting from any financial or technical assistance
14 or grants provided to any country or entity described in
15 subsection (a).

16 (e) The Secretary of State may waive the application
17 of subsection (a) with respect to projects within a country,
18 entity, or municipality upon a written determination to the
19 Committees on Appropriations that such assistance di-
20 rectly supports the implementation of the Dayton Accords.

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

22 (1) COUNTRY.—The term “country” means
23 Bosnia and Herzegovina, Croatia and Serbia.

(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.

SEC. 562. 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, grant, strategy or policy 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' financing programs.

25 SEC. 563. (a) Funds appropriated by this Act may
26 be made available for assistance for the central Govern-

1 ment of Serbia after May 31, 2005, if the President has
2 made the determination and certification contained in sub-
3 section (c).

4 (b) After May 31, 2005, the Secretary of the Treas-
5 ury should instruct the United States executive directors
6 to the international financial institutions to support loans
7 and assistance to the Government of Serbia and Monte-
8 negro subject to the conditions in subsection (c): *Provided*,
9 That section 576 of the Foreign Operations, Export Fi-
10 nancing, and Related Programs Appropriations Act, 1997,
11 as amended, shall not apply to the provision of loans and
12 assistance to the Government of Serbia and Montenegro
13 through international financial institutions.

14 (c) The determination and certification referred to in
15 subsection (a) is a determination by the President and a
16 certification to the Committees on Appropriations that the
17 Government of Serbia and Montenegro is—

18 (1) cooperating with the International Criminal
19 Tribunal for the former Yugoslavia including access
20 for investigators, the provision of documents, and
21 the surrender and transfer of indictees or assistance
22 in their apprehension, including making all prac-
23 ticable efforts to apprehend and transfer Ratko
24 Mladic;

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

6 (3) taking steps to implement policies which re-
 7 flect a respect for minority rights and the rule of
 8 law.

9 (d) This section shall not apply to Montenegro,
 10 Kosovo, humanitarian assistance or assistance to promote
 11 democracy.

12 COMMUNITY-BASED POLICE ASSISTANCE

13 SEC. 564. (a) AUTHORITY.—Funds made available
 14 by this Act to carry out the provisions of chapter 1 of
 15 part I and chapter 4 of part II of the Foreign Assistance
 16 Act of 1961, may be used, notwithstanding section 660
 17 of that Act, to enhance the effectiveness and account-
 18 ability of civilian police authority through training and
 19 technical assistance in human rights, the rule of law, stra-
 20 tegic planning, and through assistance to foster civilian
 21 police roles that support democratic governance including
 22 assistance for programs to prevent conflict and foster im-
 23 proved police relations with the communities they serve.

24 (b) NOTIFICATION.—Assistance provided under sub-
 25 section (a) shall be subject to the regular notification pro-
 26 cedures of the Committees on Appropriations.

1 SPECIAL DEBT RELIEF FOR THE POOREST

2 SEC. 565. (a) AUTHORITY TO REDUCE DEBT.—The
3 President may reduce amounts owed to the United States
4 (or any agency of the United States) by an eligible country
5 as a result of—

6 (1) guarantees issued under sections 221 and
7 222 of the Foreign Assistance Act of 1961;

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

10 (3) any obligation or portion of such obligation,
11 to pay for purchases of United States agricultural
12 commodities guaranteed by the Commodity Credit
13 Corporation under export credit guarantee programs
14 authorized pursuant to section 5(f) of the Com-
15 modity Credit Corporation Charter Act of June 29,
16 1948, as amended, section 4(b) of the Food for
17 Peace Act of 1966, as amended (Public Law 89–
18 808), or section 202 of the Agricultural Trade Act
19 of 1978, as amended (Public Law 95–501).

20 (b) LIMITATIONS.—

21 (1) The authority provided by subsection (a)
22 may be exercised only to implement multilateral offi-
23 cial debt relief and referendum agreements, com-
24 monly referred to as “Paris Club Agreed Minutes”.

1 (2) The authority provided by subsection (a)
2 may be exercised only in such amounts or to such
3 extent as is provided in advance by appropriations
4 Acts.

5 (3) The authority provided by subsection (a)
6 may be exercised only with respect to countries with
7 heavy debt burdens that are eligible to borrow from
8 the International Development Association, but not
9 from the International Bank for Reconstruction and
10 Development, commonly referred to as “IDA-only”
11 countries.

12 (c) CONDITIONS.—The authority provided by sub-
13 section (a) may be exercised only with respect to a country
14 whose government—

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

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

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

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

1 (5) is not ineligible for assistance because of the
2 application of section 527 of the Foreign Relations
3 Authorization Act, Fiscal Years 1994 and 1995.

4 (d) AVAILABILITY OF FUNDS.—The authority pro-
5 vided by subsection (a) may be used only with regard to
6 the funds appropriated by this Act under the heading
7 “Debt Restructuring”.

8 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
9 duction of debt pursuant to subsection (a) shall not be
10 considered assistance for the purposes of any provision of
11 law limiting assistance to a country. The authority pro-
12 vided by subsection (a) may be exercised notwithstanding
13 section 620(r) of the Foreign Assistance Act of 1961 or
14 section 321 of the International Development and Food
15 Assistance Act of 1975.

16 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

17 SEC. 566. (a) LOANS ELIGIBLE FOR SALE, REDUC-
18 TION, OR CANCELLATION.—

19 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
20 CERTAIN LOANS.—Notwithstanding any other provi-
21 sion of law, the President may, in accordance with
22 this section, sell to any eligible purchaser any
23 concessional loan or portion thereof made before
24 January 1, 1995, pursuant to the Foreign Assist-
25 ance Act of 1961, to the government of any eligible
26 country as defined in section 702(6) of that Act or

1 on receipt of payment from an eligible purchaser, re-
2 duce or cancel such loan or portion thereof, only for
3 the purpose of facilitating—

4 (A) debt-for-equity swaps, debt-for-develop-
5 ment swaps, or debt-for-nature swaps; or

6 (B) a debt buyback by an eligible country
7 of its own qualified debt, only if the eligible
8 country uses an additional amount of the local
9 currency of the eligible country, equal to not
10 less than 40 percent of the price paid for such
11 debt by such eligible country, or the difference
12 between the price paid for such debt and the
13 face value of such debt, to support activities
14 that link conservation and sustainable use of
15 natural resources with local community develop-
16 ment, and child survival and other child devel-
17 opment, in a manner consistent with sections
18 707 through 710 of the Foreign Assistance Act
19 of 1961, if the sale, reduction, or cancellation
20 would not contravene any term or condition of
21 any prior agreement relating to such loan.

22 (2) TERMS AND CONDITIONS.—Notwithstanding
23 any other provision of law, the President shall, in ac-
24 cordance with this section, establish the terms and

1 conditions under which loans may be sold, reduced,
2 or canceled pursuant to this section.

3 (3) ADMINISTRATION.—The Facility, as defined
4 in section 702(8) of the Foreign Assistance Act of
5 1961, shall notify the administrator of the agency
6 primarily responsible for administering part I of the
7 Foreign Assistance Act of 1961 of purchasers that
8 the President has determined to be eligible, and
9 shall direct such agency to carry out the sale, reduc-
10 tion, or cancellation of a loan pursuant to this sec-
11 tion. Such agency shall make adjustment in its ac-
12 counts to reflect the sale, reduction, or cancellation.

13 (4) LIMITATION.—The authorities of this sub-
14 section shall be available only to the extent that ap-
15 propriations for the cost of the modification, as de-
16 fined in section 502 of the Congressional Budget Act
17 of 1974, are made in advance.

18 (b) DEPOSIT OF PROCEEDS.—The proceeds from the
19 sale, reduction, or cancellation of any loan sold, reduced,
20 or canceled pursuant to this section shall be deposited in
21 the United States Government account or accounts estab-
22 lished for the repayment of such loan.

23 (c) ELIGIBLE PURCHASERS.—A loan may be sold
24 pursuant to subsection (a)(1)(A) only to a purchaser who
25 presents plans satisfactory to the President for using the

1 loan for the purpose of engaging in debt-for-equity swaps,
 2 debt-for-development swaps, or debt-for-nature swaps.

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

10 (e) AVAILABILITY OF FUNDS.—The authority pro-
 11 vided by subsection (a) may be used only with regard to
 12 funds appropriated by this Act under the heading “Debt
 13 Restructuring”.

14 BASIC EDUCATION

15 SEC. 567. Of the funds appropriated by title II of
 16 this Act, not less than \$335,000,000 should be made avail-
 17 able for basic education.

18 RECONCILIATION PROGRAMS

19 SEC. 568. Of the funds appropriated under the head-
 20 ing “Economic Support Fund”, not less than \$15,000,000
 21 shall be made available to support reconciliation programs
 22 and activities which bring together individuals of different
 23 ethnic, religious, and political backgrounds from areas of
 24 civil conflict and war.

ENVIRONMENT PROGRAMS

1
2 SEC. 569. (a) FUNDING.—Of the funds appropriated
3 under the heading “Development Assistance”, not less
4 than \$175,500,000 shall be made available for programs
5 and activities which directly protect biodiversity, including
6 forests, in developing countries, of which not less than
7 \$15,000,000 shall be made available to implement a re-
8 gional strategy for biodiversity conservation in the coun-
9 tries comprising the Amazon basin of South America, in-
10 cluding to improve the capacity of indigenous communities
11 and local law enforcement agencies to protect the biodiver-
12 sity of indigenous reserves, which amount shall be in addi-
13 tion to the amounts requested for biodiversity activities
14 in these countries in fiscal year 2005: *Provided*, That
15 funds appropriated under the heading “Andean
16 Counterdrug Initiative” shall also be made available in fis-
17 cal year 2005 to support such strategy: *Provided further*,
18 That of the funds appropriated by this Act, not less than
19 \$17,500,000 should be made available for the Congo
20 Basin Forest Partnership, of which not less than
21 \$2,500,000 should be made available for the Great Apes
22 Conservation Fund, administered by the United States
23 Fish and Wildlife Service, for use in Central Africa: *Pro-*
24 *vided further*, That of the funds appropriated by this Act,
25 not less than \$180,000,000 shall be made available to sup-

1 port policies and programs in developing countries that di-
2 rectly (1) promote a wide range of energy conservation,
3 energy efficiency and clean energy programs and activi-
4 ties, including the transfer of clean and environmentally
5 sustainable energy technologies; (2) measure, monitor,
6 and reduce greenhouse gas emissions; (3) increase carbon
7 sequestration activities; and (4) enhance climate change
8 mitigation and adaptation programs.

9 (b) CLIMATE CHANGE REPORT.—Not later than 45
10 days after the date on which the President’s fiscal year
11 2006 budget request is submitted to Congress, the Presi-
12 dent shall submit a report to the Committees on Appro-
13 priations describing in detail the following—

14 (1) all Federal agency obligations and expendi-
15 tures, domestic and international, for climate change
16 programs and activities in fiscal year 2005, includ-
17 ing an accounting of expenditures by agency with
18 each agency identifying climate change activities and
19 associated costs by line item as presented in the
20 President’s Budget Appendix; and

21 (2) all fiscal year 2004 obligations and esti-
22 mated expenditures, fiscal year 2005 estimated ex-
23 penditures and estimated obligations, and fiscal year
24 2006 requested funds by the United States Agency
25 for International Development, by country and cen-

SEC. 570. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the “Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America”, including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media.

1 (b) Funds appropriated by this Act may be made
2 available for assistance for the Government of Kazakhstan
3 only if the Secretary of State determines and reports to
4 the Committees on Appropriations that the Government
5 of Kazakhstan has made significant improvements in the
6 protection of human rights during the preceding 6 month
7 period.

8 (c) The Secretary of State may waive subsection (b)
9 if he determines and reports to the Committees on Appro-
10 priations that such a waiver is in the national security in-
11 terest of the United States.

12 (d) Not later than October 1, 2005, the Secretary of
13 State shall submit a report to the Committees on Appro-
14 priations and the Committee on Foreign Relations of the
15 Senate and the Committee on International Relations of
16 the House of Representatives describing the following:

17 (1) The defense articles, defense services, and
18 financial assistance provided by the United States to
19 the countries of Central Asia during the 6-month pe-
20 riod ending 30 days prior to submission of such re-
21 port.

22 (2) The use during such period of defense arti-
23 cles, defense services, and financial assistance pro-
24 vided by the United States by units of the armed

1 forces, border guards, or other security forces of
2 such countries.

3 (e) For purposes of this section, the term “countries
4 of Central Asia” means Uzbekistan, Kazakhstan, Kyrgyz
5 Republic, Tajikistan, and Turkmenistan.

6 EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH
7 EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

8 SEC. 571. Notwithstanding section 516(e) of the For-
9 eign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during
10 fiscal year 2005, funds available to the Department of De-
11 fense may be expended for crating, packing, handling, and
12 transportation of excess defense articles transferred under
13 the authority of section 516 of such Act to Albania, Bul-
14 garia, Croatia, Estonia, Former Yugoslavia Republic of
15 Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Lat-
16 via, Lithuania, Moldova, Mongolia, Pakistan, Romania,
17 Slovakia, Tajikistan, Turkmenistan, Ukraine, and
18 Uzbekistan.

19 DISABILITY RIGHTS

20 SEC. 572. (a) Of the funds appropriated by this Act
21 under the heading “Economic Support Fund”, and in ad-
22 dition to funds made available pursuant to section 526(c),
23 not less than \$5,000,000 shall be made available for a
24 Fund for Inclusion, Leadership, and Human Rights of
25 People with Disabilities, to be administered by the Bureau
26 of Democracy, Human Rights, and Labor, Department of

1 State, in consultation with the Administrator of the
2 United States Agency for International Development
3 (“USAID”): *Provided*, That such funds should be made
4 available as grants to nongovernmental organizations that
5 work on behalf of people with disabilities in developing
6 countries: *Provided further*, That not to exceed 20 percent
7 of such funds should be made available for a Disability
8 Rights Fellowship Program at the Department of State
9 and USAID, including the cost of necessary administra-
10 tive and salary expenses.

11 (b) The Secretary of State and the USAID Adminis-
12 trator shall designate within their respective agencies an
13 individual to serve as “Disability Advisor”, whose function
14 it shall be to ensure that disability rights are addressed,
15 where appropriate, in United States policies and pro-
16 grams.

17 (c) Funds made available under subsection (a) shall
18 be made available for an international conference on the
19 needs of people with disabilities, including disability
20 rights, advocacy and access.

21 (d) The Secretary of State, the Secretary of the
22 Treasury, and the USAID Administrator shall seek to en-
23 sure that the needs of people with disabilities are ad-
24 dressed, where appropriate, in democracy, human rights,
25 and rule of law programs, projects and activities supported

1 by the Department of State, Department of the Treasury,
2 and USAID.

3 (e) The USAID Administrator shall seek to ensure
4 that programs, projects and activities administered by
5 USAID comply fully with USAID's "Policy Paper: Dis-
6 ability" issued on September 12, 1997: *Provided*, That not
7 later than 90 days after enactment of this Act, USAID
8 shall implement procedures to require that prospective
9 grantees seeking funding from USAID specify, when rel-
10 evant, how the proposed program, project or activity for
11 which funding is being requested will protect the rights
12 and address the needs of persons with disabilities.

13 ZIMBABWE

14 SEC. 573. The Secretary of the Treasury shall in-
15 struct the United States executive director to each inter-
16 national financial institution to vote against any extension
17 by the respective institution of any loans or grants, to the
18 Government of Zimbabwe, except to meet basic human
19 needs or to promote democracy, unless the Secretary of
20 State determines and certifies to the Committees on Ap-
21 propriations that the rule of law has been restored in
22 Zimbabwe, including respect for ownership and title to
23 property, freedom of speech and association.

24 TIBET

25 SEC. 574. (a) The Secretary of the Treasury should
26 instruct the United States executive director to each inter-

1 national financial institution to use the voice and vote of
2 the United States to support projects in Tibet if such
3 projects do not provide incentives for the migration and
4 settlement of non-Tibetans into Tibet or facilitate the
5 transfer of ownership of Tibetan land and natural re-
6 sources to non-Tibetans; are based on a thorough needs-
7 assessment; foster self-sufficiency of the Tibetan people
8 and respect Tibetan culture and traditions; and are sub-
9 ject to effective monitoring.

10 (b) Notwithstanding any other provision of law, not
11 less than \$4,000,000 of the funds appropriated by this
12 Act under the heading “Economic Support Fund” shall
13 be made available to nongovernmental organizations to
14 support activities which preserve cultural traditions and
15 promote sustainable development and environmental con-
16 servation in Tibetan communities in the Tibetan Autono-
17 mous Region and in other Tibetan communities in China,
18 and not less than \$250,000 shall be made available to the
19 National Endowment for Democracy for programs and ac-
20 tivities relating to Tibet.

21 INDONESIA

22 SEC. 575. (a) Funds appropriated by this Act under
23 the heading “Foreign Military Financing Program” may
24 be made available for assistance for Indonesia, and li-
25 censes may be issued for the export of lethal defense arti-
26 cles for the Indonesian Armed Forces, only if the Presi-

1 dent certifies to the appropriate congressional committees
2 that—

3 (1) the Indonesian Armed Forces are not com-
4 mitting gross violations of human rights;

5 (2) the Indonesia Minister of Defense is sus-
6 pending from the Armed Forces those members, of
7 whatever rank, who have been credibly alleged to
8 have committed gross violations of human rights, or
9 to have aided or abetted militia groups;

10 (3) the Indonesian Government is prosecuting
11 those members of the Indonesian Armed Forces, of
12 whatever rank, who have been credibly alleged to
13 have committed gross violations of human rights, or
14 to have aided or abetted militia groups, and is pun-
15 ishing those members of the Indonesian Armed
16 Forces found to have committed such violations of
17 human rights or to have aided or abetted militia
18 groups;

19 (4) the Indonesian Armed Forces are cooper-
20 ating with civilian prosecutors and judicial authori-
21 ties in Indonesia and with the joint United Nations-
22 East Timor Serious Crimes Unit (SCU) in such
23 cases (including extraditing those indicted by the
24 SCU to East Timor and providing access to wit-

1 nesses, relevant documents, and other requested in-
2 formation); and

3 (5) the Minister of Defense is making publicly
4 available audits of receipts and expenditures of the
5 Indonesian Armed Forces.

6 (b) Funds appropriated under the heading “Inter-
7 national Military Education and Training” may be made
8 available for assistance for Indonesia if the Secretary of
9 State determines and reports to the Committees on Appro-
10 priations that the Indonesian Government and Armed
11 Forces are cooperating with the Federal Bureau of Inves-
12 tigation’s investigation into the August 31, 2002 murders
13 of two American citizens and one Indonesian citizen in
14 Timika, Indonesia.

15 UNIVERSITY PROGRAMS

16 SEC. 576. Of the funds appropriated by this Act
17 under the headings “Child Survival and Health Programs
18 Fund”, “Development Assistance”, “Economic Support
19 Fund”, “Assistance for Eastern Europe and the Baltic
20 States”, and “Assistance for the Independent States of
21 the Former Soviet Union”, \$40,000,000 shall be made
22 available to the Office of the Higher Education Commu-
23 nity Liaison in the Bureau for Economic Growth, Agri-
24 culture and Trade of the United States Agency for Inter-
25 national Development and used for projects and activities
26 of United States-based colleges and universities: *Provided,*

1 That these funds shall be in addition to funds otherwise
2 available under this Act for such programs.

3 NIGERIA

4 SEC. 577. The President shall submit a report to the
5 Committees on Appropriations describing the involvement
6 of the Nigerian Armed Forces in the incident in Benue
7 State, the measures that are being taken to bring such
8 individuals to justice, and whether any Nigerian Armed
9 Forces units involved with the incident in Benue State are
10 receiving United States assistance.

11 DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS
12 IN THE RUSSIAN FEDERATION

13 SEC. 578. None of the funds appropriated under this
14 Act may be made available for the Government of the Rus-
15 sian Federation, after 180 days from the date of the en-
16 actment of this Act, unless the President determines and
17 certifies in writing to the Committees on Appropriations
18 that the Government of the Russian Federation has imple-
19 mented no statute, executive order, regulation or similar
20 government action that would discriminate, or which has
21 as its principal effect discrimination, against religious
22 groups or religious communities in the Russian Federation
23 in violation of accepted international agreements on
24 human rights and religious freedoms to which the Russian
25 Federation is a party.

NICARAGUA AND GUATEMALA

SEC. 579. (a) Of the funds appropriated under the headings “Development Assistance” and “Child Survival and Health Programs Fund”, not less than \$36,000,000 shall be made available for assistance for Nicaragua and not less than \$23,000,000 shall be made available for assistance for Guatemala.

(b) Not to exceed \$2,000,000 in prior year “Military Assistance Program” funds that are available for Guatemala may be made available for non-lethal defense items for Guatemala if the Secretary of State certifies to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House that—

(1) the role of the Guatemalan military has been limited, both in doctrine and in practice, to only those activities in defense of Guatemala’s sovereignty and territorial integrity that are permitted by the 1996 Peace Accords, and the Government of Guatemala is taking steps to amend Article 244 of the Constitution to reflect such changes;

(2) the Guatemalan military is cooperating with civilian judicial authorities, including providing unimpeded access to witnesses, documents and classified intelligence files, in investigations and prosecu-

1 tions of military personnel who have been implicated
2 in human rights violations and other criminal activ-
3 ity;

4 (3) the Government of Guatemala is actively
5 working with the United Nations to resolve legal im-
6 pediments to the establishment of the Commission
7 for the Investigation of Illegal Groups and Clandes-
8 tine Security Organizations (CICLACS), so that
9 CICLACS can effectively accomplish its mission of
10 investigating and bringing to justice illegal groups
11 and members of clandestine security organizations;

12 (4) the Government of Guatemala is continuing
13 its efforts to make its military budget process trans-
14 parent and accessible to civilian authorities and to
15 the public of present and past expenditures;

16 (5) the Government of Guatemala has com-
17 mitted to facilitate the prompt establishment of an
18 office in Guatemala of the United Nations High
19 Commissioner for Human Rights; and

20 (6) the Government of Guatemala is taking
21 steps to increase its efforts to combat narcotics traf-
22 ficking and organized crime.

23 WAR CRIMES IN AFRICA

24 SEC. 580. (a) The Congress recognizes the important
25 contribution that the democratically elected Government
26 of Nigeria has played in fostering stability in West Africa.

1 (b) The Congress reaffirms its support for the efforts
2 of the International Criminal Tribunal for Rwanda
3 (ICTR) and the Special Court for Sierra Leone (SCSL)
4 to bring to justice individuals responsible for war crimes
5 and crimes against humanity in a timely manner.

6 (c) Funds appropriated by this Act, including funds
7 for debt restructuring, may be made available for assist-
8 ance to the central government of a country in which indi-
9 viduals indicted by ICTR and SCSL are credibly alleged
10 to be living, if the Secretary of State determines and re-
11 ports to the Committees on Appropriations that such gov-
12 ernment is cooperating with ICTR and SCSL, including
13 the surrender and transfer of indictees in a timely manner:
14 *Provided*, That this subsection shall not apply to assist-
15 ance provided under section 551 of the Foreign Assistance
16 Act of 1961 or to project assistance under title II of this
17 Act: *Provided further*, That the United States shall use
18 its voice and vote in the United Nations Security Council
19 to fully support efforts by ICTR and SCSL to bring to
20 justice individuals indicted by such tribunals in a timely
21 manner.

22 (d) The prohibition in subsection (c) may be waived
23 on a country by country basis if the President determines
24 that doing so is in the national security interest of the
25 United States: *Provided*, That prior to exercising such

1 waiver authority, the President shall submit a report to
 2 the Committees on Appropriations, in classified form if
 3 necessary, on (1) the steps being taken to obtain the co-
 4 operation of the government in surrendering the indictee
 5 in question to SCSL or ICTR; (2) a strategy for bringing
 6 the indictee before ICTR or SCSL; and (3) the justifica-
 7 tion for exercising the waiver authority.

8 ADMISSION OF REFUGEES

9 SEC. 581. (a) The Secretary of State shall utilize pri-
 10 vate voluntary organizations with expertise in the protec-
 11 tion needs of refugees in the processing of refugees over-
 12 seas for admission and resettlement to the United States,
 13 and shall utilize such agencies in addition to the United
 14 Nations High Commissioner for Refugees in the identifica-
 15 tion and referral of refugees.

16 (b) The Secretary of State should maintain a system
 17 for accepting referrals of appropriate candidates for reset-
 18 tlement from local private, voluntary organizations and
 19 work to ensure that particularly vulnerable refugee groups
 20 receive special consideration for admission into the United
 21 States, including—

- 22 (1) long-stayers in countries of first asylum;
- 23 (2) unaccompanied refugee minors;
- 24 (3) refugees outside traditional camp settings;
- 25 and

1 (4) refugees in woman-headed households.

2 (c) The Secretary of State shall give special consider-
3 ation to—

4 (1) refugees of all nationalities who have close
5 family ties to citizens and residents of the United
6 States; and

7 (2) other groups of refugees who are of special
8 concern to the United States.

9 (d) Not later than 120 days after the date of enact-
10 ment of this Act, the Secretary of State shall submit a
11 report to the Committees on Appropriations describing the
12 steps that have been taken to implement this section.

13 CODE OF CONDUCT

14 SEC. 582. (a) None of the funds made available by
15 title II under the heading “Migration and Refugee Assist-
16 ance” or “Transition Initiatives” to provide assistance to
17 refugees or internally displaced persons may be provided
18 to an organization that has failed to adopt a code of con-
19 duct consistent with the Inter-Agency Standing Com-
20 mittee Task Force on Protection From Sexual Exploi-
21 tation and Abuse in Humanitarian Crises six core prin-
22 ciples for the protection of beneficiaries of humanitarian
23 assistance.

24 (b) In administering the amounts made available for
25 the accounts described in subsection (a), the Secretary of
26 State and Administrator of the United States Agency for

1 International Development shall incorporate specific poli-
2 cies and programs for the purpose of identifying specific
3 needs of, and particular threats to, women and children
4 at the various stages of humanitarian emergencies, espe-
5 cially at the onset of such emergency.

6 DISASTER SURGE CAPACITY

7 SEC. 583. Funds appropriated by this Act to carry
8 out part I of the Foreign Assistance Act of 1961 may be
9 used, in addition to funds otherwise available for such pur-
10 poses, for the cost (including the support costs) of individ-
11 uals detailed to or employed by the United States Agency
12 for International Development whose primary responsi-
13 bility is to carry out programs to address natural or man-
14 made disasters or programs under the heading “Transi-
15 tion Initiatives”.

16 DENIAL OF VISAS TO CORRUPT OFFICIALS

17 SEC. 584. Not later than 60 days after enactment
18 of this Act, the Secretary of State shall submit a report
19 to the Committees on Appropriations setting forth proce-
20 dures and guidelines for (1) implementing the President’s
21 Proclamation dated January 12, 2004, which established
22 a policy of denying entry into the United States to corrupt
23 current and former public officials and certain members
24 of their families; and (2) for making public the names of
25 those individuals who have been denied entry as a result
26 of such Proclamation.

1 ASSISTANCE FOR VICTIMS OF TORTURE

2 SEC. 585. Of the funds appropriated by this Act
3 under the headings “Development Assistance” and “Eco-
4 nomic Support Fund”, not less than \$15,000,000 shall be
5 made available for programs and activities to assist vic-
6 tims of torture and cruel, inhuman or degrading treat-
7 ment, including for centers for victims of torture that pro-
8 vide services consistent with the goals of the Torture Vic-
9 tims Relief Reauthorization Act of 1999.

10 UNITED STATES AGENCY FOR INTERNATIONAL
11 DEVELOPMENT PILOT MANAGEMENT INITIATIVE

12 SEC. 586. (a) PILOT ACTIVITIES.—Subject to sub-
13 section (b), the Administrator of the United States Agency
14 for International Development may use up to \$25,000,000
15 of the funds appropriated to carry out part I of the For-
16 eign Assistance Act of 1961, including funds appropriated
17 to carry out the Support for East European Democracy
18 (SEED) Act of 1989, to pay administrative costs for fiscal
19 year 2005, including salary, benefits, allowances, and
20 overseas support costs of employees, of up to 2 overseas
21 missions or offices of the agency.

22 (b) CONDITIONS.—

23 (1) The authority of subsection (a) may be ex-
24 ercised only if the Administrator submits a plan ap-
25 proved by the Office of Management and Budget

1 and the Department of State to the Committees on
2 Appropriations, that—

3 (A) identifies the overseas missions or of-
4 fices for which this authority will be exercised,
5 and explains the process by which these mis-
6 sions or offices were selected;

7 (B) contains separate estimates of the ad-
8 ministrative costs for fiscal year 2005 of the
9 different types of project assistance and non-
10 project assistance programs administered by
11 such mission or office; and

12 (C) describes the bases for such estimates.

13 (2) Subsequent reports shall be submitted to
14 the Committees on Appropriations by the Adminis-
15 trator at least every 60 days until January 15, 2006
16 to describe any changes made to the plan as origi-
17 nally submitted or later modified.

18 (c) INITIAL CHARGES.—Funds appropriated under
19 the heading “Operating Expenses of the United States
20 Agency for International Development” for fiscal year
21 2005 may be initially charged for the purposes of this sec-
22 tion.

23 UNITED STATES AGENCY FOR INTERNATIONAL
24 DEVELOPMENT HIRING AUTHORITY

25 SEC. 587. (a) USE OF PROGRAM FUNDS.—Up to
26 \$12,500,000 of the funds appropriated by this Act to

1 carry out chapter 1 of part I of the Foreign Assistance
2 Act of 1961 may be transferred to and consolidated with
3 funds appropriated under the heading, “Operating Ex-
4 penses of the United States Agency for International De-
5 velopment” (USAID), and used by USAID to appoint and
6 employ full-time Civil Service and full-time Foreign Serv-
7 ice personnel, including to pay the costs of salaries, bene-
8 fits, and allowances of such personnel: *Provided*, That the
9 authority of this section may be used to appoint and em-
10 ploy not more than 50 individuals.

11 (b) CONDITIONS.—The authority of this section—

12 (1) may not be used until USAID completes a
13 comprehensive workforce analysis that is approved
14 by the USAID Administrator and submitted to the
15 Office of Management and Budget and the Office of
16 Personnel Management;

17 (2) may only be used to meet shortages in tech-
18 nical skill areas identified in the approved workforce
19 analysis;

20 (3) may only be used to the extent that an
21 equivalent number of positions that are filled by per-
22 sonal service contractors or other employees of
23 USAID, who are compensated with funds appro-
24 priated by this Act to carry out chapter 1 of part

1 I of the Foreign Assistance Act of 1961, are elimi-
2 nated; and

3 (4) may only be exercised after notification of
4 the Committees on Appropriations and the Office of
5 Management and Budget.

6 CERTAIN CLAIMS FOR EXPROPRIATION BY THE
7 GOVERNMENT OF NICARAGUA

8 SEC. 588. Section 527 of the Foreign Relations Au-
9 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
10 2370(a)) is amended by adding at the end the following
11 new subsection:

12 “(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE
13 GOVERNMENT OF NICARAGUA.—

14 “(1) Any action of the types set forth in sub-
15 paragraphs (A), (B), and (C) of subsection (a)(1)
16 that was taken by the Government of Nicaragua
17 during the period beginning on January 1, 1956,
18 and ending on January 9, 2002, shall not be consid-
19 ered in implementing the prohibition under sub-
20 section (a) unless the action has been presented in
21 accordance with the procedure set forth in para-
22 graph (2).

23 “(2) An action shall be deemed presented for
24 purposes of paragraph (1) if it is—

25 “(A) in writing; and

1 “(B) received by the United States Depart-
 2 ment of State on or before 120 days after the
 3 date specified in paragraph (3) at—

4 “(i) the headquarters of the United
 5 States Department of State in Wash-
 6 ington, D.C.; or,

7 “(ii) the Embassy of the United
 8 States of America to Nicaragua.

9 “(3) The date to which paragraph (2) refers is
 10 a date after enactment of this subsection that is
 11 specified by the Secretary of State, in the Sec-
 12 retary’s discretion, in a notice published in the Fed-
 13 eral Register.”.

14 OVERSEAS PRIVATE INVESTMENT CORPORATION AND
 15 EXPORT-IMPORT BANK RESTRICTIONS

16 SEC. 589. (a) LIMITATION ON USE OF FUNDS BY
 17 OPIC.—None of the funds made available in this Act may
 18 be used by the Overseas Private Investment Corporation
 19 to insure, reinsure, guarantee, or finance any investment
 20 in connection with a project involving the mining,
 21 polishing or other processing, or sale of diamonds in a
 22 country that fails to meet the requirements of subsection
 23 (c).

24 (b) LIMITATION ON USE OF FUNDS BY THE EXPORT-
 25 IMPORT BANK.—None of the funds made available in this
 26 Act may be used by the Export-Import Bank of the United

1 States to guarantee, insure, extend credit, or participate
 2 in an extension of credit in connection with the export of
 3 any goods to a country for use in an enterprise involving
 4 the mining, polishing or other processing, or sale of dia-
 5 monds in a country that fails to meet the requirements
 6 of subsection (c).

7 (c) REQUIREMENTS.—The requirements referred to
 8 in subsections (a) and (b) are that the country concerned
 9 is implementing the recommendations, obligations and re-
 10 quirements developed by the Kimberley Process on conflict
 11 diamonds.

12 SECURITY IN ASIA

13 SEC. 590. (a) Of the funds appropriated under the
 14 heading “Foreign Military Financing Program”, not less
 15 than the following amounts shall be made available to en-
 16 hance security in Asia, consistent with democratic prin-
 17 ciples and the rule of law—

- 18 (1) \$55,000,000 for assistance for the Phil-
 19ippines;
- 20 (2) \$6,000,000 for assistance for Indonesia;
- 21 (3) \$2,000,000 for assistance for Bangladesh;
- 22 (4) \$1,500,000 for assistance for the Demo-
 23cratic Republic of Timor-Leste;
- 24 (5) \$2,000,000 for assistance for Mongolia;
- 25 (6) \$5,000,000 for assistance for Nepal;
- 26 (7) \$2,500,000 for assistance for Thailand;

1 (8) \$1,000,000 for assistance for Sri Lanka;

2 (9) \$1,000,000 for assistance for Cambodia;

3 (10) \$500,000 for assistance for Fiji; and

4 (11) \$250,000 for assistance for Tonga.

5 (b) Funds made available for assistance for Indonesia
 6 pursuant to subsection (a) may be made available notwith-
 7 standing section 575 of this Act: *Provided*, That such
 8 funds may only be made available to the Indonesian navy
 9 for the purposes of enhancing maritime security: *Provided*
 10 *further*, That sections 575(a)(1) and (4) of this Act shall
 11 apply with respect to the Indonesia navy for purposes of
 12 this section: *Provided further*, That such funds shall only
 13 be made available subject to the regular notification proce-
 14 dures of the Committees on Appropriations.

15 (c) Funds made available for assistance for Cambodia
 16 pursuant to subsection (a) shall be made available not-
 17 withstanding section 554 of this Act: *Provided*, That such
 18 funds shall only be made available subject to the regular
 19 notification procedures of the Committees on Appropria-
 20 tions.

21 COOPERATION WITH CUBA ON COUNTER-NARCOTICS

22 MATTERS

23 SEC. 591. (a) Subject to subsection (b), of the funds
 24 appropriated under the heading “International Narcotics
 25 Control and Law Enforcement”, \$5,000,000 should be
 26 made available for the purposes of preliminary work by

1 the Department of State, or such other entity as the Sec-
 2 retary of State may designate, to establish cooperation
 3 with appropriate agencies of the Government of Cuba on
 4 counter-narcotics matters, including matters relating to
 5 cooperation, coordination, and mutual assistance in the
 6 interdiction of illicit drugs being transported through
 7 Cuba airspace or over Cuba waters.

8 (b) The amount in subsection (a) shall not be avail-
 9 able if the President certifies that—

10 (1) Cuba does not have in place appropriate
 11 procedures to protect against the loss of innocent
 12 life in the air and on the ground in connection with
 13 the interdiction of illegal drugs; and

14 (2) there is evidence of involvement of the Gov-
 15 ernment of Cuba in drug trafficking.

16 HIPC DEBT REDUCTION AND TRUST FUND

17 SEC. 592. (a) Section 801(b)(1) of Public Law 106–
 18 429 is amended—

19 (1) by inserting “(i)” after “appropriated”; and

20 (2) by inserting before the period “; and (ii) for
 21 fiscal years 2004–2006, not more than
 22 \$150,000,000, for purposes of additional United
 23 States contributions to the HIPC Trust Fund ad-
 24 ministered by the Bank, which are authorized to re-
 25 main available until expended”.

1 (b) Section 501(i) of Public Law 106–113 is amended
 2 by deleting “2003–2004” and inserting in lieu thereof
 3 “2000–2006”.

4 ASSISTANCE TO MILLENNIUM CHALLENGE CANDIDATE
 5 COUNTRIES

6 SEC. 593. Section 616(d) of the Millennium Chal-
 7 lenge Act of 2003 (title VI of division D of Public Law
 8 108–199) is amended to read as follows:

9 “(d) FUNDING.—For each of fiscal years 2004 and
 10 2005 and every fiscal year thereafter, of the amounts ap-
 11 propriated pursuant to the authorization of appropriations
 12 under section 619(a), up to 10 percent is authorized to
 13 be made available to carry out this section.”.

14 CHERNOBYL NUCLEAR POWER PLANT

15 SEC. 594. None of the funds appropriated under this
 16 Act may be made available for assistance for the central
 17 Government of the Russian Federation if the Secretary
 18 of State certifies and reports to the Committees on Appro-
 19 priations that the central Government of the Russian Fed-
 20 eration has not pledged or is not contributing funds or
 21 other significant resources for the construction of the new
 22 shelter over the Chernobyl nuclear power plant: *Provided*,
 23 That this provision shall not apply to democracy, rule of
 24 law, child survival and health, and environment programs.

DEBT RESTRUCTURING AUTHORITY

SEC. 595. (a) Of the funds appropriated under the heading “Iraq Relief and Reconstruction Fund” in title II of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106), \$360,000,000 may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees for Iraq, without regard to the sectoral allocations and related provisos under that heading in such Act: *Provided*, That the authority of this section shall be used subject to prior consultation with the Committees on Appropriations: *Provided further*, That the obligation of funds pursuant to the authority provided in this section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287.

(b) Title II, chapter 2 of Public Law 108–106 is amended under the heading “Other Bilateral Economic Assistance” by—

1 (1) in the first proviso, striking “10 percent”
2 and inserting in lieu thereof “20 percent”; and

3 (2) in the first proviso, striking “by more than
4 20 percent” and inserting in lieu thereof “by more
5 than 30 percent”.

6 (c) Notwithstanding any other provision of law, the
7 Overseas Private Investment Corporation is authorized to
8 undertake any program authorized by title IV of the For-
9 eign Assistance Act of 1961 in Iraq: *Provided*, That funds
10 made available pursuant to the authority of this section
11 shall be subject to the regular reprogramming notification
12 procedures of the Committees on Appropriations.

13 COMPLIANCE WITH THE ALGIERS AGREEMENTS

14 SEC. 596. None of the funds appropriated by this Act
15 may be made available for assistance for the central Gov-
16 ernments of Ethiopia or Eritrea unless the Secretary of
17 State certifies and reports to the Committees on Appro-
18 priations that such government is taking steps to comply
19 with the terms of the Algiers Agreements: *Provided*, That
20 this section shall not apply to democracy, rule of law, child
21 survival and health, basic education, and agriculture pro-
22 grams.

23 NORTH KOREA AND BURMA

24 SEC. 597. None of the funds made available in this
25 Act or prior Acts making appropriations for foreign oper-
26 ations, export financing, and related programs as a United

1 States contribution to the Global Fund to Fight AIDS,
2 Tuberculosis and Malaria may be made available for as-
3 sistance for the Government of North Korea or the State
4 Peace and Development Council in Burma, or affiliated
5 groups and organizations.

6 THAILAND

7 SEC. 598. (a) Funds appropriated by this Act that
8 are available for the central Government of Thailand may
9 be made available if the Secretary of State determines and
10 reports to the Committees on Appropriations that the cen-
11 tral Government of Thailand (1) supports the advance-
12 ment of democracy in Burma; (2) is not hampering the
13 delivery of humanitarian and other assistance to people
14 in Thailand who have fled Burma; and (3) is not forcibly
15 repatriating Burmese to Burma.

16 (b) Notwithstanding subsection (a), of the funds ap-
17 propriated by this Act, not less than \$4,000,000 shall be
18 made available to promote democracy and human rights
19 in Thailand, and not less than \$1,000,000 shall be made
20 available to promote and protect an independent media in
21 Thailand.

22 (c) The Secretary of State may waive subsection (a)
23 if he determines and reports to the Committees on Appro-
24 priations that to do so is in the national security interest
25 of the United States.

ADMINISTRATIVE PROVISIONS RELATED TO
MULTILATERAL DEVELOPMENT BANKS

SEC. 599. (a) Section 1307 of the International Financial Institutions Act (22 U.S.C. 262m-7) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) ASSESSMENT REQUIRED BEFORE FAVORABLE VOTE ON PROPOSAL.—The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank not to vote in favor of any proposal (including but not limited to any kind of proposed loan, credit, grant, guarantee, or policy) which would result or be likely to result in a significant impact on the environment, unless the Secretary, after consultation with the Secretary of State and the Administrators of the United States Agency for International Development and the Environmental Protection Agency, determines that for at least 120 days before the date of the vote—

“(1) an assessment analyzing the environmental impacts of the proposal, including associated and cumulative impacts, and of alternatives to the proposal, has been completed by the borrower or the

1 bank, and has been made available to the board of
 2 directors of the bank;

3 “(2) the assessment (or a comprehensive sum-
 4 mary of the assessment) and copies of any related
 5 draft loan, credit, grant, guarantee, or policy (with
 6 proprietary information redacted) have been made
 7 available to the bank, affected groups, and local non-
 8 governmental organizations; and

9 “(3) environment and development agencies of
 10 the member countries of the bank are notified that
 11 the assessment (or a comprehensive summary of the
 12 assessment) and any related draft loan, credit,
 13 grant, guarantee, or policy are available on the
 14 bank’s website.”; and

15 (2) by striking subsection (g) and inserting the fol-
 16 lowing:

17 “(g) MULTILATERAL DEVELOPMENT BANK DE-
 18 FINED.—In this title, the term ‘multilateral development
 19 bank’ means the International Bank for Reconstruction
 20 and Development, the European Bank for Reconstruction
 21 and Development, the International Development Associa-
 22 tion, the International Finance Corporation, the Multilat-
 23 eral Investment Guarantee Agency, the African Develop-
 24 ment Bank, the African Development Fund, the Asian De-
 25 velopment Bank, the North American Development Bank,

1 the Inter-American Development Bank, the Inter-Amer-
 2 ican Investment Corporation, any other institution (other
 3 than the International Monetary Fund) specified in sec-
 4 tion 1701(c)(2), and any subsidiary of any such institu-
 5 tion, and in section 1504, the term ‘multilateral develop-
 6 ment institution’ includes the North American Develop-
 7 ment Bank and any such subsidiary.”

8 (b) Section 1303(b) of the International Financial In-
 9 stitutions Act (22 U.S.C. 262m–7) is amended by striking
 10 “International Bank for Reconstruction and Development,
 11 the Inter-American Development Bank, the Asian Devel-
 12 opment Bank, and the African Development Bank” and
 13 inserting in lieu thereof “multilateral development banks”.

14 (c) Not more than 180 days after the date of enact-
 15 ment of this Act, the Secretary of the Treasury shall issue
 16 temporary regulations to implement title XIII of the Inter-
 17 national Financial Institutions Act, as amended, and,
 18 after public notice and comment, final regulations not
 19 more than one year thereafter.

20 VIETNAMESE REFUGEES

21 SEC. 599A. (a) ELIGIBILITY FOR IN-COUNTRY REF-
 22 UGEE PROCESSING IN VIETNAM.—For purposes of eligi-
 23 bility for in-country refugee processing for nationals of
 24 Vietnam during fiscal years 2004 and 2005, an alien de-
 25 scribed in subsection (b) shall be considered to be a ref-
 26 ugee of special humanitarian concern to the United States

1 (within the meaning of section 207 of the Immigration and
2 Nationality Act (8 U.S.C. 1157)) and shall be admitted
3 to the United States for resettlement if the alien would
4 be admissible as an immigrant under the Immigration and
5 Nationality Act (except as provided in section 207(c)(3)
6 of that Act).

7 (b) ALIENS COVERED.—An alien described in this
8 subsection is an alien who—

9 (1) is the son or daughter of a qualified na-
10 tional;

11 (2) is 21 years of age or older; and

12 (3) was unmarried as of the date of acceptance
13 of the alien’s parent for resettlement under the Or-
14 derly Departure Program or through the United
15 States Consulate General in Ho Chi Minh City.

16 (c) QUALIFIED NATIONAL.—The term “qualified na-
17 tional” in subsection (b)(1) means a national of Vietnam
18 who—

19 (1)(A) was formerly interned in a re-education
20 camp in Vietnam by the Government of the Socialist
21 Republic of Vietnam; or

22 (B) is the widow or widower of an individual
23 described in subparagraph (A);

1 (2)(A) qualified for refugee processing under
2 the Orderly Departure Program re-education sub-
3 program; and

4 (B) is or was accepted under the Orderly De-
5 parture Program or through the United States Con-
6 sulate General in Ho Chi Minh City—

7 (i) for resettlement as a refugee; or

8 (ii) for admission to the United States as
9 an immediate relative immigrant; and

10 (3)(A) is presently maintaining a residence in
11 the United States or whose surviving spouse is pres-
12 ently maintaining such a residence; or

13 (B) was approved for refugee resettlement or
14 immigrant visa processing and is awaiting departure
15 formalities from Vietnam or whose surviving spouse
16 is awaiting such departure formalities.

17 EXTRACTION OF NATURAL RESOURCES

18 SEC. 599B. (a) The Secretary of the Treasury shall
19 inform the managements of the international financial in-
20 stitutions and the public that it is the policy of the United
21 States that any assistance by such institutions (including
22 but not limited to any loan, credit, grant, or guarantee)
23 for the extraction and export of oil, gas, coal, timber, or
24 other natural resource should not be provided unless the
25 government of the country has in place or is taking the
26 necessary steps to establish functioning systems for (1)

1 accurately accounting for revenues and expenditures in
2 connection with the extraction and export of the type of
3 natural resource to be extracted or exported; (2) the inde-
4 pendent auditing of such accounts and the widespread
5 public dissemination of the audits; and (3) verifying gov-
6 ernment receipts against company payments including
7 widespread dissemination of such payment information in
8 a manner that does not create competitive disadvantage
9 or disclose proprietary information.

10 (b) Not later than 180 days after the enactment of
11 this Act, the Secretary of the Treasury shall submit a re-
12 port to the Committees on Appropriations describing, for
13 each international financial institution, the amount and
14 type of assistance provided, by country, for the extraction
15 and export of oil, gas, coal, timber, or other national re-
16 source since September 30, 2004.

17 ASSISTANCE FOR FOREIGN NONGOVERNMENTAL
18 ORGANIZATIONS

19 SEC. 599C. Notwithstanding any other provision of
20 law, regulation, or policy, in determining eligibility for as-
21 sistance authorized under part I of the Foreign Assistance
22 Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovern-
23 mental organizations—

24 (1) shall not be ineligible for such assistance
25 solely on the basis of health or medical services in-
26 cluding counseling and referral services, provided by

12 SUDAN

(b) The entire amount in subsection (a) is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Con-

gress) and applicable to the Senate by section 14007 of Public Law 108–287.

(c) That such amount shall be available only to the extent that an official budget request for \$150,000,000 that includes designation of the amount as an emergency requirement, as defined in S. Con. Res. 95 (108th Congress), is transmitted by the President to the Congress.

(d) If the President does not submit an official budget request required by subsection (c) within 30 days of enactment of the Act, the funds made available under this section shall revert back to the “Iraq Relief and Reconstruction Fund” of Public Law 108–106.

(e) It is the Sense of the Senate that the transfer authority that Congress included under chapter 2 of title II of Public Law 108–106, which authorized the transfer of up to 0.5 percent from funds made available under Chapter 2 for Sudan, should be triggered to provide funds to address the humanitarian disaster in Darfur, Sudan and region.

ADDITIONAL FUNDS FOR THE GLOBAL FUND TO FIGHT
AIDS, TUBERCULOSIS AND MALARIA

SEC. 599E. In addition, \$150,000,000 is appropriated for “Child Survival and Health Programs Fund”, which shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, in accordance with the provisions applicable

1 to the Fund under that heading in this Act: *Provided*,
2 That funds appropriated by this section are designated by
3 the Congress as an emergency requirement pursuant to
4 section 402 of S. Con. Res. 95 (108th Congress), as made
5 applicable to the House of Representatives by H. Res. 649
6 (108th Congress) and applicable to the Senate by section
7 14007 of Public Law 108–287: *Provided further*, That
8 such funds shall be divided evenly between malaria control
9 programs and HIV/AIDS drug procurement and treat-
10 ment: *Provided further*, That the malaria funds shall be
11 only used in low income and least developed countries for
12 grants (to be awarded through competitive procedures) for
13 country malaria control programs in which not less than
14 50 percent of the grant amounts shall support indoor re-
15 sidual spraying interventions: *Provided further*, That no
16 user fees or other fees may be charged by the government
17 of a country concerned under a program funded utilizing
18 such amount for any malaria intervention under such pro-
19 gram: *Provided further*, That none of the funds appro-
20 priated by this section shall be expended for assistance
21 for Burma or for any country officially designated by the
22 United States Department of State as a state sponsor of
23 terrorism.

1 This Act may be cited as the “Foreign Operations,
2 Export Financing, and Related Programs Appropriations
3 Act, 2005”.

Calendar No. 700

108TH CONGRESS
2D SESSION

S. 2812

[Report No. 108-346]

A BILL

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

SEPTEMBER 16, 2004

Read twice and placed on the calendar