

Union Calendar No. 359

108TH CONGRESS
2^D SESSION

H. R. 4818

[Report No. 108-599]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2004

Mr. KOLBE, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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 The Export-Import Bank of the United States is au-
5 thorized to make such expenditures within the limits of
6 funds and borrowing authority available to such corpora-
7 tion, and in accordance with law, and to make such con-
8 tracts and commitments without regard to fiscal year limi-
9 tations, as provided by section 104 of the Government
10 Corporation Control Act, as may be necessary in carrying
11 out the program for the current fiscal year for such cor-
12 poration: *Provided*, That none of the funds available dur-
13 ing the current fiscal year may be used to make expendi-
14 tures, contracts, or commitments for the export of nuclear
15 equipment, fuel, or technology to any country, other than
16 a nuclear-weapon state as defined in Article IX of the
17 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
18 ble to receive economic or military assistance under this
19 Act, that has detonated a nuclear explosive after the date
20 of the enactment of this Act: *Provided further*, That not-
21 withstanding section 1(c) of Public Law 103–428, as
22 amended, sections 1(a) and (b) of Public Law 103–428
23 shall remain in effect through October 1, 2005.

24 SUBSIDY APPROPRIATION

25 For the cost of direct loans, loan guarantees, insur-
26 ance, and tied-aid grants as authorized by section 10 of

1 the Export-Import Bank Act of 1945, as amended,
2 \$125,700,000, to remain available until September 30,
3 2008: *Provided*, That such costs, including the cost of
4 modifying such loans, shall be as defined in section 502
5 of the Congressional Budget Act of 1974: *Provided fur-*
6 *ther*, That such sums shall remain available until Sep-
7 tember 30, 2023, for the disbursement of direct loans,
8 loan guarantees, insurance and tied-aid grants obligated
9 in fiscal years 2005, 2006, 2007, and 2008: *Provided fur-*
10 *ther*, That none of the funds appropriated by this Act or
11 any prior Act appropriating funds for foreign operations,
12 export financing, and related programs for tied-aid credits
13 or grants may be used for any other purpose except
14 through the regular notification procedures of the Com-
15 mittees on Appropriations: *Provided further*, That funds
16 appropriated by this paragraph are made available not-
17 withstanding section 2(b)(2) of the Export-Import Bank
18 Act of 1945, in connection with the purchase or lease of
19 any product by any East European country, any Baltic
20 State or any agency or national thereof.

21 ADMINISTRATIVE EXPENSES

22 For administrative expenses to carry out the direct
23 and guaranteed loan and insurance programs, including
24 hire of passenger motor vehicles and services as authorized
25 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
26 reception and representation expenses for members of the

1 Board of Directors, \$73,200,000: *Provided*, That the Ex-
2 port-Import Bank may accept, and use, payment or serv-
3 ices provided by transaction participants for legal, finan-
4 cial, or technical services in connection with any trans-
5 action for which an application for a loan, guarantee or
6 insurance commitment has been made: *Provided further*,
7 That, notwithstanding subsection (b) of section 117 of the
8 Export Enhancement Act of 1992, subsection (a) thereof
9 shall remain in effect until October 1, 2005.

10 OVERSEAS PRIVATE INVESTMENT CORPORATION

11 NONCREDIT ACCOUNT

12 The Overseas Private Investment Corporation is au-
13 thorized to make, without regard to fiscal year limitations,
14 as provided by 31 U.S.C. 9104, such expenditures and
15 commitments within the limits of funds available to it and
16 in accordance with law as may be necessary: *Provided*,
17 That the amount available for administrative expenses to
18 carry out the credit and insurance programs (including an
19 amount for official reception and representation expenses
20 which shall not exceed \$35,000) shall not exceed
21 \$42,885,000: *Provided further*, That project-specific trans-
22 action costs, including direct and indirect costs incurred
23 in claims settlements, and other direct costs associated
24 with services provided to specific investors or potential in-
25 vestors pursuant to section 234 of the Foreign Assistance

1 Act of 1961, shall not be considered administrative ex-
2 penses for the purposes of this heading.

3 PROGRAM ACCOUNT

4 For the cost of direct and guaranteed loans,
5 \$24,000,000, as authorized by section 234 of the Foreign
6 Assistance Act of 1961, to be derived by transfer from
7 the Overseas Private Investment Corporation Non-Credit
8 Account: *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 be available for direct loan obli-
12 gations and loan guaranty commitments incurred or made
13 during fiscal years 2005 and 2006: *Provided further*, That
14 such sums shall remain available through fiscal year 2013
15 for the disbursement of direct and guaranteed loans obli-
16 gated in fiscal year 2005, and through fiscal year 2014
17 for the disbursement of direct and guaranteed loans obli-
18 gated in fiscal year 2006.

19 In addition, such sums as may be necessary for ad-
20 ministrative expenses to carry out the credit program may
21 be derived from amounts available for administrative ex-
22 penses to carry out the credit and insurance programs in
23 the Overseas Private Investment Corporation Noncredit
24 Account and merged with said account.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 TRADE AND DEVELOPMENT AGENCY

3 For necessary expenses to carry out the provisions
4 of section 661 of the Foreign Assistance Act of 1961,
5 \$51,500,000, to remain available until September 30,
6 2006.

7 TITLE II—BILATERAL ECONOMIC ASSISTANCE

8 FUNDS APPROPRIATED TO THE PRESIDENT

9 For expenses necessary to enable the President to
10 carry out the provisions of the Foreign Assistance Act of
11 1961, and for other purposes, to remain available until
12 September 30, 2005, unless otherwise specified herein, as
13 follows:

14 UNITED STATES AGENCY FOR INTERNATIONAL

15 DEVELOPMENT

16 CHILD SURVIVAL AND HEALTH PROGRAMS FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the provisions
19 of chapters 1 and 10 of part I of the Foreign Assistance
20 Act of 1961, for child survival, health, and family plan-
21 ning/reproductive health activities, in addition to funds
22 otherwise available for such purposes, \$1,648,500,000, to
23 remain available until September 30, 2006: *Provided*,
24 That this amount shall be made available for such activi-
25 ties as: (1) immunization programs; (2) oral rehydration
26 programs; (3) health, nutrition, water and sanitation pro-

1 grams which directly address the needs of mothers and
2 children, and related education programs; (4) assistance
3 for children displaced or orphaned by causes other than
4 AIDS; (5) programs for the prevention, treatment, control
5 of, and research on HIV/AIDS, tuberculosis, polio, ma-
6 laria, and other infectious diseases, and for assistance to
7 communities severely affected by HIV/AIDS, including
8 children displaced or orphaned by AIDS; and (6) family
9 planning/reproductive health: *Provided further*, That none
10 of the funds appropriated under this heading may be made
11 available for nonproject assistance, except that funds may
12 be made available for such assistance for ongoing health
13 activities: *Provided further*, That of the funds appropriated
14 under this heading, not to exceed \$250,000, in addition
15 to funds otherwise available for such purposes, may be
16 used to monitor and provide oversight of child survival,
17 maternal and family planning/reproductive health, and in-
18 fectionous disease programs: *Provided further*, That the fol-
19 lowing amounts should be allocated as follows:
20 \$330,000,000 for child survival and maternal health;
21 \$28,000,000 for vulnerable children; \$330,000,000 for
22 HIV/AIDS; \$185,000,000 for other infectious diseases;
23 and \$375,500,000 for family planning/reproductive health:
24 *Provided further*, That of the funds appropriated under
25 this heading, and in addition to funds allocated under the

1 previous proviso, not less than \$400,000,000 shall be
2 made available, notwithstanding any other provision of
3 law, except for the United States Leadership Against
4 HIV/AIDS, Tuberculosis and Malaria Act of 2003 (117
5 Stat. 711; 22 U.S.C. 1701 et seq.), for a United States
6 contribution to the Global Fund to Fight AIDS, Tuber-
7 culosis and Malaria (the “Global Fund”), and shall be ex-
8 pended at the minimum rate necessary to make timely
9 payment for projects and activities: *Provided further*, That
10 up to 5 percent of the funds made available under the
11 previous proviso may be made available to the United
12 States Agency for International Development for technical
13 assistance related to the activities of the Global Fund:
14 *Provided further*, That of the funds appropriated under
15 this heading, \$65,000,000 may be made available for a
16 United States contribution to The Vaccine Fund, and up
17 to \$6,000,000 may be transferred to and merged with
18 funds appropriated by this Act under the heading “Oper-
19 ating Expenses of the United States Agency for Inter-
20 national Development” for costs directly related to inter-
21 national health, but funds made available for such costs
22 may not be derived from amounts made available for con-
23 tributions under this and preceding provisos: *Provided fur-*
24 *ther*, That none of the funds made available in this Act
25 nor any unobligated balances from prior appropriations

1 may be made available to any organization or program
2 which, as determined by the President of the United
3 States, supports or participates in the management of a
4 program of coercive abortion or involuntary sterilization:
5 *Provided further*, That none of the funds made available
6 under this Act may be used to pay for the performance
7 of abortion as a method of family planning or to motivate
8 or coerce any person to practice abortions: *Provided fur-*
9 *ther*, That none of the funds made available under this
10 Act may be used to lobby for or against abortion: *Provided*
11 *further*, That in order to reduce reliance on abortion in
12 developing nations, funds shall be available only to vol-
13 untary family planning projects which offer, either directly
14 or through referral to, or information about access to, a
15 broad range of family planning methods and services, and
16 that any such voluntary family planning project shall meet
17 the following requirements: (1) service providers or refer-
18 ral agents in the project shall not implement or be subject
19 to quotas, or other numerical targets, of total number of
20 births, number of family planning acceptors, or acceptors
21 of a particular method of family planning (this provision
22 shall not be construed to include the use of quantitative
23 estimates or indicators for budgeting and planning pur-
24 poses); (2) the project shall not include payment of incen-
25 tives, bribes, gratuities, or financial reward to: (A) an indi-

1 vidual in exchange for becoming a family planning accep-
2 tor; or (B) program personnel for achieving a numerical
3 target or quota of total number of births, number of fam-
4 ily planning acceptors, or acceptors of a particular method
5 of family planning; (3) the project shall not deny any right
6 or benefit, including the right of access to participate in
7 any program of general welfare or the right of access to
8 health care, as a consequence of any individual's decision
9 not to accept family planning services; (4) the project shall
10 provide family planning acceptors comprehensible infor-
11 mation on the health benefits and risks of the method cho-
12 sen, including those conditions that might render the use
13 of the method inadvisable and those adverse side effects
14 known to be consequent to the use of the method; and
15 (5) the project shall ensure that experimental contracep-
16 tive drugs and devices and medical procedures are pro-
17 vided only in the context of a scientific study in which
18 participants are advised of potential risks and benefits;
19 and, not less than 60 days after the date on which the
20 Administrator of the United States Agency for Inter-
21 national Development determines that there has been a
22 violation of the requirements contained in paragraph (1),
23 (2), (3), or (5) of this proviso, or a pattern or practice
24 of violations of the requirements contained in paragraph
25 (4) of this proviso, the Administrator shall submit to the

1 Committees on Appropriations a report containing a de-
2 scription of such violation and the corrective action taken
3 by the Agency: *Provided further*, That in awarding grants
4 for natural family planning under section 104 of the For-
5 eign Assistance Act of 1961 no applicant shall be discrimi-
6 nated against because of such applicant's religious or con-
7 scientious commitment to offer only natural family plan-
8 ning; and, additionally, all such applicants shall comply
9 with the requirements of the previous proviso: *Provided*
10 *further*, That for purposes of this or any other Act author-
11 izing or appropriating funds for foreign operations, export
12 financing, and related programs, the term "motivate", as
13 it relates to family planning assistance, shall not be con-
14 strued to prohibit the provision, consistent with local law,
15 of information or counseling about all pregnancy options:
16 *Provided further*, That nothing in this paragraph shall be
17 construed to alter any existing statutory prohibitions
18 against abortion under section 104 of the Foreign Assist-
19 ance Act of 1961: *Provided further*, That to the maximum
20 extent feasible, taking into consideration cost, timely avail-
21 ability, and best health practices, funds appropriated in
22 this Act that are made available for condom procurement
23 shall be made available only for the procurement of
24 condoms manufactured in the United States: *Provided fur-*
25 *ther*, That information provided about the use of condoms

1 as part of projects or activities that are funded from
2 amounts appropriated by this Act shall be medically accu-
3 rate and shall include the public health benefits and fail-
4 ure rates of such use.

5 DEVELOPMENT ASSISTANCE

6 For necessary expenses of the United States Agency
7 for International Development to carry out the provisions
8 of sections 103, 105, 106, and 131, and chapter 10 of
9 part I of the Foreign Assistance Act of 1961,
10 \$1,429,000,000, to remain available until September 30,
11 2006: *Provided*, That \$194,000,000 should be allocated
12 for trade capacity building: *Provided further*, That
13 \$300,000,000 should be allocated for basic education: *Pro-*
14 *vided further*, That of the funds appropriated under this
15 heading and managed by the United States Agency for
16 International Development Bureau of Democracy, Con-
17 flict, and Humanitarian Assistance, not less than
18 \$15,000,000 shall be made available only for programs to
19 improve women's leadership capacity in recipient coun-
20 tries: *Provided further*, That such funds may not be made
21 available for construction: *Provided further*, That of the
22 funds appropriated under this heading that are made
23 available for assistance programs for displaced and or-
24 phaned children and victims of war, not to exceed
25 \$32,500, in addition to funds otherwise available for such

1 purposes, may be used to monitor and provide oversight
2 of such programs.

3 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

4 For necessary expenses of the United States Agency
5 for International Development to carry out the provisions
6 of section 491 of the Foreign Assistance Act of 1961 for
7 international disaster relief, rehabilitation, and recon-
8 struction assistance, \$335,500,000, to remain available
9 until expended.

10 In addition, for necessary expenses for assistance for
11 famine prevention and relief, including for mitigation of
12 the effects of famine, \$20,000,000, to remain available
13 until expended: *Provided*, That such funds shall be made
14 available utilizing the general authorities of section 491
15 of the Foreign Assistance Act of 1961, and shall be in
16 addition to amounts otherwise available for such purposes:
17 *Provided further*, That funds appropriated by this para-
18 graph shall be available for obligation subject to prior con-
19 sultation with the Committees on Appropriations.

20 TRANSITION INITIATIVES

21 For necessary expenses for international disaster re-
22 habilitation and reconstruction assistance pursuant to sec-
23 tion 491 of the Foreign Assistance Act of 1961,
24 \$47,500,000, to remain available until expended, to sup-
25 port transition to democracy and to long-term develop-
26 ment of countries in crisis: *Provided*, That such support

1 may include assistance to develop, strengthen, or preserve
2 democratic institutions and processes, revitalize basic in-
3 frastructure, and foster the peaceful resolution of conflict:
4 *Provided further*, That the United States Agency for Inter-
5 national Development shall submit a report to the Com-
6 mittees on Appropriations at least 5 days prior to begin-
7 ning a new program of assistance: *Provided further*, That
8 if the President determines that it is important to the na-
9 tional interests of the United States to provide transition
10 assistance in excess of the amount appropriated under this
11 heading, up to \$15,000,000 of the funds appropriated by
12 this Act to carry out the provisions of part I of the For-
13 eign Assistance Act of 1961 may be used for purposes of
14 this heading and under the authorities applicable to funds
15 appropriated under this heading: *Provided further*, That
16 funds made available pursuant to the previous proviso
17 shall be made available subject to prior consultation with
18 the Committees on Appropriations.

19 DEVELOPMENT CREDIT AUTHORITY

20 (INCLUDING TRANSFER OF FUNDS)

21 For the cost of direct loans and loan guarantees pro-
22 vided by the United States Agency for International De-
23 velopment, as authorized by sections 108 and 635 of the
24 Foreign Assistance Act of 1961, funds may be derived by
25 transfer from funds appropriated by this Act to carry out
26 part I of such Act and under the heading “Assistance for

1 Eastern Europe and the Baltic States’’: *Provided*, That
2 such funds shall not exceed \$21,000,000, which shall be
3 made available only for micro and small enterprise pro-
4 grams, urban programs, and other programs which fur-
5 ther the purposes of part I of the Act: *Provided further*,
6 That such costs, including the cost of modifying such di-
7 rect and guaranteed loans, shall be as defined in section
8 502 of the Congressional Budget Act of 1974, as amend-
9 ed: *Provided further*, That funds made available by this
10 paragraph may be used for the cost of modifying any such
11 guaranteed loans under this Act or prior Acts, and funds
12 used for such costs shall be subject to the regular notifica-
13 tion procedures of the Committees on Appropriations: *Pro-*
14 *vided further*, That the provisions of section 107A(d) (re-
15 lating to general provisions applicable to the Development
16 Credit Authority) of the Foreign Assistance Act of 1961,
17 as contained in section 306 of H.R. 1486 as reported by
18 the House Committee on International Relations on May
19 9, 1997, shall be applicable to direct loans and loan guar-
20 antees provided under this heading.

21 In addition, for administrative expenses to carry out
22 credit programs administered by the United States Agency
23 for International Development, \$8,000,000, which may be
24 transferred to and merged with the appropriation for Op-
25 erating Expenses of the United States Agency for Inter-

1 national Development: *Provided*, That funds made avail-
2 able under this heading shall remain available until Sep-
3 tember 30, 2007.

4 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
5 DISABILITY FUND

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

9 OPERATING EXPENSES OF THE UNITED STATES AGENCY
10 FOR INTERNATIONAL DEVELOPMENT

11 For necessary expenses to carry out the provisions
12 of section 667 of the Foreign Assistance Act of 1961,
13 \$618,000,000, of which up to \$25,000,000 may remain
14 available until September 30, 2006: *Provided*, That none
15 of the funds appropriated under this heading and under
16 the heading “Capital Investment Fund” may be made
17 available to finance the construction (including architect
18 and engineering services), purchase, or long term lease of
19 offices for use by the United States Agency for Inter-
20 national Development, unless the Administrator has iden-
21 tified such proposed construction (including architect and
22 engineering services), purchase, or long term lease of of-
23 fices in a report submitted to the Committees on Appro-
24 priations at least 15 days prior to the obligation of these
25 funds for such purposes: *Provided further*, That the pre-
26 vious proviso shall not apply where the total cost of con-

1 struction (including architect and engineering services),
2 purchase, or long term lease of offices does not exceed
3 \$1,000,000: *Provided further*, That contracts or agree-
4 ments entered into with funds appropriated under this
5 heading may entail commitments for the expenditure of
6 such funds through fiscal year 2006: *Provided further*,
7 That none of the funds in this Act may be used to open
8 a new overseas mission of the United States Agency for
9 International Development without the prior written noti-
10 fication of the Committees on Appropriations: *Provided*
11 *further*, That the authority of sections 610 and 109 of the
12 Foreign Assistance Act of 1961 may be exercised by the
13 Secretary of State to transfer funds appropriated to carry
14 out chapter 1 of part I of such Act to “Operating Ex-
15 penses of the United States Agency for International De-
16 velopment” in accordance with the provisions of those sec-
17 tions.

18 CAPITAL INVESTMENT FUND

19 For necessary expenses for overseas construction and
20 related costs, and for the procurement and enhancement
21 of information technology and related capital investments,
22 pursuant to section 667 of the Foreign Assistance Act of
23 1961, \$64,800,000, to remain available until expended:
24 *Provided*, That this amount is in addition to funds other-
25 wise available for such purposes: *Provided further*, That
26 funds appropriated under this heading shall be available

1 for obligation only pursuant to the regular notification
2 procedures of the Committees on Appropriations: *Provided*
3 *further*, That funds appropriated under this heading and
4 under the heading “Operating Expenses of the United
5 States Agency for International Development” may be
6 made available for USAID’s contribution to the Capital
7 Cost Sharing Program only if all other agencies who have
8 agreed to participate in that program during the current
9 fiscal year are making their contributions to the program.

10 OPERATING EXPENSES OF THE UNITED STATES AGENCY

11 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-
12 SPECTOR GENERAL

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

19 OTHER BILATERAL ECONOMIC ASSISTANCE

20 ECONOMIC SUPPORT FUND

21 For necessary expenses to carry out the provisions
22 of chapter 4 of part II, \$2,450,000,000, to remain avail-
23 able until September 30, 2006: *Provided*, That of the
24 funds appropriated under this heading, not less than
25 \$360,000,000 shall be available only for Israel, which sum
26 shall be available on a grant basis as a cash transfer and

1 shall be disbursed within 30 days of the enactment of this
2 Act or by October 31, 2004, whichever is later: *Provided*
3 *further*, That not less than \$535,000,000 shall be available
4 only for Egypt, which sum shall be provided on a grant
5 basis, and of which sum cash transfer assistance shall be
6 provided with the understanding that Egypt will under-
7 take significant economic reforms which are additional to
8 those which were undertaken in previous fiscal years: *Pro-*
9 *vided further*, That in exercising the authority to provide
10 cash transfer assistance for Israel, the President shall en-
11 sure that the level of such assistance does not cause an
12 adverse impact on the total level of nonmilitary exports
13 from the United States to such country and that Israel
14 enters into a side letter agreement in an amount propor-
15 tional to the fiscal year 1999 agreement: *Provided further*,
16 That of the funds appropriated under this heading, not
17 less than \$250,000,000 should be made available only for
18 assistance for Jordan: *Provided further*, That not to exceed
19 \$200,000,000 of the funds appropriated under this head-
20 ing may be used for the costs, as defined in section 502
21 of the Congressional Budget Act of 1974, of modifying
22 direct loans and guarantees for Pakistan: *Provided further*,
23 That amounts that are made available under the previous
24 proviso for the cost of modifying direct loans and guaran-
25 tees shall not be considered “assistance” for the purposes

1 of provisions of law limiting assistance to a country: *Pro-*
2 *vided further*, That \$13,500,000 of the funds appropriated
3 under this heading should be made available for Cyprus
4 to be used only for scholarships, administrative support
5 of the scholarship program, bicommunal projects, and
6 measures aimed at reunification of the island and designed
7 to reduce tensions and promote peace and cooperation be-
8 tween the two communities on Cyprus: *Provided further*,
9 That \$35,000,000 of the funds appropriated under this
10 heading should be made available for assistance for Leb-
11 anon, of which not less than \$4,000,000 should be made
12 available for scholarships and direct support of American
13 educational institutions in Lebanon: *Provided further*,
14 That funds appropriated under this heading that are made
15 available for assistance for the Central Government of
16 Lebanon shall be subject to the regular notification proce-
17 dures of the Committees on Appropriations: *Provided fur-*
18 *ther*, That \$22,000,000 of the funds appropriated under
19 this heading should be made available for assistance for
20 the Democratic Republic of Timor-Leste: *Provided further*,
21 That \$50,000,000 of the funds appropriated under this
22 heading should be made available for assistance for Haiti:
23 *Provided further*, That funds appropriated under this
24 heading may be used, notwithstanding any other provision
25 of law, to provide assistance to the National Democratic

1 Alliance of Sudan to strengthen its ability to protect civil-
2 ians from attacks, slave raids, and aerial bombardment
3 by the Sudanese Government forces and its militia allies,
4 and the provision of such funds shall be subject to the
5 regular notification procedures of the Committees on Ap-
6 propriations: *Provided further*, That in the previous pro-
7 viso, the term “assistance” includes non-lethal, non-food
8 aid such as blankets, medicine, fuel, mobile clinics, water
9 drilling equipment, communications equipment to notify
10 civilians of aerial bombardment, non-military vehicles,
11 tents, and shoes: *Provided further*, That funds appro-
12 priated under this heading that are made available for a
13 Middle East Financing Facility, Middle East Enterprise
14 Fund, or any other similar entity in the Middle East shall
15 be subject to the regular notification procedures of the
16 Committees on Appropriations: *Provided further*, That
17 with respect to funds appropriated under this heading in
18 this Act or prior Acts making appropriations for foreign
19 operations, export financing, and related programs, the re-
20 sponsibility for policy decisions and justifications for the
21 use of such funds, including whether there will be a pro-
22 gram for a country that uses those funds and the amount
23 of each such program, shall be the responsibility of the
24 Secretary of State and the Deputy Secretary of State and
25 this responsibility shall not be delegated.

1 INTERNATIONAL FUND FOR IRELAND

2 For necessary expenses to carry out the provisions
3 of chapter 4 of part II of the Foreign Assistance Act of
4 1961, \$18,500,000, which shall be available for the United
5 States contribution to the International Fund for Ireland
6 and shall be made available in accordance with the provi-
7 sions of the Anglo-Irish Agreement Support Act of 1986
8 (Public Law 99–415): *Provided*, That such amount shall
9 be expended at the minimum rate necessary to make time-
10 ly payment for projects and activities: *Provided further*,
11 That funds made available under this heading shall re-
12 main available until September 30, 2006.

13 ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC
14 STATES

15 (a) For necessary expenses to carry out the provisions
16 of the Foreign Assistance Act of 1961 and the Support
17 for East European Democracy (SEED) Act of 1989,
18 \$375,000,000, to remain available until September 30,
19 2006, which shall be available, notwithstanding any other
20 provision of law, for assistance and for related programs
21 for Eastern Europe and the Baltic States.

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

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

13 (d) The provisions of section 529 of this Act shall
14 apply to funds made available under subsection (c) and
15 to funds appropriated under this heading: *Provided*, That
16 notwithstanding any provision of this or any other Act,
17 including provisions in this subsection regarding the appli-
18 cation of section 529 of this Act, local currencies gen-
19 erated by, or converted from, funds appropriated by this
20 Act and by previous appropriations Acts and made avail-
21 able for the economic revitalization program in Bosnia
22 may be used in Eastern Europe and the Baltic States to
23 carry out the provisions of the Foreign Assistance Act of
24 1961 and the Support for East European Democracy
25 (SEED) Act of 1989.

1 especially those in the vicinity of Abkhazia and Nagorno-
2 Karabagh: *Provided further*, That of the funds appro-
3 priated under this heading, \$1,500,000 should be available
4 only to meet the health and other assistance needs of vic-
5 tims of trafficking in persons: *Provided further*, That, not-
6 withstanding any other provision of law, funds appro-
7 priated under this heading in this Act or prior Acts mak-
8 ing appropriations for foreign operations, export financ-
9 ing, and related programs, that are made available pursu-
10 ant to the provisions of section 807 of Public Law 102-
11 511 shall be subject to a 6 percent ceiling on administra-
12 tive expenses.

13 (b) Of the funds appropriated under this heading, not
14 less than \$65,000,000 should be made available for assist-
15 ance for Armenia.

16 (c) Of the funds appropriated under this heading, not
17 less than \$57,000,000 should be made available, in addi-
18 tion to funds otherwise available for such purposes, for
19 assistance for child survival, environmental and reproduc-
20 tive health, and to combat HIV/AIDS, tuberculosis and
21 other infectious diseases, and for related activities.

22 (d)(1) Of the funds appropriated under this heading
23 that are allocated for assistance for the Government of
24 the Russian Federation, 60 percent shall be withheld from
25 obligation until the President determines and certifies in

1 writing to the Committees on Appropriations that the Gov-
2 ernment of the Russian Federation:

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

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

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

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

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

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

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

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

13 PEACE CORPS

14 For necessary expenses to carry out the provisions
15 of the Peace Corps Act (75 Stat. 612), \$330,000,000, in-
16 cluding the purchase of not to exceed five passenger motor
17 vehicles for administrative purposes for use outside of the
18 United States: *Provided*, That none of the funds appro-
19 priated under this heading shall be used to pay for abor-
20 tions: *Provided further*, That funds appropriated under
21 this heading shall remain available until September 30,
22 2006.

23 MILLENNIUM CHALLENGE CORPORATION

24 For necessary expenses for the “Millennium Chal-
25 lenge Corporation”, \$1,250,000,000, to remain available
26 until expended: *Provided*, That of the funds appropriated

1 under this heading, not more than \$30,000,000 may be
2 available for administrative expenses of the Millennium
3 Challenge Corporation: *Provided further*, That none of the
4 funds appropriated under this heading may be made avail-
5 able for the provision of assistance until the Chief Execu-
6 tive Officer of the Millennium Challenge Corporation pro-
7 vides a written budget justification to the Committees on
8 Appropriations: *Provided further*, That up to 10 percent
9 of the funds appropriated under this heading may be made
10 available to carry out the purposes of section 616 of the
11 Millennium Challenge Act of 2003: *Provided further*, That
12 none of the funds available to carry out section 616 of
13 such Act may be made available until the Chief Executive
14 Officer of the Millennium Challenge Corporation provides
15 a report to the Committees on Appropriations listing the
16 candidate countries that will be receiving assistance under
17 section 616 of such Act, the level of assistance proposed
18 for each such country, a description of the proposed pro-
19 grams, projects and activities, and the implementing agen-
20 cy or agencies of the United States Government: *Provided*
21 *further*, That section 605(e)(4) of the Millennium Chal-
22 lenge Act of 2003 shall apply to funds appropriated under
23 this heading: *Provided further*, That funds appropriated
24 under this heading, and funds appropriated under this
25 heading in division D of Public Law 108–199, may be

1 made available for a Millennium Challenge Compact en-
2 tered into pursuant to section 609 of the Millennium Chal-
3 lenge Act of 2003 only if such Compact obligates, or con-
4 tains a commitment to obligate subject to the availability
5 of funds and the mutual agreement of the parties to the
6 Compact to proceed, the entire amount of the United
7 States Government funding anticipated for the duration
8 of the Compact: *Provided further*, That the previous pro-
9 viso shall be effective on the date of enactment of this Act.

10 DEPARTMENT OF STATE

11 GLOBAL HIV/AIDS INITIATIVE

12 For necessary expenses to carry out the provisions
13 of the Foreign Assistance Act of 1961 for the prevention,
14 treatment, and control of, and research on, HIV/AIDS,
15 \$1,260,000,000, to remain available until expended: *Pro-*
16 *vided*, That of the funds appropriated under this heading,
17 not more than \$8,818,000 may be made available for ad-
18 ministrative expenses of the Office of the Coordinator of
19 United States Government Activities to Combat HIV/
20 AIDS Globally of the Department of State: *Provided fur-*
21 *ther*, That of the funds appropriated under this heading,
22 not less than \$26,000,000 should be made available as a
23 contribution to the International AIDS Vaccine Initiative.

1 ANDEAN COUNTERDRUG INITIATIVE

2 For necessary expenses to carry out section 481 of
3 the Foreign Assistance Act of 1961 to support
4 counterdrug activities in the Andean region of South
5 America, \$731,000,000, to remain available until Sep-
6 tember 30, 2007: *Provided*, That in fiscal year 2005,
7 funds available to the Department of State for assistance
8 to the Government of Colombia shall be available to sup-
9 port a unified campaign against narcotics trafficking,
10 against activities by organizations designated as terrorist
11 organizations such as the Revolutionary Armed Forces of
12 Colombia (FARC), the National Liberation Army (ELN),
13 and the United Self-Defense Forces of Colombia (AUC),
14 and to take actions to protect human health and welfare
15 in emergency circumstances, including undertaking rescue
16 operations: *Provided further*, That this authority shall
17 cease to be effective if the Secretary of State has credible
18 evidence that the Colombian Armed Forces are not con-
19 ducting vigorous operations to restore government author-
20 ity and respect for human rights in areas under the effec-
21 tive control of paramilitary and guerrilla organizations:
22 *Provided further*, That the President shall ensure that if
23 any helicopter procured with funds under this heading is
24 used to aid or abet the operations of any illegal self-de-
25 fense group or illegal security cooperative, such helicopter

1 shall be immediately returned to the United States: *Pro-*
2 *vided further*, That none of the funds appropriated by this
3 Act may be made available to support a Peruvian air inter-
4 diction program until the Secretary of State and Director
5 of Central Intelligence certify to the Congress, 30 days
6 before any resumption of United States involvement in a
7 Peruvian air interdiction program, that an air interdiction
8 program that permits the ability of the Peruvian Air Force
9 to shoot down aircraft will include enhanced safeguards
10 and procedures to prevent the occurrence of any incident
11 similar to the April 20, 2001 incident: *Provided further*,
12 That the Secretary of State, in consultation with the Ad-
13 ministrator of the United States Agency for International
14 Development, shall provide to the Committees on Appro-
15 priations not later than 45 days after the date of the en-
16 actment of this Act and prior to the initial obligation of
17 funds appropriated under this heading, a report on the
18 proposed uses of all funds under this heading on a coun-
19 try-by-country basis for each proposed program, project,
20 or activity: *Provided further*, That section 482(b) of the
21 Foreign Assistance Act of 1961 shall not apply to funds
22 appropriated under this heading: *Provided further*, That
23 assistance provided with funds appropriated under this
24 heading that is made available notwithstanding section
25 482(b) of the Foreign Assistance Act of 1961 shall be

1 made available subject to the regular notification proce-
2 dures of the Committees on Appropriations: *Provided fur-*
3 *ther*, That no United States Armed Forces personnel or
4 United States civilian contractor employed by the United
5 States will participate in any combat operation in connec-
6 tion with assistance made available by this Act for Colom-
7 bia: *Provided further*, That of the funds appropriated
8 under this heading, not more than \$16,285,000 may be
9 available for administrative expenses of the Department
10 of State, and not more than \$4,500,000 may be available,
11 in addition to amounts otherwise available for such pur-
12 poses, for administrative expenses of the United States
13 Agency for International Development.

14 MIGRATION AND REFUGEE ASSISTANCE

15 For expenses, not otherwise provided for, necessary
16 to enable the Secretary of State to provide, as authorized
17 by law, a contribution to the International Committee of
18 the Red Cross, assistance to refugees, including contribu-
19 tions to the International Organization for Migration and
20 the United Nations High Commissioner for Refugees, and
21 other activities to meet refugee and migration needs; sala-
22 ries and expenses of personnel and dependents as author-
23 ized by the Foreign Service Act of 1980; allowances as
24 authorized by sections 5921 through 5925 of title 5,
25 United States Code; purchase and hire of passenger motor
26 vehicles; and services as authorized by section 3109 of title

1 5, United States Code, \$756,000,000, which shall remain
2 available until expended: *Provided*, That not more than
3 \$21,000,000 may be available for administrative expenses:
4 *Provided further*, That funds appropriated under this
5 heading may be made available for a headquarters con-
6 tribution to the International Committee of the Red Cross
7 only if the Secretary of State determines (and so reports
8 to the appropriate committees of Congress) that the
9 Magen David Adom Society of Israel is not being denied
10 participation in the activities of the International Red
11 Cross and Red Crescent Movement.

12 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
13 ASSISTANCE FUND

14 For necessary expenses to carry out the provisions
15 of section 2(c) of the Migration and Refugee Assistance
16 Act of 1962, as amended (22 U.S.C. 2601(c)),
17 \$20,000,000, to remain available until expended.

18 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
19 RELATED PROGRAMS

20 For necessary expenses for nonproliferation, anti-ter-
21 rorism, demining and related programs and activities,
22 \$382,000,000, to carry out the provisions of chapter 8 of
23 part II of the Foreign Assistance Act of 1961 for anti-
24 terrorism assistance, chapter 9 of part II of the Foreign
25 Assistance Act of 1961, section 504 of the FREEDOM
26 Support Act, section 23 of the Arms Export Control Act

1 or the Foreign Assistance Act of 1961 for demining activi-
2 ties, the clearance of unexploded ordnance, the destruction
3 of small arms, and related activities, notwithstanding any
4 other provision of law, including activities implemented
5 through nongovernmental and international organizations,
6 and section 301 of the Foreign Assistance Act of 1961
7 for a voluntary contribution to the International Atomic
8 Energy Agency (IAEA), and for a United States contribu-
9 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
10 paratory Commission: *Provided*, That of this amount not
11 to exceed \$30,000,000, to remain available until expended,
12 may be made available for the Nonproliferation and Disar-
13 mament Fund, notwithstanding any other provision of
14 law, to promote bilateral and multilateral activities relat-
15 ing to nonproliferation and disarmament: *Provided further*,
16 That such funds may also be used for such countries other
17 than the Independent States of the former Soviet Union
18 and international organizations when it is in the national
19 security interest of the United States to do so: *Provided*
20 *further*, That funds appropriated under this heading may
21 be made available for the International Atomic Energy
22 Agency only if the Secretary of State determines (and so
23 reports to the Congress) that Israel is not being denied
24 its right to participate in the activities of that Agency:
25 *Provided further*, That of the funds made available for

1 demining and related activities, not to exceed \$690,000,
2 in addition to funds otherwise available for such purposes,
3 may be used for administrative expenses related to the op-
4 eration and management of the demining program: *Pro-*
5 *vided further*, That funds appropriated under this heading
6 shall be made available for programs and countries in the
7 amounts contained in the table included in the report ac-
8 companying this Act: *Provided further*, That any proposed
9 increases or decreases to the amounts contained in such
10 table shall be subject to the regular notification procedures
11 of the Committees on Appropriations and section 634A
12 of the Foreign Assistance Act of 1961 and notifications
13 shall be transmitted at least 15 days in advance of the
14 obligation of funds.

15 DEPARTMENT OF THE TREASURY

16 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

17 For necessary expenses to carry out the provisions
18 of section 129 of the Foreign Assistance Act of 1961,
19 \$19,000,000, to remain available until September 30,
20 2007, which shall be available notwithstanding any other
21 provision of law.

22 DEBT RESTRUCTURING

23 For the cost, as defined in section 502 of the Con-
24 gressional Budget Act of 1974, of modifying loans and
25 loan guarantees, as the President may determine, for
26 which funds have been appropriated or otherwise made

1 available for programs within the International Affairs
2 Budget Function 150, including the cost of selling, reduc-
3 ing, or canceling amounts owed to the United States as
4 a result of concessional loans made to eligible countries,
5 pursuant to parts IV and V of the Foreign Assistance Act
6 of 1961, and of modifying concessional credit agreements
7 with least developed countries, as authorized under section
8 411 of the Agricultural Trade Development and Assist-
9 ance Act of 1954, as amended, and concessional loans,
10 guarantees and credit agreements, as authorized under
11 section 572 of the Foreign Operations, Export Financing,
12 and Related Programs Appropriations Act, 1989 (Public
13 Law 100–461), and of canceling amounts owed, as a result
14 of loans or guarantees made pursuant to the Export-Im-
15 port Bank Act of 1945, by countries that are eligible for
16 debt reduction pursuant to title V of H.R. 3425 as enacted
17 into law by section 1000(a)(5) of Public Law 106–113,
18 \$105,000,000, to remain available until September 30,
19 2007: *Provided*, That not less than \$20,000,000 of the
20 funds appropriated under this heading shall be made avail-
21 able to carry out the provisions of part V of the Foreign
22 Assistance Act of 1961: *Provided further*, That up to
23 \$75,000,000 of the funds appropriated under this heading
24 may be used by the Secretary of the Treasury to pay to
25 the Heavily Indebted Poor Countries (HIPC) Trust Fund

1 administered by the International Bank for Reconstruc-
2 tion and Development amounts for the benefit of countries
3 that are eligible for debt reduction pursuant to title V of
4 H.R. 3425 as enacted into law by section 1000(a)(5) of
5 Public Law 106–113: *Provided further*, That amounts paid
6 to the HIPC Trust Fund may be used only to fund debt
7 reduction under the enhanced HIPC initiative by—

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

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

1 Fund during the fiscal year: *Provided further*, That the
2 Secretary of the Treasury shall inform the Committees on
3 Appropriations not less than 15 days in advance of the
4 signature of an agreement by the United States to make
5 payments to the HIPC Trust Fund of amounts for such
6 countries and institutions: *Provided further*, That the Sec-
7 retary of the Treasury may disburse funds designated for
8 debt reduction through the HIPC Trust Fund only for the
9 benefit of countries that—

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

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

24 *Provided further*, That any limitation of subsection (e) of
25 section 411 of the Agricultural Trade Development and

1 Assistance Act of 1954 shall not apply to funds appro-
2 priated under this heading: *Provided further*, That none
3 of the funds made available under this heading in this or
4 any other appropriations Act shall be made available for
5 Sudan or Burma unless the Secretary of the Treasury de-
6 termines and notifies the Committees on Appropriations
7 that a democratically elected government has taken office:
8 *Provided further*, That none of the funds appropriated
9 under this heading may be paid to the HIPC Trust Fund
10 for the benefit of any country that has accepted loans from
11 an international financial institution between such coun-
12 try's decision point and completion point: *Provided further*,
13 That the terms "decision point" and "completion point"
14 shall have the same meaning as defined by the Inter-
15 national Monetary Fund.

16 TITLE III—MILITARY ASSISTANCE

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 INTERNATIONAL MILITARY EDUCATION AND TRAINING

19 For necessary expenses to carry out the provisions
20 of section 541 of the Foreign Assistance Act of 1961,
21 \$89,730,000, of which up to \$3,000,000 may remain
22 available until expended: *Provided*, That the civilian per-
23 sonnel for whom military education and training may be
24 provided under this heading may include civilians who are
25 not members of a government whose participation would

1 contribute to improved civil-military relations, civilian con-
2 trol of the military, or respect for human rights: *Provided*
3 *further*, That funds appropriated under this heading for
4 military education and training for Guatemala may only
5 be available for expanded international military education
6 and training, and funds made available for Nigeria and
7 Guatemala may only be provided through the regular noti-
8 fication procedures of the Committees on Appropriations.

9 FOREIGN MILITARY FINANCING PROGRAM

10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses necessary for grants to enable the
12 President to carry out the provisions of section 23 of the
13 Arms Export Control Act, \$4,777,500,000: *Provided*, That
14 of the funds appropriated under this heading, not less
15 than \$2,220,000,000 shall be available for grants only for
16 Israel, and not less than \$1,300,000,000 shall be made
17 available for grants only for Egypt: *Provided further*, That
18 the funds appropriated by this paragraph for Israel shall
19 be disbursed within 30 days of the enactment of this Act
20 or by October 31, 2004, whichever is later: *Provided fur-*
21 *ther*, That to the extent that the Government of Israel re-
22 quests that funds be used for such purposes, grants made
23 available for Israel by this paragraph shall, as agreed by
24 Israel and the United States, be available for advanced
25 weapons systems, of which not less than \$580,000,000
26 shall be available for the procurement in Israel of defense

1 articles and defense services, including research and devel-
2 opment: *Provided further*, That in addition to the funds
3 appropriated under this heading, up to \$150,000,000 for
4 assistance for Pakistan may be derived by transfer from
5 unobligated balances of funds appropriated under the
6 headings “Economic Support Fund” and “Foreign Mili-
7 tary Financing Program” in prior appropriations Acts and
8 not otherwise designated in those Acts for a specific coun-
9 try, use, or purpose: *Provided further*, That funds appro-
10 priated or otherwise made available by this paragraph
11 shall be nonrepayable notwithstanding any requirement in
12 section 23 of the Arms Export Control Act: *Provided fur-*
13 *ther*, That funds made available under this paragraph
14 shall be obligated upon apportionment in accordance with
15 paragraph (5)(C) of title 31, United States Code, section
16 1501(a).

17 None of the funds made available under this heading
18 shall be available to finance the procurement of defense
19 articles, defense services, or design and construction serv-
20 ices that are not sold by the United States Government
21 under the Arms Export Control Act unless the foreign
22 country proposing to make such procurements has first
23 signed an agreement with the United States Government
24 specifying the conditions under which such procurements
25 may be financed with such funds: *Provided*, That all coun-

1 try and funding level increases in allocations shall be sub-
2 mitted through the regular notification procedures of sec-
3 tion 515 of this Act: *Provided further*, That none of the
4 funds appropriated under this heading shall be available
5 for assistance for Sudan, Indonesia and Guatemala: *Pro-*
6 *vided further*, That funds made available under this head-
7 ing may be used, notwithstanding any other provision of
8 law, for demining, the clearance of unexploded ordnance,
9 and related activities, and may include activities imple-
10 mented through nongovernmental and international orga-
11 nizations: *Provided further*, That the authority contained
12 in the previous proviso or any other provision of law relat-
13 ing to the use of funds for programs under this heading,
14 including provisions contained in previously enacted ap-
15 propriations Acts, shall not apply to activities relating to
16 the clearance of unexploded ordnance resulting from
17 United States Armed Forces testing or training exercises:
18 *Provided further*, That the previous proviso shall not apply
19 to San Jose Island, Republic of Panama: *Provided further*,
20 That only those countries for which assistance was justi-
21 fied for the “Foreign Military Sales Financing Program”
22 in the fiscal year 1989 congressional presentation for secu-
23 rity assistance programs may utilize funds made available
24 under this heading for procurement of defense articles, de-
25 fense services or design and construction services that are

1 not sold by the United States Government under the Arms
2 Export Control Act: *Provided further*, That funds appro-
3 priated under this heading shall be expended at the min-
4 imum rate necessary to make timely payment for defense
5 articles and services: *Provided further*, That not more than
6 \$40,500,000 of the funds appropriated under this heading
7 may be obligated for necessary expenses, including the
8 purchase of passenger motor vehicles for replacement only
9 for use outside of the United States, for the general costs
10 of administering military assistance and sales: *Provided*
11 *further*, That not more than \$367,000,000 of funds real-
12 ized pursuant to section 21(e)(1)(A) of the Arms Export
13 Control Act may be obligated for expenses incurred by the
14 Department of Defense during fiscal year 2005 pursuant
15 to section 43(b) of the Arms Export Control Act, except
16 that this limitation may be exceeded only through the reg-
17 ular notification procedures of the Committees on Appro-
18 priations: *Provided further*, That foreign military financing
19 program funds estimated to be outlaid for Egypt during
20 fiscal year 2005 shall be transferred to an interest bearing
21 account for Egypt in the Federal Reserve Bank of New
22 York within 30 days of enactment of this Act or by Octo-
23 ber 31, 2004, whichever is later.

24 PEACEKEEPING OPERATIONS

25 For necessary expenses to carry out the provisions
26 of section 551 of the Foreign Assistance Act of 1961,

1 \$104,000,000: *Provided*, That none of the funds appro-
2 priated under this heading shall be obligated or expended
3 except as provided through the regular notification proce-
4 dures of the Committees on Appropriations.

5 TITLE IV—MULTILATERAL ECONOMIC
6 ASSISTANCE

7 FUNDS APPROPRIATED TO THE PRESIDENT

8 INTERNATIONAL FINANCIAL INSTITUTIONS

9 GLOBAL ENVIRONMENT FACILITY

10 For the United States contribution for the Global En-
11 vironment Facility, \$107,500,000 to the International
12 Bank for Reconstruction and Development as trustee for
13 the Global Environment Facility, by the Secretary of the
14 Treasury, to remain available until expended.

15 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT

16 ASSOCIATION

17 For payment to the International Development Asso-
18 ciation by the Secretary of the Treasury, \$850,000,000,
19 to remain available until expended.

20 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS

21 MULTILATERAL INVESTMENT FUND

22 For payment to the Enterprise for the Americas Mul-
23 tilateral Investment Fund by the Secretary of the Treas-
24 ury, for the United States contribution to the fund,
25 \$25,000,000, to remain available until expended.

1 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

2 For the United States contribution by the Secretary
3 of the Treasury to the increase in resources of the Asian
4 Development Fund, as authorized by the Asian Develop-
5 ment Bank Act, as amended, \$112,212,465, to remain
6 available until expended.

7 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

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

12 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

13 The United States Governor of the African Develop-
14 ment Bank may subscribe without fiscal year limitation
15 for the callable capital portion of the United States share
16 of such capital stock in an amount not to exceed
17 \$79,532,933.

18 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

19 For the United States contribution by the Secretary
20 of the Treasury to the increase in resources of the African
21 Development Fund, \$118,000,000, to remain available
22 until expended.

23 CONTRIBUTION TO THE EUROPEAN BANK FOR

24 RECONSTRUCTION AND DEVELOPMENT

25 For payment to the European Bank for Reconstruc-
26 tion and Development by the Secretary of the Treasury,

1 \$35,431,111 for the United States share of the paid-in
2 portion of the increase in capital stock, to remain available
3 until expended: *Provided*, That funds appropriated under
4 this heading shall be subject to the regular notification
5 procedures of the Committees on Appropriations and shall
6 be transmitted at least 15 days in advance of the obliga-
7 tion of funds.

8 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

9 The United States Governor of the European Bank
10 for Reconstruction and Development may subscribe with-
11 out fiscal year limitation to the callable capital portion of
12 the United States share of such capital stock in an amount
13 not to exceed \$121,996,662.

14 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
15 AGRICULTURAL DEVELOPMENT

16 For the United States contribution by the Secretary
17 of the Treasury to increase the resources of the Inter-
18 national Fund for Agricultural Development,
19 \$15,000,000, to remain available until expended.

20 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

21 For necessary expenses to carry out the provisions
22 of section 301 of the Foreign Assistance Act of 1961, and
23 of section 2 of the United Nations Environment Program
24 Participation Act of 1973, \$323,450,000: *Provided*, That
25 none of the funds appropriated under this heading may

1 be made available to the International Atomic Energy
2 Agency (IAEA).

3 TITLE V—GENERAL PROVISIONS

4 COMPENSATION FOR UNITED STATES EXECUTIVE

5 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

6 SEC. 501. (a) No funds appropriated by this Act may
7 be made as payment to any international financial institu-
8 tion while the United States Executive Director to such
9 institution is compensated by the institution at a rate
10 which, together with whatever compensation such Director
11 receives from the United States, is in excess of the rate
12 provided for an individual occupying a position at level IV
13 of the Executive Schedule under section 5315 of title 5,
14 United States Code, or while any alternate United States
15 Director to such institution is compensated by the institu-
16 tion at a rate in excess of the rate provided for an indi-
17 vidual occupying a position at level V of the Executive
18 Schedule under section 5316 of title 5, United States
19 Code.

20 (b) For purposes of this section, “international finan-
21 cial institutions” are: the International Bank for Recon-
22 struction and Development, the Inter-American Develop-
23 ment Bank, the Asian Development Bank, the Asian De-
24 velopment Fund, the African Development Bank, the Afri-
25 can Development Fund, the International Monetary Fund,

1 the North American Development Bank, and the Euro-
2 pean Bank for Reconstruction and Development.

3 RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO
4 UNITED NATIONS AGENCIES

5 SEC. 502. None of the funds appropriated by this Act
6 may be made available to pay any voluntary contribution
7 of the United States to the United Nations (including the
8 United Nations Development Program) if the United Na-
9 tions implements or imposes any taxation on any United
10 States persons.

11 LIMITATION ON RESIDENCE EXPENSES

12 SEC. 503. Of the funds appropriated or made avail-
13 able pursuant to this Act, not to exceed \$100,500 shall
14 be for official residence expenses of the United States
15 Agency for International Development during the current
16 fiscal year: *Provided*, That appropriate steps shall be
17 taken to assure that, to the maximum extent possible,
18 United States-owned foreign currencies are utilized in lieu
19 of dollars.

20 LIMITATION ON EXPENSES

21 SEC. 504. Of the funds appropriated or made avail-
22 able pursuant to this Act, not to exceed \$5,000 shall be
23 for entertainment expenses of the United States Agency
24 for International Development during the current fiscal
25 year.

1 LIMITATION ON REPRESENTATIONAL ALLOWANCES

2 SEC. 505. Of the funds appropriated or made avail-
3 able pursuant to this Act, not to exceed \$125,000 shall
4 be available for representation allowances for the United
5 States Agency for International Development during the
6 current fiscal year: *Provided*, That appropriate steps shall
7 be taken to assure that, to the maximum extent possible,
8 United States-owned foreign currencies are utilized in lieu
9 of dollars: *Provided further*, That of the funds made avail-
10 able by this Act for general costs of administering military
11 assistance and sales under the heading “Foreign Military
12 Financing Program”, not to exceed \$4,000 shall be avail-
13 able for entertainment expenses and not to exceed
14 \$130,000 shall be available for representation allowances:
15 *Provided further*, That of the funds made available by this
16 Act under the heading “International Military Education
17 and Training”, not to exceed \$55,000 shall be available
18 for entertainment allowances: *Provided further*, That of
19 the funds made available by this Act for the Inter-Amer-
20 ican Foundation, not to exceed \$2,000 shall be available
21 for entertainment and representation allowances: *Provided*
22 *further*, That of the funds made available by this Act for
23 the Peace Corps, not to exceed a total of \$4,000 shall be
24 available for entertainment expenses: *Provided further*,
25 That of the funds made available by this Act under the

1 heading “Trade and Development Agency”, not to exceed
2 \$4,000 shall be available for representation and entertain-
3 ment allowances: *Provided further*, That of the funds made
4 available by this Act under the heading “Millennium Chal-
5 lenge Corporation”, not to exceed \$130,000 shall be avail-
6 able for representation and entertainment allowances.

7 PROHIBITION ON TAXATION OF UNITED STATES

8 ASSISTANCE

9 SEC. 506. (a) PROHIBITION ON TAXATION.—None of
10 the funds appropriated by this Act may be made available
11 to provide assistance for a foreign country under a new
12 bilateral agreement governing the terms and conditions
13 under which such assistance is to be provided unless such
14 agreement includes a provision stating that assistance pro-
15 vided by the United States shall be exempt from taxation,
16 or reimbursed, by the foreign government, and the Sec-
17 retary of State shall expeditiously seek to negotiate
18 amendments to existing bilateral agreements, as nec-
19 essary, to conform with this requirement.

20 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
21 amount equivalent to 200 percent of the total taxes as-
22 sessed during fiscal year 2005 on funds appropriated by
23 this Act by a foreign government or entity against com-
24 modities financed under United States assistance pro-
25 grams for which funds are appropriated by this Act, either
26 directly or through grantees, contractors and subcontrac-

1 tors shall be withheld from obligation from funds appro-
2 priated for assistance for fiscal year 2006 and allocated
3 for the central government of such country and for the
4 West Bank and Gaza Program to the extent that the Sec-
5 retary of State certifies and reports in writing to the Com-
6 mittees on Appropriations that such taxes have not been
7 reimbursed to the Government of the United States.

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

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

17 (e) DETERMINATIONS.—

18 (1) The provisions of this section shall not
19 apply to any country or entity the Secretary of State
20 determines—

21 (A) does not assess taxes on United States
22 assistance or which has an effective arrange-
23 ment that is providing substantial reimburse-
24 ment of such taxes; or

1 (B) the foreign policy interests of the
2 United States outweigh the policy of this sec-
3 tion to ensure that United States assistance is
4 not subject to taxation.

5 (2) The Secretary of State shall consult with
6 the Committees on Appropriations at least 15 days
7 prior to exercising the authority of this subsection
8 with regard to any country or entity.

9 (f) IMPLEMENTATION.—The Secretary of State shall
10 issue rules, regulations, or policy guidance, as appropriate,
11 to implement the prohibition against the taxation of assist-
12 ance contained in this section.

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

14 (1) the terms “taxes” and “taxation” refer to
15 value added taxes and customs duties imposed on
16 commodities financed with United States assistance
17 for programs for which funds are appropriated by
18 this Act; and

19 (2) the term “bilateral agreement” refers to a
20 framework bilateral agreement between the Govern-
21 ment of the United States and the government of
22 the country receiving assistance that describes the
23 privileges and immunities applicable to United
24 States foreign assistance for such country generally,
25 or an individual agreement between the Government

1 of the United States and such government that de-
2 scribes, among other things, the treatment for tax
3 purposes that will be accorded the United States as-
4 sistance provided under that agreement.

5 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
6 COUNTRIES

7 SEC. 507. None of the funds appropriated or other-
8 wise made available pursuant to this Act shall be obligated
9 or expended to finance directly any assistance or repara-
10 tions to Cuba, Libya, North Korea, Iran, or Syria: *Pro-*
11 *vided*, That for purposes of this section, the prohibition
12 on obligations or expenditures shall include direct loans,
13 credits, insurance and guarantees of the Export-Import
14 Bank or its agents.

15 MILITARY COUPS

16 SEC. 508. None of the funds appropriated or other-
17 wise made available pursuant to this Act shall be obligated
18 or expended to finance directly any assistance to the gov-
19 ernment of any country whose duly elected head of govern-
20 ment is deposed by decree or military coup: *Provided*, That
21 assistance may be resumed to such government if the
22 President determines and certifies to the Committees on
23 Appropriations that subsequent to the termination of as-
24 sistance a democratically elected government has taken of-
25 fice: *Provided further*, That the provisions of this section
26 shall not apply to assistance to promote democratic elec-

1 tions or public participation in democratic processes: *Pro-*
2 *vided further*, That funds made available pursuant to the
3 previous provisos shall be subject to the regular notifica-
4 tion procedures of the Committees on Appropriations.

5 TRANSFERS

6 SEC. 509. (a)(1) LIMITATION ON TRANSFERS BE-
7 TWEEN AGENCIES.—None of the funds made available by
8 this Act may be transferred to any department, agency,
9 or instrumentality of the United States Government, ex-
10 cept pursuant to a transfer made by, or transfer authority
11 provided in, this Act or any other appropriation Act.

12 (2) Notwithstanding paragraph (1), in addition to
13 transfers made by, or authorized elsewhere in, this Act,
14 funds appropriated by this Act to carry out the purposes
15 of the Foreign Assistance Act of 1961 may be allocated
16 or transferred to agencies of the United States Govern-
17 ment pursuant to the provisions of sections 109, 610, and
18 632 of the Foreign Assistance Act of 1961.

19 (b) TRANSFERS BETWEEN ACCOUNTS.—None of the
20 funds made available by this Act may be obligated under
21 an appropriation account to which they were not appro-
22 priated, except for transfers specifically provided for in
23 this Act, unless the President, not less than five days prior
24 to the exercise of any authority contained in the Foreign
25 Assistance Act of 1961 to transfer funds, consults with
26 and provides a written policy justification to the Commit-

1 tees on Appropriations of the House of Representatives
2 and the Senate.

3 (c) AUDIT OF INTER-AGENCY TRANSFERS.—Any
4 agreement for the transfer or allocation of funds appro-
5 priated by this Act, or prior Acts, entered into between
6 the United States Agency for International Development
7 and another agency of the United States Government
8 under the authority of section 632(a) of the Foreign As-
9 sistance Act of 1961 or any comparable provision of law,
10 shall expressly provide that the Office of the Inspector
11 General for the agency receiving the transfer or allocation
12 of such funds shall perform periodic program and financial
13 audits of the use of such funds: *Provided*, That funds
14 transferred under such authority may be made available
15 for the cost of such audits.

16 COMMERCIAL LEASING OF DEFENSE ARTICLES

17 SEC. 510. Notwithstanding any other provision of
18 law, and subject to the regular notification procedures of
19 the Committees on Appropriations, the authority of sec-
20 tion 23(a) of the Arms Export Control Act may be used
21 to provide financing to Israel, Egypt and NATO and
22 major non-NATO allies for the procurement by leasing
23 (including leasing with an option to purchase) of defense
24 articles from United States commercial suppliers, not in-
25 cluding Major Defense Equipment (other than helicopters
26 and other types of aircraft having possible civilian applica-

1 tion), if the President determines that there are compel-
2 ling foreign policy or national security reasons for those
3 defense articles being provided by commercial lease rather
4 than by government-to-government sale under such Act.

5 AVAILABILITY OF FUNDS

6 SEC. 511. No part of any appropriation contained in
7 this Act shall remain available for obligation after the ex-
8 piration of the current fiscal year unless expressly so pro-
9 vided in this Act: *Provided*, That funds appropriated for
10 the purposes of chapters 1, 8, 11, and 12 of part I, section
11 667, chapters 4, 6, 8, and 9 of part II of the Foreign
12 Assistance Act of 1961, section 23 of the Arms Export
13 Control Act, and funds provided under the heading “As-
14 sistance for Eastern Europe and the Baltic States”, shall
15 remain available for an additional four years from the date
16 on which the availability of such funds would otherwise
17 have expired, if such funds are initially obligated before
18 the expiration of their respective periods of availability
19 contained in this Act: *Provided further*, That, notwith-
20 standing any other provision of this Act, any funds made
21 available for the purposes of chapter 1 of part I and chap-
22 ter 4 of part II of the Foreign Assistance Act of 1961
23 which are allocated or obligated for cash disbursements
24 in order to address balance of payments or economic policy
25 reform objectives, shall remain available until expended.

1 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

2 SEC. 512. No part of any appropriation contained in
3 this Act shall be used to furnish assistance to the govern-
4 ment of any country which is in default during a period
5 in excess of one calendar year in payment to the United
6 States of principal or interest on any loan made to the
7 government of such country by the United States pursuant
8 to a program for which funds are appropriated under this
9 Act unless the President determines, following consulta-
10 tions with the Committees on Appropriations, that assist-
11 ance to such country is in the national interest of the
12 United States.

13 COMMERCE AND TRADE

14 SEC. 513. (a) None of the funds appropriated or
15 made available pursuant to this Act for direct assistance
16 and none of the funds otherwise made available pursuant
17 to this Act to the Export-Import Bank and the Overseas
18 Private Investment Corporation shall be obligated or ex-
19 pended to finance any loan, any assistance or any other
20 financial commitments for establishing or expanding pro-
21 duction of any commodity for export by any country other
22 than the United States, if the commodity is likely to be
23 in surplus on world markets at the time the resulting pro-
24 ductive capacity is expected to become operative and if the
25 assistance will cause substantial injury to United States
26 producers of the same, similar, or competing commodity:

1 *Provided*, That such prohibition shall not apply to the Ex-
2 port-Import Bank if in the judgment of its Board of Direc-
3 tors the benefits to industry and employment in the
4 United States are likely to outweigh the injury to United
5 States producers of the same, similar, or competing com-
6 modity, and the Chairman of the Board so notifies the
7 Committees on Appropriations.

8 (b) None of the funds appropriated by this or any
9 other Act to carry out chapter 1 of part I of the Foreign
10 Assistance Act of 1961 shall be available for any testing
11 or breeding feasibility study, variety improvement or intro-
12 duction, consultancy, publication, conference, or training
13 in connection with the growth or production in a foreign
14 country of an agricultural commodity for export which
15 would compete with a similar commodity grown or pro-
16 duced in the United States: *Provided*, That this subsection
17 shall not prohibit—

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

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

24 SURPLUS COMMODITIES

25 SEC. 514. The Secretary of the Treasury shall in-
26 struct the United States Executive Directors of the Inter-

1 national Bank for Reconstruction and Development, the
2 International Development Association, the International
3 Finance Corporation, the Inter-American Development
4 Bank, the International Monetary Fund, the Asian Devel-
5 opment Bank, the Inter-American Investment Corpora-
6 tion, the North American Development Bank, the Euro-
7 pean Bank for Reconstruction and Development, the Afri-
8 can Development Bank, and the African Development
9 Fund to use the voice and vote of the United States to
10 oppose any assistance by these institutions, using funds
11 appropriated or made available pursuant to this Act, for
12 the production or extraction of any commodity or mineral
13 for export, if it is in surplus on world markets and if the
14 assistance will cause substantial injury to United States
15 producers of the same, similar, or competing commodity.

16 NOTIFICATION REQUIREMENTS

17 SEC. 515. For the purposes of providing the executive
18 branch with the necessary administrative flexibility, none
19 of the funds made available under this Act for “Child Sur-
20 vival and Health Programs Fund”, “Development Assist-
21 ance”, “International Organizations and Programs”,
22 “Trade and Development Agency”, “International Nar-
23 cotics Control and Law Enforcement”, “Andean
24 Counterdrug Initiative”, “Assistance for Eastern Europe
25 and the Baltic States”, “Assistance for the Independent
26 States of the Former Soviet Union”, “Economic Support

1 Fund”, “Global HIV/AIDS Initiative”, “Peacekeeping
2 Operations”, “Capital Investment Fund”, “Operating Ex-
3 penses of the United States Agency for International De-
4 velopment”, “Operating Expenses of the United States
5 Agency for International Development Office of Inspector
6 General”, “Nonproliferation, Anti-terrorism, Demining
7 and Related Programs”, “Millennium Challenge Corpora-
8 tion” (by country only), “Foreign Military Financing Pro-
9 gram”, “International Military Education and Training”,
10 “Peace Corps”, and “Migration and Refugee Assistance”,
11 shall be available for obligation for activities, programs,
12 projects, type of materiel assistance, countries, or other
13 operations not justified or in excess of the amount justi-
14 fied to the Committees on Appropriations for obligation
15 under any of these specific headings unless the Commit-
16 tees on Appropriations of both Houses of Congress are
17 previously notified 15 days in advance: *Provided*, That the
18 President shall not enter into any commitment of funds
19 appropriated for the purposes of section 23 of the Arms
20 Export Control Act for the provision of major defense
21 equipment, other than conventional ammunition, or other
22 major defense items defined to be aircraft, ships, missiles,
23 or combat vehicles, not previously justified to Congress or
24 20 percent in excess of the quantities justified to Congress
25 unless the Committees on Appropriations are notified 15

1 days in advance of such commitment: *Provided further*,
2 That this section shall not apply to any reprogramming
3 for an activity, program, or project for which funds are
4 appropriated under title II of this Act of less than 10 per-
5 cent of the amount previously justified to the Congress
6 for obligation for such activity, program, or project for the
7 current fiscal year: *Provided further*, That the require-
8 ments of this section or any similar provision of this Act
9 or any other Act, including any prior Act requiring notifi-
10 cation in accordance with the regular notification proce-
11 dures of the Committees on Appropriations, may be
12 waived if failure to do so would pose a substantial risk
13 to human health or welfare: *Provided further*, That in case
14 of any such waiver, notification to the Congress, or the
15 appropriate congressional committees, shall be provided as
16 early as practicable, but in no event later than 3 days after
17 taking the action to which such notification requirement
18 was applicable, in the context of the circumstances neces-
19 sitating such waiver: *Provided further*, That any notifica-
20 tion provided pursuant to such a waiver shall contain an
21 explanation of the emergency circumstances.

22 LIMITATION ON AVAILABILITY OF FUNDS FOR
23 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

24 SEC. 516. Subject to the regular notification proce-
25 dures of the Committees on Appropriations, funds appro-
26 priated under this Act or any previously enacted Act mak-

1 ing appropriations for foreign operations, export financ-
2 ing, and related programs, which are returned or not made
3 available for organizations and programs because of the
4 implementation of section 307(a) of the Foreign Assist-
5 ance Act of 1961, shall remain available for obligation
6 until September 30, 2006.

7 INDEPENDENT STATES OF THE FORMER SOVIET UNION

8 SEC. 517. (a) None of the funds appropriated under
9 the heading “Assistance for the Independent States of the
10 Former Soviet Union” shall be made available for assist-
11 ance for a government of an Independent State of the
12 former Soviet Union—

13 (1) unless that government is making progress
14 in implementing comprehensive economic reforms
15 based on market principles, private ownership, re-
16 spect for commercial contracts, and equitable treat-
17 ment of foreign private investment; and

18 (2) if that government applies or transfers
19 United States assistance to any entity for the pur-
20 pose of expropriating or seizing ownership or control
21 of assets, investments, or ventures.

22 Assistance may be furnished without regard to this sub-
23 section if the President determines that to do so is in the
24 national interest.

1 (b) None of the funds appropriated under the heading
2 “Assistance for the Independent States of the Former So-
3 viet Union” shall be made available for assistance for a
4 government of an Independent State of the former Soviet
5 Union if that government directs any action in violation
6 of the territorial integrity or national sovereignty of any
7 other Independent State of the former Soviet Union, such
8 as those violations included in the Helsinki Final Act: *Pro-*
9 *vided*, That such funds may be made available without re-
10 gard to the restriction in this subsection if the President
11 determines that to do so is in the national security interest
12 of the United States.

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

19 (d) Funds appropriated under the heading “Assist-
20 ance for the Independent States of the Former Soviet
21 Union” for the Russian Federation, Armenia, Georgia,
22 and Ukraine shall be subject to the regular notification
23 procedures of the Committees on Appropriations.

24 (e) Funds made available in this Act for assistance
25 for the Independent States of the former Soviet Union

1 shall be subject to the provisions of section 117 (relating
2 to environment and natural resources) of the Foreign As-
3 sistance Act of 1961.

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

18 PROHIBITION ON FUNDING FOR ABORTIONS AND

19 INVOLUNTARY STERILIZATION

20 SEC. 518. None of the funds made available to carry
21 out part I of the Foreign Assistance Act of 1961, as
22 amended, may be used to pay for the performance of abor-
23 tions as a method of family planning or to motivate or
24 coerce any person to practice abortions. None of the funds
25 made available to carry out part I of the Foreign Assist-
26 ance Act of 1961, as amended, may be used to pay for

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

16 EXPORT FINANCING TRANSFER AUTHORITIES

17 SEC. 519. Not to exceed 5 percent of any appropria-
18 tion other than for administrative expenses made available
19 for fiscal year 2005, for programs under title I of this
20 Act may be transferred between such appropriations for
21 use for any of the purposes, programs, and activities for
22 which the funds in such receiving account may be used,
23 but no such appropriation, except as otherwise specifically
24 provided, shall be increased by more than 25 percent by
25 any such transfer: *Provided*, That the exercise of such au-

1 thority shall be subject to the regular notification proce-
2 dures of the Committees on Appropriations.

3 SPECIAL NOTIFICATION REQUIREMENTS

4 SEC. 520. None of the funds appropriated by this Act
5 shall be obligated or expended for Liberia, Serbia, Sudan,
6 or Zimbabwe except as provided through the regular noti-
7 fication procedures of the Committees on Appropriations.

8 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

9 SEC. 521. For the purpose of this Act, “program,
10 project, and activity” shall be defined at the appropria-
11 tions Act account level and shall include all appropriations
12 and authorizations Acts earmarks, ceilings, and limita-
13 tions with the exception that for the following accounts:
14 Economic Support Fund and Foreign Military Financing
15 Program, “program, project, and activity” shall also be
16 considered to include country, regional, and central pro-
17 gram level funding within each such account; for the devel-
18 opment assistance accounts of the United States Agency
19 for International Development “program, project, and ac-
20 tivity” shall also be considered to include central, country,
21 regional, and program level funding, either as: (1) justified
22 to the Congress; or (2) allocated by the executive branch
23 in accordance with a report, to be provided to the Commit-
24 tees on Appropriations within 30 days of the enactment
25 of this Act, as required by section 653(a) of the Foreign
26 Assistance Act of 1961.

1 CHILD SURVIVAL AND HEALTH ACTIVITIES

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

1 Against HIV/AIDS, Tuberculosis, and Malaria Act of
2 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.).

3 AFGHANISTAN

4 SEC. 523. Of the funds appropriated by titles II and
5 III of this Act, not less than \$977,000,000 should be made
6 available for humanitarian, reconstruction, and related as-
7 sistance for Afghanistan: *Provided*, That \$60,000,000 of
8 the funds allocated for assistance for Afghanistan from
9 this Act and other Acts making appropriations for foreign
10 operations, export financing, and related programs for fis-
11 cal year 2005 should be made available for assistance for
12 Afghan women and girls.

13 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

14 SEC. 524. Prior to providing excess Department of
15 Defense articles in accordance with section 516(a) of the
16 Foreign Assistance Act of 1961, the Department of De-
17 fense shall notify the Committees on Appropriations to the
18 same extent and under the same conditions as are other
19 committees pursuant to subsection (f) of that section: *Pro-*
20 *vided*, That before issuing a letter of offer to sell excess
21 defense articles under the Arms Export Control Act, the
22 Department of Defense shall notify the Committees on
23 Appropriations in accordance with the regular notification
24 procedures of such Committees if such defense articles are
25 significant military equipment (as defined in section 47(9)
26 of the Arms Export Control Act) or are valued (in terms

1 of original acquisition cost) at \$7,000,000 or more, or if
2 notification is required elsewhere in this Act for the use
3 of appropriated funds for specific countries that would re-
4 ceive such excess defense articles: *Provided further*, That
5 such Committees shall also be informed of the original ac-
6 quisition cost of such defense articles.

7 THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND
8 MALARIA

9 SEC. 525. Notwithstanding any other provision of
10 this Act, none of the funds that are appropriated by this
11 Act that are made available to support the Global Fund
12 to Fight AIDS, Tuberculosis and Malaria (Global Fund)
13 may be made available to the Global Fund until the Sec-
14 retary of State certifies to the Committees on Appropria-
15 tions that—

16 (1) the Global Fund is making concerted efforts
17 to—

18 (A) establish a full time, professional, inde-
19 pendent office which reports directly to the
20 Global Fund Board regarding, among other
21 things, the integrity of processes for consider-
22 ation and approval of grant proposals, and the
23 implementation, monitoring and evaluation of
24 grants made by the Global Fund;

1 (B) strengthen domestic civil society par-
2 ticipation, especially for people living with HIV/
3 AIDS, in-country coordinating mechanisms; and

4 (C) establish procedures to assess the need
5 for, and coordinate, technical assistance for
6 Global Fund activities, in cooperation with bi-
7 lateral and multilateral donors; and

8 (2) the Global Fund has established clear, con-
9 sistent progress indicators upon which to determine
10 the release of incremental disbursements;

11 (3) the Global Fund is releasing such incre-
12 mental disbursements only if sufficient positive re-
13 sults have been attained based on those indicators;
14 and

15 (4) the Global Fund is providing an appropriate
16 level of support and oversight to country-level enti-
17 ties, such as country coordinating mechanisms, prin-
18 cipal recipients, and local Fund agents, to enable
19 them to fulfill their mandates.

20 DEMOCRACY PROGRAMS

21 SEC. 526. (a) The Secretary of Treasury should in-
22 struct the United States executive director to each inter-
23 national financial institution to use the voice and vote of
24 the United States to support projects in Tibet if such
25 projects do not provide incentives for the migration and
26 settlement of non-Tibetans into Tibet or facilitate the

1 transfer of ownership of Tibetan land and natural re-
2 sources to non-Tibetans; are based on a thorough needs-
3 assessment; foster self-sufficiency of the Tibetan people
4 and respect Tibetan culture and traditions; and are sub-
5 ject to effective monitoring.

6 (b) Notwithstanding any other provision of law, not
7 less than \$4,000,000 of the funds appropriated by this
8 Act under the heading “Economic Support Fund” should
9 be made available to nongovernmental organizations to
10 support activities which preserve cultural traditions and
11 promote sustainable development and environmental con-
12 servation in Tibetan communities in the Tibetan Autono-
13 mous Region and in other Tibetan communities in China.

14 (c) Notwithstanding any other provision of law, not
15 less than \$250,000 of the funds appropriated under the
16 heading “Economic Support Fund” should be made avail-
17 able for human rights and democracy programs for Tibet-
18 ans.

19 (d) Not less than \$27,000,000 of the funds appro-
20 priated by this Act under the heading “Economic Support
21 Fund” should be allocated for the Human Rights and De-
22 mocracy Fund: *Provided*, That up to \$1,200,000 may be
23 used for the Reagan/Fascell Democracy Fellows program.

24 (e) Notwithstanding any other provision of law, up
25 to \$1,500,000 of the funds appropriated by this Act under

1 the heading “Economic Support Fund” may be provided
2 to make grants to educational, humanitarian, and non-
3 governmental organizations and individuals inside Iran
4 and Syria to support the advancement of democracy and
5 human rights in Iran and Syria, and such funds may be
6 provided through the National Endowment for Democ-
7 racy.

8 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
9 COUNTRIES

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

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

18 (2) otherwise supports international terrorism.

19 (b) The President may waive the application of sub-
20 section (a) to a country if the President determines that
21 national security or humanitarian reasons justify such
22 waiver. The President shall publish each waiver in the
23 Federal Register and, at least 15 days before the waiver
24 takes effect, shall notify the Committees on Appropria-
25 tions of the waiver (including the justification for the waiv-

1 er) in accordance with the regular notification procedures
2 of the Committees on Appropriations.

3 DEBT-FOR-DEVELOPMENT

4 SEC. 528. In order to enhance the continued partici-
5 pation of nongovernmental organizations in debt-for-devel-
6 opment and debt-for-nature exchanges, a nongovern-
7 mental organization which is a grantee or contractor of
8 the United States Agency for International Development
9 may place in interest bearing accounts local currencies
10 which accrue to that organization as a result of economic
11 assistance provided under title II of this Act and, subject
12 to the regular notification procedures of the Committees
13 on Appropriations, and any interest earned on such invest-
14 ment shall be used for the purpose for which the assist-
15 ance was provided to that organization.

16 SEPARATE ACCOUNTS

17 SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL
18 CURRENCIES.—(1) If assistance is furnished to the gov-
19 ernment of a foreign country under chapters 1 and 10 of
20 part I or chapter 4 of part II of the Foreign Assistance
21 Act of 1961 under agreements which result in the genera-
22 tion of local currencies of that country, the Administrator
23 of the United States Agency for International Develop-
24 ment shall—

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

1 (B) enter into an agreement with that govern-
2 ment which sets forth—

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

5 (ii) the terms and conditions under which
6 the currencies so deposited may be utilized, con-
7 sistent with this section; and

8 (C) establish by agreement with that govern-
9 ment the responsibilities of the United States Agen-
10 cy for International Development and that govern-
11 ment to monitor and account for deposits into and
12 disbursements from the separate account.

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

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

21 (i) project and sector assistance activities;

22 or

23 (ii) debt and deficit financing; or

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

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

8 (4) TERMINATION OF ASSISTANCE PROGRAMS.—
9 Upon termination of assistance to a country under chapter
10 1 or 10 of part I or chapter 4 of part II (as the case
11 may be), any unencumbered balances of funds which re-
12 main in a separate account established pursuant to sub-
13 section (a) shall be disposed of for such purposes as may
14 be agreed to by the government of that country and the
15 United States Government.

16 (5) REPORTING REQUIREMENT.—The Administrator
17 of the United States Agency for International Develop-
18 ment shall report on an annual basis as part of the jus-
19 tification documents submitted to the Committees on Ap-
20 propriations on the use of local currencies for the adminis-
21 trative requirements of the United States Government as
22 authorized in subsection (a)(2)(B), and such report shall
23 include the amount of local currency (and United States
24 dollar equivalent) used and/or to be used for such purpose
25 in each applicable country.

1 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

2 (1) If assistance is made available to the government of
3 a foreign country, under chapter 1 or 10 of part I or chap-
4 ter 4 of part II of the Foreign Assistance Act of 1961,
5 as cash transfer assistance or as nonproject sector assist-
6 ance, that country shall be required to maintain such
7 funds in a separate account and not commingle them with
8 any other funds.

9 (2) APPLICABILITY OF OTHER PROVISIONS OF
10 LAW.—Such funds may be obligated and expended not-
11 withstanding provisions of law which are inconsistent with
12 the nature of this assistance including provisions which
13 are referenced in the Joint Explanatory Statement of the
14 Committee of Conference accompanying House Joint Res-
15 olution 648 (House Report No. 98–1159).

16 (3) NOTIFICATION.—At least 15 days prior to obli-
17 gating any such cash transfer or nonproject sector assist-
18 ance, the President shall submit a notification through the
19 regular notification procedures of the Committees on Ap-
20 propriations, which shall include a detailed description of
21 how the funds proposed to be made available will be used,
22 with a discussion of the United States interests that will
23 be served by the assistance (including, as appropriate, a
24 description of the economic policy reforms that will be pro-
25 moted by such assistance).

1 (2) None of the funds appropriated by this Act
2 may be made available for the cost, as defined in
3 section 502, of the Congressional Budget Act of
4 1974, of modifying loans and loan guarantees held
5 by the Government of Sudan, including the cost of
6 selling, reducing, or canceling amounts owed to the
7 United States, and modifying concessional loans,
8 guarantees, and credit agreements.

9 (c) Subsection (b) shall not apply if the Secretary of
10 State determines and certifies to the Committees on Ap-
11 propriations that—

12 (1) the Government of Sudan has disarmed and
13 disbanded government-supported militia groups in
14 the Darfur region;

15 (2) the Government of Sudan and all govern-
16 ment-supported militia groups are honoring their
17 commitments made in the cease-fire agreement of
18 April 8, 2004; and

19 (3) the Government of Sudan is allowing full
20 and unconditional access to Darfur to humanitarian
21 aid organizations, the human rights investigation
22 and humanitarian teams of the United Nations, in-
23 cluding protection officers, and an international
24 monitoring team that is based in Darfur and that
25 has the support of the United States.

1 (d) EXCEPTIONS.—The provisions of subsection (b)
2 shall not apply to—

3 (1) humanitarian assistance; and

4 (2) assistance for Darfur and for areas outside
5 the control of the Government of Sudan.

6 (e) DEFINITIONS.—For the purposes of the Act and
7 section 501 of Public Law 106–570, the terms “Govern-
8 ment of Sudan”, “areas outside of control of the Govern-
9 ment of Sudan”, and “area in Sudan outside of control
10 of the Government of Sudan” shall have the same meaning
11 and application as was the case immediately prior to the
12 conclusion of the cease-fire agreement of April 8, 2004.

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 (1) 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 (2) 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, PAKISTAN, MONTE-
26 NEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND

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

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

23 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-
24 propriated by this Act to carry out chapter 1 of part I,
25 chapter 4 of part II, and section 667 of the Foreign As-

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

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

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

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

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

16 (g) NATIONAL ENDOWMENT FOR DEMOCRACY.—
17 Funds appropriated by this Act that are provided to the
18 National Endowment for Democracy may be provided not-
19 withstanding any other provision of law or regulation.

20 (h) WORLD FOOD PROGRAM.—Of the funds managed
21 by the Bureau for Democracy, Conflict, and Humanitarian
22 Assistance of the United States Agency for International
23 Development, from this or any other Act, not less than
24 \$6,000,000 shall be made available as a general contribu-

1 tion to the World Food Program, notwithstanding any
2 other provision of law.

3 (i) EXTENSION OF AUTHORITY.—Public Law 107–
4 57, as amended, is further amended—

5 (1) in section 1(b)—

6 (A) in the heading, by striking “2004” and
7 inserting “2005”; and

8 (B) in paragraph (1), by striking “2004”
9 and inserting “2005”;

10 (2) in section 3(2), by striking “and 2004” and
11 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 ARAB LEAGUE BOYCOTT OF ISRAEL

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

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

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

25 (3) the three Arab League countries with diplo-
26 matic and trade relations with Israel should return

1 their ambassadors to Israel, should refrain from
2 downgrading their relations with Israel, and should
3 play a constructive role in securing a peaceful reso-
4 lution of the Israeli-Arab conflict;

5 (4) the remaining Arab League states should
6 normalize relations with their neighbor Israel;

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

14 (6) the President should report to Congress an-
15 nually on specific steps being taken by the United
16 States to encourage Arab League states to normalize
17 their relations with Israel to bring about the termi-
18 nation of the Arab League boycott of Israel, includ-
19 ing those to encourage allies and trading partners of
20 the United States to enact laws prohibiting busi-
21 nesses from complying with the boycott and penal-
22 izing businesses that do comply.

23 ELIGIBILITY FOR ASSISTANCE

24 SEC. 536. (a) ASSISTANCE THROUGH NONGOVERN-
25 MENTAL ORGANIZATIONS.—Restrictions contained in this
26 or any other Act with respect to assistance for a country

1 shall not be construed to restrict assistance in support of
2 programs of nongovernmental organizations from funds
3 appropriated by this Act to carry out the provisions of
4 chapters 1, 10, 11, and 12 of part I and chapter 4 of
5 part II of the Foreign Assistance Act of 1961, and from
6 funds appropriated under the heading “Assistance for
7 Eastern Europe and the Baltic States”: *Provided*, That
8 before using the authority of this subsection to furnish as-
9 sistance in support of programs of nongovernmental orga-
10 nizations, the President shall notify the Committees on
11 Appropriations under the regular notification procedures
12 of those committees, including a description of the pro-
13 gram to be assisted, the assistance to be provided, and
14 the reasons for furnishing such assistance: *Provided fur-*
15 *ther*, That nothing in this subsection shall be construed
16 to alter any existing statutory prohibitions against abor-
17 tion or involuntary sterilizations contained in this or any
18 other Act.

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

1 obligated or expended except as provided through the reg-
2 ular notification procedures of the Committees on Appro-
3 priations.

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

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

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

14 RESERVATIONS OF FUNDS

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

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

15 CEILINGS AND EARMARKS

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

22 PROHIBITION ON PUBLICITY OR PROPAGANDA

23 SEC. 539. No part of any appropriation contained in
24 this Act shall be used for publicity or propaganda purposes
25 within the United States not authorized before the date
26 of the enactment of this Act by the Congress: *Provided*,

1 That not to exceed \$750,000 may be made available to
2 carry out the provisions of section 316 of Public Law 96–
3 533.

4 PROHIBITION OF PAYMENTS TO UNITED NATIONS

5 MEMBERS

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

16 NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

17 SEC. 541. None of the funds appropriated or made
18 available pursuant to this Act shall be available to a non-
19 governmental organization which fails to provide upon
20 timely request any document, file, or record necessary to
21 the auditing requirements of the United States Agency for
22 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-

1 cluding the estimated dollar amount of such assistance,
2 and an explanation of how the assistance furthers United
3 States national interests.

4 WITHHOLDING OF ASSISTANCE FOR PARKING FINES
5 OWED BY FOREIGN COUNTRIES

6 SEC. 543. (a) Subject to subsection (c), of the funds
7 appropriated by this Act that are made available for as-
8 sistance for a foreign country, an amount equal to 110
9 percent of the total amount of the unpaid fully adjudicated
10 parking fines and penalties owed by such country shall be
11 withheld from obligation for such country until the Sec-
12 retary of State submits a certification to the appropriate
13 congressional committees stating that such parking fines
14 and penalties are fully paid.

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

24 (c) Subsection (a) shall not include amounts that
25 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

1 (ii) has not followed the appropriate adju-
2 dication procedure to challenge the summons;
3 and

4 (B) the period of time for payment of or
5 challenge to the summons has lapsed.

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

8 (A) owed to—

9 (i) the District of Columbia; or

10 (ii) New York, New York; and

11 (B) incurred during the period April 1,
12 1997 through September 30, 2004.

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

15 SEC. 544. None of the funds appropriated by this Act
16 may be obligated for assistance for the Palestine Libera-
17 tion Organization for the West Bank and Gaza unless the
18 President has exercised the authority under section 604(a)
19 of the Middle East Peace Facilitation Act of 1995 (title
20 VI of Public Law 104–107) or any other legislation to sus-
21 pend or make inapplicable section 307 of the Foreign As-
22 sistance Act of 1961 and that suspension is still in effect:
23 *Provided*, That if the President fails to make the certifi-
24 cation under section 604(b)(2) of the Middle East Peace
25 Facilitation Act of 1995 or to suspend the prohibition
26 under other legislation, funds appropriated by this Act

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 \$30,000,000 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. The Government of Haiti shall be eligible
25 to purchase defense articles and services under the Arms

1 Export Control Act (22 U.S.C. 2751 et seq.), for the Coast
2 Guard.

3 LIMITATION ON ASSISTANCE TO THE PALESTINIAN
4 AUTHORITY

5 SEC. 550. (a) PROHIBITION OF FUNDS.—None of the
6 funds appropriated by this Act to carry out the provisions
7 of chapter 4 of part II of the Foreign Assistance Act of
8 1961 may be obligated or expended with respect to pro-
9 viding funds to the Palestinian Authority.

10 (b) WAIVER.—The prohibition included in subsection
11 (a) shall not apply if the President certifies in writing to
12 the Speaker of the House of Representatives and the
13 President pro tempore of the Senate that waiving such
14 prohibition is important to the national security interests
15 of the United States.

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

20 (d) REPORT.—Whenever the waiver authority pursu-
21 ant to subsection (b) is exercised, the President shall sub-
22 mit a report to the Committees on Appropriations detail-
23 ing the steps the Palestinian Authority has taken to arrest
24 terrorists, confiscate weapons and dismantle the terrorist
25 infrastructure. The report shall also include a description

1 of how funds will be spent and the accounting procedures
2 in place to ensure that they are properly disbursed.

3 LIMITATION ON ASSISTANCE TO SECURITY FORCES

4 SEC. 551. None of the funds made available by this
5 Act may be provided to any unit of the security forces
6 of a foreign country if the Secretary of State has credible
7 evidence that such unit has committed gross violations of
8 human rights, unless the Secretary determines and reports
9 to the Committees on Appropriations that the government
10 of such country is taking effective measures to bring the
11 responsible members of the security forces unit to justice:

12 *Provided*, That nothing in this section shall be construed
13 to withhold funds made available by this Act from any
14 unit of the security forces of a foreign country not credibly
15 alleged to be involved in gross violations of human rights:

16 *Provided further*, That in the event that funds are withheld
17 from any unit pursuant to this section, the Secretary of
18 State shall promptly inform the foreign government of the
19 basis for such action and shall, to the maximum extent
20 practicable, assist the foreign government in taking effec-
21 tive measures to bring the responsible members of the se-
22 curity forces to justice.

23 FOREIGN MILITARY TRAINING REPORT

24 SEC. 552. The annual foreign military training report
25 required by section 656 of the Foreign Assistance Act of
26 1961 shall be submitted by the Secretary of Defense and

1 the Secretary of State to the Committees on Appropria-
2 tions of the House of Representatives and the Senate by
3 the date specified in that section.

4 AUTHORIZATION REQUIREMENT

5 SEC. 553. Funds appropriated by this Act, except
6 funds appropriated under the headings “Trade and Devel-
7 opment Agency”, “Millennium Challenge Corporation”,
8 and “Global HIV/AIDS Initiative”, may be obligated and
9 expended notwithstanding section 10 of Public Law 91–
10 672 and section 15 of the State Department Basic Au-
11 thorities Act of 1956.

12 CAMBODIA

13 SEC. 554. The Secretary of the Treasury should in-
14 struct the United States executive directors of the inter-
15 national financial institutions to use the voice and vote
16 of the United States to oppose loans to the Central Gov-
17 ernment of Cambodia, except loans to meet basic human
18 needs.

19 PALESTINIAN STATEHOOD

20 SEC. 555. (a) LIMITATION ON ASSISTANCE.—None
21 of the funds appropriated by this Act may be provided
22 to support a Palestinian state unless the Secretary of
23 State determines and certifies to the appropriate congres-
24 sional committees that—

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

4 (2) the elected governing entity of a new Pales-
5 tinian state—

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

8 (B) is taking appropriate measures to
9 counter terrorism and terrorist financing in the
10 West Bank and Gaza, including the dismantling
11 of terrorist infrastructures;

12 (C) is establishing a new Palestinian secu-
13 rity entity that is cooperative with appropriate
14 Israeli and other appropriate security organiza-
15 tions; and

16 (3) the Palestinian Authority (or the governing
17 body of a new Palestinian state) is working with
18 other countries in the region to vigorously pursue ef-
19 forts to establish a just, lasting, and comprehensive
20 peace in the Middle East that will enable Israel and
21 an independent Palestinian state to exist within the
22 context of full and normal relationships, which
23 should include—

24 (A) termination of all claims or states of
25 belligerency;

1 (B) respect for and acknowledgement of
2 the sovereignty, territorial integrity, and polit-
3 ical independence of every state in the area
4 through measures including the establishment
5 of demilitarized zones;

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

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

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

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the newly elected governing entity should enact
15 a constitution assuring the rule of law, an independent ju-
16 diciary, and respect for human rights for its citizens, and
17 should enact other laws and regulations assuring trans-
18 parent and accountable governance.

19 (c) WAIVER.—The President may waive subsection
20 (a) if he determines that it is vital to the national security
21 interests of the United States to do so.

22 (d) EXEMPTION.—The restriction in subsection (a)
23 shall not apply to assistance intended to help reform the
24 Palestinian Authority and affiliated institutions, or a
25 newly elected governing entity, in order to help meet the

1 requirements of subsection (a), consistent with the provi-
2 sions of section 550 of this Act (“Limitation on Assistance
3 to the Palestinian Authority”).

4 COLOMBIA

5 SEC. 556. (a) DETERMINATION AND CERTIFICATION
6 REQUIRED.—Notwithstanding any other provision of law,
7 funds appropriated by this Act that are available for as-
8 sistance for the Colombian Armed Forces, may be made
9 available as follows:

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

13 (2) Up to 12.5 percent of such funds may be
14 obligated only after the Secretary of State certifies
15 and reports to the appropriate congressional com-
16 mittees that:

17 (A) The Commander General of the Co-
18 lombian Armed Forces is suspending from the
19 Armed Forces those members, of whatever rank
20 who, according to the Minister of Defense or
21 the Procuraduria General de la Nacion, have
22 been credibly alleged to have committed gross
23 violations of human rights, including extra-judi-
24 cial killings, or to have aided or abetted para-
25 military organizations.

1 (B) The Colombian Government is vigor-
2 ously investigating and prosecuting those mem-
3 bers of the Colombian Armed Forces, of what-
4 ever rank, who have been credibly alleged to
5 have committed gross violations of human
6 rights, including extra-judicial killings, or to
7 have aided or abetted paramilitary organiza-
8 tions, and is promptly punishing those members
9 of the Colombian Armed Forces found to have
10 committed such violations of human rights or to
11 have aided or abetted paramilitary organiza-
12 tions.

13 (C) The Colombian Armed Forces have
14 made substantial progress in cooperating with
15 civilian prosecutors and judicial authorities in
16 such cases (including providing requested infor-
17 mation, such as the identity of persons sus-
18 pended from the Armed Forces and the nature
19 and cause of the suspension, and access to wit-
20 nesses, relevant military documents, and other
21 requested information).

22 (D) The Colombian Armed Forces have
23 made substantial progress in severing links (in-
24 cluding denying access to military intelligence,
25 vehicles, and other equipment or supplies, and

1 ceasing other forms of active or tacit coopera-
2 tion) at the command, battalion, and brigade
3 levels, with paramilitary organizations, espe-
4 cially in regions where these organizations have
5 a significant presence.

6 (E) The Colombian Armed Forces are dis-
7 mantling paramilitary leadership and financial
8 networks by arresting commanders and finan-
9 cial backers, especially in regions where these
10 networks have a significant presence.

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

21 (b) CONGRESSIONAL NOTIFICATION.—Funds made
22 available by this Act for the Colombian Armed Forces
23 shall be subject to the regular notification procedures of
24 the Committees on Appropriations.

1 (c) CONSULTATIVE PROCESS.—Not later than 60
2 days after the date of enactment of this Act, and every
3 90 days thereafter until September 30, 2006, the Sec-
4 retary of State shall consult with internationally recog-
5 nized human rights organizations regarding progress in
6 meeting the conditions contained in that subsection.

7 (d) DEFINITIONS.—In this section:

8 (1) AIDED OR ABETTED.—The term “aided or
9 abetted” means to provide any support to para-
10 military groups, including taking actions which
11 allow, facilitate, or otherwise foster the activities of
12 such groups.

13 (2) PARAMILITARY GROUPS.—The term “para-
14 military groups” means illegal self-defense groups
15 and illegal security cooperatives.

16 ILLEGAL ARMED GROUPS

17 SEC. 557. (a) DENIAL OF VISAS TO SUPPORTERS OF
18 COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to sub-
19 section (b), the Secretary of State shall not issue a visa
20 to any alien who the Secretary determines, based on cred-
21 ible evidence—

22 (1) has willfully provided any support to the
23 Revolutionary Armed Forces of Colombia (FARC),
24 the National Liberation Army (ELN), or the United
25 Self-Defense Forces of Colombia (AUC), including
26 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 found to be involved in or advocating terrorist
18 activity.

19 (c) AUDITS.—(1) The Administrator of the United
20 States Agency for International Development shall ensure
21 that Federal or non-Federal audits of all contractors and
22 grantees, and significant subcontractors and subgrantees,
23 under the West Bank and Gaza Program, are conducted
24 at least on an annual basis to ensure, among other things,
25 compliance with this section.

1 (2) Of the funds appropriated by this Act under the
2 heading “Economic Support Fund” that are made avail-
3 able for assistance for the West Bank and Gaza, up to
4 \$1,000,000 may be used by the Office of the Inspector
5 General of the United States Agency for International De-
6 velopment for audits, inspections, and other activities in
7 furtherance of the requirements of this subsection. Such
8 funds are in addition to funds otherwise available for such
9 purposes.

10 CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

11 SEC. 560. (a) LIMITATIONS ON AMOUNT OF CON-
12 TRIBUTION.—Of the amounts made available under
13 “International Organizations and Programs”,
14 \$25,000,000 for fiscal year 2005 shall be available for the
15 United Nations Population Fund (hereafter in this section
16 referred to as the “UNFPA”).

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

22 (c) CONDITIONS ON AVAILABILITY OF FUNDS.—
23 Amounts made available under “International Organiza-
24 tions and Programs” for fiscal year 2005 for the UNFPA
25 may not be made available to UNFPA unless—

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

5 (1) cooperating with the Tribunal, including ac-
6 cess for investigators to archives and witnesses, the
7 provision of documents, and the surrender and
8 transfer of indictees or assistance in their apprehen-
9 sion; and

10 (2) are acting consistently with the Dayton Ac-
11 cords.

12 (c) Not less than 10 days before any vote in an inter-
13 national financial institution regarding the extension of
14 any new project involving financial or technical assistance
15 or grants to any country or entity described in subsection
16 (a), the Secretary of the Treasury, in consultation with
17 the Secretary of State, shall provide to the Committees
18 on Appropriations a written justification for the proposed
19 assistance, including an explanation of the United States
20 position regarding any such vote, as well as a description
21 of the location of the proposed assistance by municipality,
22 its purpose, and its intended beneficiaries.

23 (d) In carrying out this section, the Secretary of
24 State, the Administrator of the United States Agency for
25 International Development, and the Secretary of the

1 Treasury shall consult with representatives of human
2 rights organizations and all government agencies with rel-
3 evant information to help prevent indicted war criminals
4 from benefiting from any financial or technical assistance
5 or grants provided to any country or entity described in
6 subsection (a).

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

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

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

15 (2) ENTITY.—The term “entity” refers to the
16 Federation of Bosnia and Herzegovina, Kosovo,
17 Montenegro and the Republika Srpska.

18 (3) MUNICIPALITY.—The term “municipality”
19 means a city, town or other subdivision within a
20 country or entity as defined herein.

21 (4) DAYTON ACCORDS.—The term “Dayton Ac-
22 cords” means the General Framework Agreement
23 for Peace in Bosnia and Herzegovina, together with
24 annexes relating thereto, done at Dayton, November
25 10 through 16, 1995.

1 USER FEES

2 SEC. 562. The Secretary of the Treasury shall in-
3 struct the United States Executive Director at each inter-
4 national financial institution (as defined in section
5 1701(c)(2) of the International Financial Institutions Act)
6 and the International Monetary Fund to oppose any loan,
7 grant, strategy or policy of these institutions that would
8 require user fees or service charges on poor people for pri-
9 mary education or primary healthcare, including preven-
10 tion and treatment efforts for HIV/AIDS, malaria, tuber-
11 culosis, and infant, child, and maternal well-being, in con-
12 nection with the institutions' financing programs.

13 FUNDING FOR SERBIA

14 SEC. 563. (a) Funds appropriated by this Act may
15 be made available for assistance for Serbia after March
16 31, 2005, if the President has made the determination and
17 certification contained in subsection (c).

18 (b) After March 31, 2005, the Secretary of the Treas-
19 ury should instruct the United States executive directors
20 to the international financial institutions to support loans
21 and assistance to the Government of the Federal Republic
22 of Yugoslavia (or a government of a successor state) sub-
23 ject to the conditions in subsection (c): *Provided*, That sec-
24 tion 576 of the Foreign Operations, Export Financing,
25 and Related Programs Appropriations Act, 1997, as
26 amended, shall not apply to the provision of loans and as-

1 sistance to the Federal Republic of Yugoslavia (or a suc-
2 cessor state) through international financial institutions.

3 (c) The determination and certification referred to in
4 subsection (a) is a determination by the President and a
5 certification to the Committees on Appropriations that the
6 Government of the Federal Republic of Yugoslavia (or a
7 government of a successor state) is—

8 (1) cooperating with the International Criminal
9 Tribunal for the former Yugoslavia including access
10 for investigators, the provision of documents, and
11 the surrender and transfer of indictees or assistance
12 in their apprehension, including making all prac-
13 ticable efforts to apprehend and transfer Ratko
14 Mladic;

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

20 (3) taking steps to implement policies which re-
21 flect a respect for minority rights and the rule of
22 law, including the release of political prisoners from
23 Serbian jails and prisons.

24 (d) This section shall not apply to Montenegro,
25 Kosovo, humanitarian assistance, assistance to promote

1 democracy in municipalities, or assistance to nongovern-
2 mental organizations to promote democracy.

3 COMMUNITY-BASED POLICE ASSISTANCE

4 SEC. 564. (a) AUTHORITY.—Funds made available
5 by this Act to carry out the provisions of chapter 1 of
6 part I and chapter 4 of part II of the Foreign Assistance
7 Act of 1961, may be used, notwithstanding section 660
8 of that Act, to enhance the effectiveness and account-
9 ability of civilian police authority in Jamaica and El Sal-
10 vador through training and technical assistance in human
11 rights, the rule of law, strategic planning, and through as-
12 sistance to foster civilian police roles that support demo-
13 cratic governance including assistance for programs to
14 prevent conflict and foster improved police relations with
15 the communities they serve.

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

19 SPECIAL DEBT RELIEF FOR THE POOREST

20 SEC. 565. (a) AUTHORITY TO REDUCE DEBT.—The
21 President may reduce amounts owed to the United States
22 (or any agency of the United States) by an eligible country
23 as a result of—

24 (1) guarantees issued under sections 221 and
25 222 of the Foreign Assistance Act of 1961;

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

3 (3) any obligation or portion of such obligation,
4 to pay for purchases of United States agricultural
5 commodities guaranteed by the Commodity Credit
6 Corporation under export credit guarantee programs
7 authorized pursuant to section 5(f) of the Com-
8 modity Credit Corporation Charter Act of June 29,
9 1948, as amended, section 4(b) of the Food for
10 Peace Act of 1966, as amended (Public Law 89-
11 808), or section 202 of the Agricultural Trade Act
12 of 1978, as amended (Public Law 95-501).

13 (b) LIMITATIONS.—

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

18 (2) The authority provided by subsection (a)
19 may be exercised only in such amounts or to such
20 extent as is provided in advance by appropriations
21 Acts.

22 (3) The authority provided by subsection (a)
23 may be exercised only with respect to countries with
24 heavy debt burdens that are eligible to borrow from
25 the International Development Association, but not

1 from the International Bank for Reconstruction and
2 Development, commonly referred to as “IDA-only”
3 countries.

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

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

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

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

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

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

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

24 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
25 duction of debt pursuant to subsection (a) shall not be

1 considered assistance for the purposes of any provision of
2 law limiting assistance to a country. The authority pro-
3 vided by subsection (a) may be exercised notwithstanding
4 section 620(r) of the Foreign Assistance Act of 1961 or
5 section 321 of the International Development and Food
6 Assistance Act of 1975.

7 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

10 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
11 CERTAIN LOANS.—Notwithstanding any other provi-
12 sion of law, the President may, in accordance with
13 this section, sell to any eligible purchaser any
14 concessional loan or portion thereof made before
15 January 1, 1995, pursuant to the Foreign Assist-
16 ance Act of 1961, to the government of any eligible
17 country as defined in section 702(6) of that Act or
18 on receipt of payment from an eligible purchaser, re-
19 duce or cancel such loan or portion thereof, only for
20 the purpose of facilitating—

21 (A) debt-for-equity swaps, debt-for-develop-
22 ment swaps, or debt-for-nature swaps; or

23 (B) a debt buyback by an eligible country
24 of its own qualified debt, only if the eligible
25 country uses an additional amount of the local
26 currency of the eligible country, equal to not

1 less than 40 percent of the price paid for such
2 debt by such eligible country, or the difference
3 between the price paid for such debt and the
4 face value of such debt, to support activities
5 that link conservation and sustainable use of
6 natural resources with local community develop-
7 ment, and child survival and other child devel-
8 opment, in a manner consistent with sections
9 707 through 710 of the Foreign Assistance Act
10 of 1961, if the sale, reduction, or cancellation
11 would not contravene any term or condition of
12 any prior agreement relating to such loan.

13 (2) TERMS AND CONDITIONS.—Notwithstanding
14 any other provision of law, the President shall, in ac-
15 cordance with this section, establish the terms and
16 conditions under which loans may be sold, reduced,
17 or canceled pursuant to this section.

18 (3) ADMINISTRATION.—The Facility, as defined
19 in section 702(8) of the Foreign Assistance Act of
20 1961, shall notify the administrator of the agency
21 primarily responsible for administering part I of the
22 Foreign Assistance Act of 1961 of purchasers that
23 the President has determined to be eligible, and
24 shall direct such agency to carry out the sale, reduc-
25 tion, or cancellation of a loan pursuant to this sec-

1 tion. Such agency shall make adjustment in its ac-
2 counts to reflect the sale, reduction, or cancellation.

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

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

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

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

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

5 BASIC EDUCATION

6 SEC. 567. Of the funds appropriated by title II of
7 this Act, not less than \$400,000,000 shall be made avail-
8 able for basic education.

9 RECONCILIATION PROGRAMS

10 SEC. 568. Of the funds appropriated under the head-
11 ing “Economic Support Fund”, not less than \$12,000,000
12 should be made available to support reconciliation pro-
13 grams and activities which bring together individuals of
14 different ethnic, religious, and political backgrounds from
15 areas of civil conflict and war.

16 DEBT RESTRUCTURING AUTHORITY

17 SEC. 569. Funds appropriated under the heading
18 “Iraq Relief and Reconstruction Fund” in title II of the
19 Emergency Supplemental Appropriations Act for Defense
20 and for the Reconstruction of Iraq and Afghanistan, 2004
21 (Public Law 108–106) may be made available for the
22 costs, as defined in section 502 of the Congressional
23 Budget Act of 1974, of modifying direct loans and loan
24 guarantees for Iraq, without regard to the sectoral alloca-
25 tions and related provisos under that heading in such Act:
26 *Provided*, That the authority of this section shall be used

1 subject to prior consultation with the Committees on Ap-
2 propriations: *Provided further*, That the obligation of
3 funds pursuant to the authority provided in this section
4 shall be subject to the regular notification procedures of
5 the Committees on Appropriations: *Provided further*, That
6 amounts made available pursuant to the authority of this
7 section are designated as an emergency requirement pur-
8 suant to section 402 of S. Con. Res. 95 (108th Congress),
9 as made applicable to the House of Representatives by H.
10 Res. 649 (108th Congress): *Provided further*, That
11 amounts made available pursuant to the authority of this
12 section shall not be considered “assistance” for the pur-
13 poses of provisions of law limiting assistance to a country.

14 TRADE CAPACITY BUILDING

15 SEC. 570. Of the funds appropriated by this Act,
16 under the headings “Trade and Development Agency”,
17 “Development Assistance”, “Transition Initiatives”,
18 “Economic Support Fund”, “International Affairs Tech-
19 nical Assistance”, and “International Organizations and
20 Programs”, not less than \$517,000,000 should be made
21 available for trade capacity building assistance.

22 EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH
23 EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

24 SEC. 571. Notwithstanding section 516(e) of the For-
25 eign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during
26 fiscal year 2005, funds available to the Department of De-

1 fense may be expended for crating, packing, handling, and
2 transportation of excess defense articles transferred under
3 the authority of section 516 of such Act to Albania, Bul-
4 garia, Croatia, Estonia, Former Yugoslavian Republic of
5 Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Lat-
6 via, Lithuania, Moldova, Mongolia, Pakistan, Romania,
7 Slovakia, Tajikistan, Turkmenistan, Ukraine, and
8 Uzbekistan.

9 CUBA

10 SEC. 572. None of the funds appropriated by this Act
11 under the heading “International Narcotics Control and
12 Law Enforcement” may be made available for assistance
13 to the Government of Cuba.

14 OFFICE OF THE INSPECTOR GENERAL OF THE COALITION
15 PROVISIONAL AUTHORITY

16 SEC. 573. (a) ESTABLISHMENT OF NEW OFFICE.—
17 (1) The Office of the Inspector General of the Coalition
18 Provisional Authority shall be reconstituted as a separate
19 office within the Department of State and redesignated
20 the Office of the Inspector General for Iraq Reconstruc-
21 tion (hereinafter “the Office”).

22 (2) Any reference in title III of Public Law 108–106
23 to the “Office of the Inspector of the Coalition Provisional
24 Authority” or to the “Inspector General of the Coalition
25 Provisional Authority” shall be deemed to be a reference
26 to the Office of the Inspector General for Iraq Reconstruc-

1 tion or the Inspector General for Iraq Reconstruction, re-
2 spectively.

3 (3) Any reference in title III of Public Law 108–106
4 to “appropriated funds” shall be deemed to be a reference
5 to funds appropriated in that Act and in Public Law 108–
6 11 under the heading “Iraq Relief and Reconstruction
7 Fund”.

8 (b) INSPECTOR GENERAL OF THE OFFICE.—The In-
9 spector General of the Coalition Provisional Authority
10 (hereinafter “the Inspector General”) and Assistant In-
11 spectors General of that office should be reappointed by
12 the Secretary of State to serve in the same capacity in
13 the Office established by subsection (a).

14 (c) PURPOSE AND AUTHORITIES.—(1) The Inspector
15 General shall—

16 (A) conduct independent and objective audits
17 and investigations relating to the programs and op-
18 erations funded with amounts appropriated for the
19 “Iraq Relief and Reconstruction Fund”;

20 (B) make independent and objective rec-
21 ommendations on policies designed to promote econ-
22 omy, efficiency, and effectiveness in the administra-
23 tion of such programs and operations, and to pre-
24 vent and detect fraud, waste, and abuse in such pro-
25 grams and operations; and

1 (C) provide an independent and objective means
2 of keeping the Secretary of State fully and currently
3 informed about problems and deficiencies relating to
4 the administration of such programs and operations
5 and the necessity for and progress of corrective ac-
6 tion.

7 (2) The Inspector General shall have the duties, re-
8 sponsibilities, powers, and authorities described in sections
9 3001 (f), (g), and (h) of Public Law 108–106.

10 (d) RELATIONSHIP TO THE SECRETARY OF STATE.—

11 (1) The Inspector General shall report directly
12 to and be under the supervision of the Secretary of
13 State.

14 (2) Any reference in title III of Public Law
15 108–106 to the “Coalition Provisional Authority” or
16 to the “head of the Coalition Provisional Authority”
17 shall be deemed to be a reference to the Department
18 of State or to the Secretary of State, respectively.

19 (e) COORDINATION WITH OTHER INSPECTORS GEN-
20 ERAL.—In carrying out the duties, responsibilities, and
21 authorities of the Inspector General, the Inspector General
22 shall coordinate with, and receive the cooperation of, the
23 Inspector General of the Department of State, the Inspec-
24 tor General of the Department of Defense, the Inspector
25 General of the United States Agency for International De-

1 velopment, and any other Inspector General carrying out
2 functions related to the provision of reconstruction assist-
3 ance for Iraq with funds appropriated for “Iraq Relief and
4 Reconstruction Fund”.

5 (f) FUNDING.—Funds available pursuant to section
6 3001(n) of Public Law 108–106 shall be transferred to
7 the Office and used for purposes of this section.

8 (g) The Office of Inspector General for Iraq Recon-
9 struction shall terminate on September 30, 2007.

10 OVERSIGHT OF IRAQ RECONSTRUCTION

11 SEC. 574. (a) Section 2207(a) of the Emergency Sup-
12 plemental Appropriations Act for Defense and for the Re-
13 construction of Iraq and Afghanistan, 2004 (Public Law
14 108–106), is amended by striking “The Director of the
15 Office of Management and Budget, in consultation with
16 the Administrator of the Coalition Provisional Authority
17 (CPA) and the Committees on Appropriations,” and in-
18 serting “The Secretary of State”.

19 (b) The allocation of any funds appropriated under
20 the heading “Iraq Relief and Reconstruction Fund” in
21 chapter 2 of title II of Public Law 108–106 for adminis-
22 trative expenses purposes pursuant to the authority con-
23 tained in the seventh proviso under that heading, shall be
24 subject to the regular notification procedures of the Com-
25 mittees on Appropriations.

INDONESIA

1
2 SEC. 575. Congress notes that the Indonesian Gov-
3 ernment and Armed Forces have pledged to cooperate with
4 the Federal Bureau of Investigation with respect to its in-
5 vestigation into the August 31, 2002, murders of two
6 American citizens and one Indonesian citizen in Timika,
7 Indonesia. Therefore, funds appropriated under the head-
8 ing “International Military Education and Training” may
9 be made available for Indonesia if the Secretary of State
10 determines and reports to the appropriate congressional
11 committees that the Indonesian Government and Armed
12 Forces are cooperating with the Federal Bureau of Inves-
13 tigation’s investigation: *Provided*, That this restriction
14 shall not apply to expanded international military edu-
15 cation and training, which may include English language
16 training.

17 This Act may be cited as the “Foreign Operations,
18 Export Financing, and Related Programs Appropriations
19 Act, 2005”.

Union Calendar No. 359

108TH CONGRESS
2^D SESSION

H. R. 4818

[Report No. 108-599]

A BILL

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

JULY 13, 2004

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed