

**Calendar No. 215**

108TH CONGRESS  
1ST SESSION

**S. 1426**

**[Report No. 108–106]**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 17, 2003

Mr. McCONNELL, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, 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, 2004, and for other pur-  
6       poses, namely:

1 TITLE I—EXPORT AND INVESTMENT  
2 ASSISTANCE

3 EXPORT-IMPORT BANK OF THE UNITED STATES

4 INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK

5 For necessary expenses of the Office of Inspector  
6 General of the Export-Import Bank of the United States  
7 in carrying out the provisions of the Inspector General Act  
8 of 1978, as amended, \$1,000,000.

9 EXPORT-IMPORT BANK LOANS PROGRAM ACCOUNT

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

1 withstanding section 1(c) of Public Law 103–428, as  
 2 amended, sections 1(a) and (b) of Public Law 103–428  
 3 shall remain in effect through October 1, 2004.

#### 4 ADMINISTRATIVE EXPENSES

5 For administrative expenses to carry out the direct  
 6 and guaranteed loan and insurance programs, including  
 7 hire of passenger motor vehicles and services as authorized  
 8 by 5 U.S.C. 3109, and not to exceed \$30,000 for official  
 9 reception and representation expenses for members of the  
 10 Board of Directors, \$74,395,000: *Provided*, That the Ex-  
 11 port-Import Bank may accept, and use, payment or serv-  
 12 ices provided by transaction participants for legal, finan-  
 13 cial, or technical services in connection with any trans-  
 14 action for which an application for a loan, guarantee or  
 15 insurance commitment has been made: *Provided further*,  
 16 That, notwithstanding subsection (b) of section 117 of the  
 17 Export Enhancement Act of 1992, subsection (a) thereof  
 18 shall remain in effect until October 1, 2004.

#### 19 OVERSEAS PRIVATE INVESTMENT CORPORATION

#### 20 NONCREDIT ACCOUNT

21 The Overseas Private Investment Corporation is au-  
 22 thorized to make, without regard to fiscal year limitations,  
 23 as provided by 31 U.S.C. 9104, such expenditures and  
 24 commitments within the limits of funds available to it and  
 25 in accordance with law as may be necessary: *Provided*,  
 26 That the amount available for administrative expenses to

1 carry out the credit and insurance programs (including an  
 2 amount for official reception and representation expenses  
 3 which shall not exceed \$35,000) shall not exceed  
 4 \$41,385,000: *Provided further*, That project-specific trans-  
 5 action costs, including direct and indirect costs incurred  
 6 in claims settlements, and other direct costs associated  
 7 with services provided to specific investors or potential in-  
 8 vestors pursuant to section 234 of the Foreign Assistance  
 9 Act of 1961, shall not be considered administrative ex-  
 10 penses for the purposes of this heading.

11 PROGRAM ACCOUNT

12 For the cost of direct and guaranteed loans,  
 13 \$24,000,000, as authorized by section 234 of the Foreign  
 14 Assistance Act of 1961, to be derived by transfer from  
 15 the Overseas Private Investment Corporation Non-Credit  
 16 Account: *Provided*, That such costs, including the cost of  
 17 modifying such loans, shall be as defined in section 502  
 18 of the Congressional Budget Act of 1974: *Provided fur-*  
 19 *ther*, That such sums shall be available for direct loan obli-  
 20 gations and loan guaranty commitments incurred or made  
 21 during fiscal years 2004 and 2005: *Provided further*, That  
 22 such sums shall remain available through fiscal year 2012  
 23 for the disbursement of direct and guaranteed loans obli-  
 24 gated in fiscal year 2004, and through fiscal year 2013  
 25 for the disbursement of direct and guaranteed loans obli-  
 26 gated in fiscal year 2005.

1        In addition, such sums as may be necessary for ad-  
 2 ministrative expenses to carry out the credit program may  
 3 be derived from amounts available for administrative ex-  
 4 penses to carry out the credit and insurance programs in  
 5 the Overseas Private Investment Corporation Noncredit  
 6 Account and merged with said account.

7            FUNDS APPROPRIATED TO THE PRESIDENT

8                    TRADE AND DEVELOPMENT AGENCY

9        For necessary expenses to carry out the provisions  
 10 of section 661 of the Foreign Assistance Act of 1961,  
 11 \$50,000,000, to remain available until September 30,  
 12 2005.

13    TITLE II—BILATERAL ECONOMIC ASSISTANCE

14            FUNDS APPROPRIATED TO THE PRESIDENT

15        For expenses necessary to enable the President to  
 16 carry out the provisions of the Foreign Assistance Act of  
 17 1961, and for other purposes, to remain available until  
 18 September 30, 2004, unless otherwise specified herein, as  
 19 follows:

20            UNITED STATES AGENCY FOR INTERNATIONAL

21                    DEVELOPMENT

22            CHILD SURVIVAL AND HEALTH PROGRAMS FUND

23                    (INCLUDING TRANSFER OF FUNDS)

24        For necessary expenses to carry out the provisions  
 25 of chapters 1 and 10 of part I of the Foreign Assistance  
 26 Act of 1961, for child survival, health, and family plan-

1 ning/reproductive health activities, in addition to funds  
 2 otherwise available for such purposes, \$1,435,500,000, to  
 3 remain available until September 30, 2005: *Provided*,  
 4 That this amount shall be made available for such activi-  
 5 ties as: (1) immunization programs; (2) oral rehydration  
 6 programs; (3) health, nutrition, water and sanitation pro-  
 7 grams which directly address the needs of mothers and  
 8 children, and related education programs; (4) assistance  
 9 for displaced and orphaned children; (5) programs for the  
 10 prevention, treatment, and control of, and research on,  
 11 HIV/AIDS, tuberculosis, malaria, polio and other infec-  
 12 tious diseases; and (6) family planning/reproductive  
 13 health: *Provided further*, That none of the funds appro-  
 14 priated under this heading may be made available for non-  
 15 project assistance, except that funds may be made avail-  
 16 able for such assistance for ongoing health activities: *Pro-*  
 17 *vided further*, That of the funds appropriated under this  
 18 heading, not to exceed \$150,000, in addition to funds oth-  
 19 erwise available for such purposes, may be used to monitor  
 20 and provide oversight of child survival, maternal and fam-  
 21 ily planning/reproductive health, and infectious disease  
 22 programs: *Provided further*, That the following amounts  
 23 should be allocated as follows: \$345,000,000 for child sur-  
 24 vival and maternal health; \$30,000,000 for vulnerable  
 25 children; \$500,000,000 for HIV/AIDS including not less

1 than \$22,000,000 which should be made available to sup-  
2 port the development of microbicides as a means for com-  
3 bating HIV/AIDS; \$185,000,000 for other infectious dis-  
4 eases; and \$375,500,000 for family planning/reproductive  
5 health, including in areas where population growth threat-  
6 ens biodiversity or endangered species: *Provided further*,  
7 That of the funds appropriated under this heading that  
8 are available for HIV/AIDS programs and activities,  
9 \$18,000,000 should be made available for the Inter-  
10 national AIDS Vaccine Initiative: *Provided further*, That  
11 of the funds appropriated under this heading,  
12 \$60,000,000 should be made available for a United States  
13 contribution to The Vaccine Fund, and up to \$6,000,000  
14 may be transferred to and merged with funds appropriated  
15 by this Act under the heading “Operating Expenses of the  
16 United States Agency for International Development” for  
17 costs directly related to international health, but funds  
18 made available for such costs may not be derived from  
19 amounts made available for contribution under this and  
20 the preceding proviso: *Provided further*, That none of the  
21 funds made available in this Act nor any unobligated bal-  
22 ances from prior appropriations may be made available to  
23 any organization or program which, as determined by the  
24 President of the United States, supports or participates  
25 in the management of a program of coercive abortion or

1 involuntary sterilization: *Provided further*, That none of  
 2 the funds made available under this Act may be used to  
 3 pay for the performance of abortion as a method of family  
 4 planning or to motivate or coerce any person to practice  
 5 abortions: *Provided further*, That none of the funds made  
 6 available under this Act may be used to lobby for or  
 7 against abortion: *Provided further*, That in order to reduce  
 8 reliance on abortion in developing nations, funds shall be  
 9 available only to voluntary family planning projects which  
 10 offer, either directly or through referral to, or information  
 11 about access to, a broad range of family planning methods  
 12 and services, and that any such voluntary family planning  
 13 project shall meet the following requirements: (1) service  
 14 providers or referral agents in the project shall not imple-  
 15 ment or be subject to quotas, or other numerical targets,  
 16 of total number of births, number of family planning ac-  
 17 ceptors, or acceptors of a particular method of family  
 18 planning (this provision shall not be construed to include  
 19 the use of quantitative estimates or indicators for budg-  
 20 eting and planning purposes); (2) the project shall not in-  
 21 clude payment of incentives, bribes, gratuities, or financial  
 22 reward to: (A) an individual in exchange for becoming a  
 23 family planning acceptor; or (B) program personnel for  
 24 achieving a numerical target or quota of total number of  
 25 births, number of family planning acceptors, or acceptors



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

1 104 of the Foreign Assistance Act of 1961 no applicant  
2 shall be discriminated against because of such applicant's  
3 religious or conscientious commitment to offer only nat-  
4 ural family planning; and, additionally, all such applicants  
5 shall comply with the requirements of the previous proviso:  
6 *Provided further*, That for purposes of this or any other  
7 Act authorizing or appropriating funds for foreign oper-  
8 ations, export financing, and related programs, the term  
9 “motivate”, as it relates to family planning assistance,  
10 shall not be construed to prohibit the provision, consistent  
11 with local law, of information or counseling about all preg-  
12 nancy options: *Provided further*, That nothing in this para-  
13 graph shall be construed to alter any existing statutory  
14 prohibitions against abortion under section 104 of the  
15 Foreign Assistance Act of 1961: *Provided further*, That  
16 to the maximum extent feasible, taking into consideration  
17 cost, timely availability, and best health practices, funds  
18 appropriated in this Act or prior appropriations Acts that  
19 are made available for condom procurement shall be made  
20 available only for the procurement of condoms manufac-  
21 tured in the United States: *Provided further*, That infor-  
22 mation provided about the use of condoms as part of  
23 projects or activities that are funded from amounts appro-  
24 priated by this Act shall be medically accurate and shall

1 include the public health benefits and failure rates of such  
 2 use.

### 3 DEVELOPMENT ASSISTANCE

4 For necessary expenses to carry out the provisions  
 5 of sections 103, 105, 106, and 131, and chapter 10 of  
 6 part I of the Foreign Assistance Act of 1961,  
 7 \$1,423,000,000, to remain available until September 30,  
 8 2005: *Provided*, That none of the funds appropriated  
 9 under title II of this Act that are managed by or allocated  
 10 to the United States Agency for International Develop-  
 11 ment's Global Development Secretariat, may be made  
 12 available except through the regular notification proce-  
 13 dures of the Committees on Appropriations: *Provided fur-*  
 14 *ther*, That \$220,000,000 should be allocated for basic edu-  
 15 cation: *Provided further*, That none of the funds appro-  
 16 priated under this heading may be made available for any  
 17 activity which is in contravention to the Convention on  
 18 International Trade in Endangered Species of Flora and  
 19 Fauna: *Provided further*, That of the funds appropriated  
 20 under this heading that are made available for assistance  
 21 programs for displaced and orphaned children and victims  
 22 of war, not to exceed \$32,500, in addition to funds other-  
 23 wise available for such purposes, may be used to monitor  
 24 and provide oversight of such programs: *Provided further*,  
 25 That of the aggregate amount of the funds appropriated  
 26 by this Act that are made available for agriculture and

1 rural development programs, \$40,000,000 should be made  
 2 available for plant biotechnology research and develop-  
 3 ment: *Provided further*, That not less than \$2,300,000  
 4 should be made available for core support for the Inter-  
 5 national Fertilizer Development Center: *Provided further*,  
 6 That of the funds appropriated under this heading, not  
 7 less than \$1,000,000 shall be made available for support  
 8 of the United States Telecommunications Training Insti-  
 9 tute: *Provided further*, That of the funds appropriated  
 10 under this heading, not less than \$20,000,000 should be  
 11 made available for the American Schools and Hospitals  
 12 Abroad program: *Provided further*, That of the funds ap-  
 13 propriated under this heading, up to \$3,000,000 should  
 14 be made available for support of the International Real  
 15 Property Foundation: *Provided further*, That of the funds  
 16 appropriated by this Act, \$100,000,000 shall be made  
 17 available for drinking water supply projects and related  
 18 activities.

19 INTERNATIONAL DISASTER ASSISTANCE

20 For necessary expenses for international disaster re-  
 21 lief, rehabilitation, and reconstruction assistance pursuant  
 22 to section 491 of the Foreign Assistance Act of 1961, as  
 23 amended, \$235,500,000, to remain available until ex-  
 24 pended.

## 1 FAMINE FUND

2 For necessary expenses for famine prevention and re-  
3 lief, including for mitigation of the effects of famine, pur-  
4 suant to section 491 of the Foreign Assistance Act of  
5 1961, as amended, \$100,000,000, to remain available  
6 until expended: *Provided*, That funds appropriated under  
7 this heading shall be available for obligation subject to  
8 prior consultation with the Committees on Appropriations.

## 9 TRANSITION INITIATIVES

10 For necessary expenses for international disaster re-  
11 habilitation and reconstruction assistance pursuant to sec-  
12 tion 491 of the Foreign Assistance Act of 1961,  
13 \$55,000,000, to remain available until expended, to sup-  
14 port transition to democracy and to long-term develop-  
15 ment of countries in crisis: *Provided*, That such support  
16 may include assistance to develop, strengthen, or preserve  
17 democratic institutions and processes, revitalize basic in-  
18 frastructure, and foster the peaceful resolution of conflict:  
19 *Provided further*, That the United States Agency for Inter-  
20 national Development shall submit a report to the Com-  
21 mittees on Appropriations at least 5 days prior to begin-  
22 ning a new program of assistance.

## 23 DEVELOPMENT CREDIT AUTHORITY

## 24 (INCLUDING TRANSFER OF FUNDS)

25 For the cost of direct loans and loan guarantees, as  
26 authorized by sections 108 and 635 of the Foreign Assist-

1   ance Act of 1961, up to \$21,000,000, to remain available  
 2   until September 30, 2005, and to be derived by transfer  
 3   from funds appropriated by this Act to carry out part I  
 4   of such Act and under the heading “Assistance for East-  
 5   ern Europe and the Baltic States”: *Provided*, That such  
 6   costs shall be as defined in section 502 of the Congres-  
 7   sional Budget Act of 1974, as amended.

8       In addition, for administrative expenses to carry out  
 9   credit programs administered by the United States Agency  
 10   for International Development, \$8,000,000, to remain  
 11   available until September 30, 2004, which may be trans-  
 12   ferred to and merged with the appropriation for Operating  
 13   Expenses of the United States Agency for International  
 14   Development.

15   PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND  
 16                                   DISABILITY FUND

17       For payment to the “Foreign Service Retirement and  
 18   Disability Fund”, as authorized by the Foreign Service  
 19   Act of 1980, \$43,859,000.

20   OPERATING EXPENSES OF THE UNITED STATES AGENCY  
 21                                   FOR INTERNATIONAL DEVELOPMENT

22       For necessary expenses to carry out the provisions  
 23   of section 667, \$604,100,000, of which up to \$25,000,000  
 24   may remain available until September 30, 2005: *Provided*,  
 25   That none of the funds appropriated under this heading  
 26   and under the heading “Capital Investment Fund” may

1 be made available to finance the construction (including  
 2 architect and engineering services), purchase, or long term  
 3 lease of offices for use by the United States Agency for  
 4 International Development, unless the Administrator has  
 5 identified such proposed construction (including architect  
 6 and engineering services), purchase, or long term lease of  
 7 offices in a report submitted to the Committees on Appro-  
 8 priations at least 15 days prior to the obligation of these  
 9 funds for such purposes: *Provided further*, That contracts  
 10 or agreements entered into with funds appropriated under  
 11 this heading may entail commitments for the expenditure  
 12 of such funds through fiscal year 2005: *Provided further*,  
 13 That the previous proviso shall not apply where the total  
 14 cost of construction (including architect and engineering  
 15 services), purchase, or long term lease of offices does not  
 16 exceed \$1,000,000.

17 CAPITAL INVESTMENT FUND

18 For necessary expenses for overseas construction and  
 19 related costs, and for the procurement and enhancement  
 20 of information technology and related capital investments,  
 21 pursuant to section 667, \$100,000,000, to remain avail-  
 22 able until expended: *Provided*, That this amount is in addi-  
 23 tion to funds otherwise available for such purposes: *Pro-*  
 24 *vided further*, That the Administrator of the United States  
 25 Agency for International Development shall assess fair  
 26 and reasonable rental payments for the use of space by

1 employees of other United States Government agencies in  
 2 buildings constructed using funds appropriated under this  
 3 heading, and such rental payments shall be deposited into  
 4 this account as an offsetting collection: *Provided further*,  
 5 That the rental payments collected pursuant to the pre-  
 6 vious proviso and deposited as an offsetting collection shall  
 7 be available for obligation only pursuant to the regular  
 8 notification procedures of the Committees on Appropria-  
 9 tions: *Provided further*, That the assignment of United  
 10 States Government employees or contractors to space in  
 11 buildings constructed using funds appropriated under this  
 12 heading shall be subject to the concurrence of the Admin-  
 13 istrator of the United States Agency for International De-  
 14 velopment: *Provided further*, That funds appropriated  
 15 under this heading shall be available for obligation only  
 16 pursuant to the regular notification procedures of the  
 17 Committees on Appropriations.

18 OPERATING EXPENSES OF THE UNITED STATES AGENCY  
 19 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-  
 20 SPECTOR GENERAL

21 For necessary expenses to carry out the provisions  
 22 of section 667 of the Foreign Assistance Act of 1961,  
 23 \$35,000,000, to remain available until September 30,  
 24 2005, which sum shall be available for the Office of the  
 25 Inspector General of the United States Agency for Inter-  
 26 national Development.



## 1 OTHER BILATERAL ECONOMIC ASSISTANCE

## 2 ECONOMIC SUPPORT FUND

3 For necessary expenses to carry out the provisions  
4 of chapter 4 of part II, \$2,415,000,000, to remain avail-  
5 able until September 30, 2005: *Provided*, That of the  
6 funds appropriated under this heading, not less than  
7 \$480,000,000 shall be available only for Israel, which sum  
8 shall be available on a grant basis as a cash transfer and  
9 shall be disbursed within 30 days of the enactment of this  
10 Act: *Provided further*, That not less than \$575,000,000  
11 shall be available only for Egypt, which sum shall be pro-  
12 vided on a grant basis, and of which sum cash transfer  
13 assistance shall be provided with the understanding that  
14 Egypt will undertake significant economic reforms which  
15 are additional to those which were undertaken in previous  
16 fiscal years, and of which not less than \$200,000,000 shall  
17 be provided as Commodity Import Program assistance:  
18 *Provided further*, That for fiscal year 2004, the Egyptian  
19 pound equivalent of \$50,000,000 generated from funds  
20 made available by this paragraph or generated from funds  
21 appropriated under this heading in prior appropriations  
22 Acts, shall be made available to the United States pursu-  
23 ant to the United States-Egypt Economic, Technical and  
24 Related Assistance Agreements of 1978, for costs associ-  
25 ated with the relocation of the American University in

1 Cairo: *Provided further*, That in exercising the authority  
2 to provide cash transfer assistance for Israel, the Presi-  
3 dent shall ensure that the level of such assistance does  
4 not cause an adverse impact on the total level of non-  
5 military exports from the United States to such country  
6 and that Israel enters into a side letter agreement in an  
7 amount proportional to the fiscal year 1999 agreement:  
8 *Provided further*, That of the funds appropriated under  
9 this heading, not less than \$250,000,000 shall be made  
10 available for assistance for Jordan: *Provided further*, That  
11 of the funds appropriated under this heading, up to  
12 \$5,000,000 may be made available for the Yitzhak Rabin  
13 Center for Israel Studies in Tel Aviv, Israel, and up to  
14 \$5,000,000 may be made available for the Center for  
15 Human Dignity Museum of Tolerance in Jerusalem,  
16 Israel: *Provided further*, That of the funds appropriated  
17 under this heading, up to \$1,000,000 should be used to  
18 further legal reforms in the West Bank and Gaza, includ-  
19 ing judicial training on commercial disputes and ethics:  
20 *Provided further*, That of the funds appropriated under  
21 this heading that are made available for assistance for  
22 Pakistan, not less than \$10,000,000 should be made avail-  
23 able to support programs and activities conducted by in-  
24 digenous organizations that seek to further educational,  
25 health, employment, and other opportunities for the people

1 of Pakistan: *Provided further*, That of the funds made  
2 available for indigenous organizations pursuant to the pre-  
3 vious proviso, \$4,000,000 should be made available for the  
4 Pakistan Human Development Fund and \$1,000,000 for  
5 the Amanut Society: *Provided further*, That \$15,000,000  
6 of the funds appropriated under this heading shall be  
7 made available for Cyprus to be used only for scholarships,  
8 administrative support of the scholarship program,  
9 bicommunal projects, and measures aimed at reunification  
10 of the island and designed to reduce tensions and promote  
11 peace and cooperation between the two communities on  
12 Cyprus: *Provided further*, That \$35,000,000 of the funds  
13 appropriated under this heading shall be made available  
14 for assistance for Lebanon, of which not less than  
15 \$4,000,000 shall be made available only for American edu-  
16 cational institutions for scholarships and other programs:  
17 *Provided further*, That notwithstanding section 634(a) of  
18 this Act, funds appropriated under this heading that are  
19 made available for assistance for the Central Government  
20 of Lebanon shall be subject to the regular notification pro-  
21 cedures of the Committees on Appropriations: *Provided*  
22 *further*, That the Government of Lebanon should enforce  
23 the custody and international pickup orders, issued during  
24 calendar year 2001, of Lebanon's civil courts regarding  
25 abducted American children in Lebanon: *Provided further*,

1 That of the funds appropriated under this heading, not  
2 less than \$25,000,000 shall be made available for assist-  
3 ance for the Democratic Republic of Timor-Leste to sup-  
4 port subsistence agriculture and other income generating  
5 opportunities, expand basic education and vocational  
6 training, strengthen the judiciary, promote good govern-  
7 ance and the sustainable use of natural resources, and im-  
8 prove health care and other basic human services and  
9 physical infrastructure: *Provided further*, That of the  
10 funds appropriated under this heading, not less than  
11 \$250,000 shall be made available to support the Commis-  
12 sion to Investigate Illegal Groups and Clandestine Secu-  
13 rity Apparatus in Guatemala: *Provided further*, That of  
14 the funds appropriated under this heading, not less than  
15 \$2,500,000 shall be made available for assistance for  
16 countries to implement and enforce the Kimberley Process  
17 Certification Scheme: *Provided further*, That funds appro-  
18 priated under this heading may be used, notwithstanding  
19 any other provision of law, to provide assistance to the  
20 National Democratic Alliance of Sudan to strengthen its  
21 ability to protect civilians from attacks, slave raids, and  
22 aerial bombardment by the Sudanese Government forces  
23 and its militia allies, and the provision of such funds shall  
24 be subject to the regular notification procedures of the  
25 Committees on Appropriations: *Provided further*, That in

1 the previous proviso, the term “assistance” includes non-  
2 lethal, non-food aid such as blankets, medicine, fuel, mo-  
3 bile clinics, water drilling equipment, communications  
4 equipment to notify civilians of aerial bombardment, non-  
5 military vehicles, tents, and shoes: *Provided further*, That  
6 of the funds appropriated under this heading, not less  
7 than \$2,500,000 shall be made available during fiscal year  
8 2004 for a contribution to the Special Court for Sierra  
9 Leone: *Provided further*, That of the funds appropriated  
10 under this heading, not less than \$3,500,000 should be  
11 made available for East Asia and Pacific Environment Ini-  
12 tiatives: *Provided further*, That of the funds appropriated  
13 under this heading, \$10,000,000 shall be made available  
14 to continue to support the provision of wheelchairs for  
15 needy persons in developing countries: *Provided further*,  
16 That of the funds appropriated under this heading,  
17 \$3,000,000 should be made available for the Foundation  
18 for Security and Sustainability: *Provided further*, That  
19 with respect to funds appropriated under this heading in  
20 this Act or prior Acts making appropriations for foreign  
21 operations, export financing, and related programs, the re-  
22 sponsibility for policy decisions and justifications for the  
23 use of such funds, including whether there will be a pro-  
24 gram for a country that uses those funds and the amount  
25 of each such program, shall be the responsibility of the

1 Secretary of State and the Deputy Secretary of State and  
 2 this responsibility shall not be delegated.

3 GLOBAL AIDS INITIATIVE

4 For necessary expenses to carry out the provisions  
 5 of the Foreign Assistance Act of 1961 for the prevention,  
 6 treatment, and control of, and research on, HIV/AIDS,  
 7 \$700,000,000, to remain available until expended: *Pro-*  
 8 *vided*, That of the funds appropriated under this heading,  
 9 up to \$250,000,000 may be made available, notwith-  
 10 standing any other provision of law, for a United States  
 11 contribution to the Global Fund to Fight AIDS, Tuber-  
 12 culosis and Malaria: *Provided further*, That such contribu-  
 13 tion shall be expended at the minimum rate necessary to  
 14 make timely payment for projects and activities: *Provided*  
 15 *further*, That of the funds appropriated under this head-  
 16 ing, \$150,000,000 is made available for the International  
 17 Mother and Child HIV Prevention Initiative: *Provided fur-*  
 18 *ther*, That funds made available for HIV/AIDS programs  
 19 and activities under the headings “Child Survival and  
 20 Health Programs Fund”, “Economic Support Fund”,  
 21 “Assistance for Eastern Europe and the Baltic States”  
 22 and “Assistance for the Independent States of the Former  
 23 Soviet Union” in this Act may be transferred to and  
 24 merged with funds appropriated under this heading: *Pro-*  
 25 *vided further*, That of the funds appropriated under this  
 26 heading, \$20,000,000 may be apportioned directly to the

1 Peace Corps to remain available until expended for nec-  
 2 essary expenses to carry out activities to combat HIV/  
 3 AIDS, tuberculosis and malaria: *Provided further*, That of  
 4 the funds appropriated under this heading, not more than  
 5 \$8,000,000 may be made available for administrative ex-  
 6 penses of the office of the “Coordinator of United States  
 7 Government Activities to Combat HIV/AIDS Globally” of  
 8 the Department of State.

9 ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC  
 10 STATES

11 (a) For necessary expenses to carry out the provisions  
 12 of the Foreign Assistance Act of 1961 and the Support  
 13 for East European Democracy (SEED) Act of 1989,  
 14 \$445,000,000, to remain available until September 30,  
 15 2005, which shall be available, notwithstanding any other  
 16 provision of law, for assistance and for related programs  
 17 for Eastern Europe and the Baltic States: *Provided*, That  
 18 of the funds appropriated under this heading that are  
 19 made available for assistance for Bulgaria, \$3,000,000  
 20 should be made available to enhance safety at nuclear  
 21 power plants: *Provided further*, That of the funds appro-  
 22 priated under this heading, up to \$1,000,000 should be  
 23 made available for a program to promote greater under-  
 24 standing and interaction among youth in Albania, Kosovo,  
 25 Montenegro and Macedonia: *Provided further*, That of the  
 26 funds appropriated under this heading, and under the

1 headings “Assistance for the Independent States of the  
2 Former Soviet Union” and “Economic Support Fund”,  
3 not less than \$50,000,000 shall be made available for pro-  
4 grams for the prevention, treatment, and control of, and  
5 research on, HIV/AIDS, tuberculosis, and malaria.

6 (b) Funds appropriated under this heading or in prior  
7 appropriations Acts that are or have been made available  
8 for an Enterprise Fund may be deposited by such Fund  
9 in interest-bearing accounts prior to the Fund’s disburse-  
10 ment of such funds for program purposes. The Fund may  
11 retain for such program purposes any interest earned on  
12 such deposits without returning such interest to the Treas-  
13 ury of the United States and without further appropria-  
14 tion by the Congress. Funds made available for Enterprise  
15 Funds shall be expended at the minimum rate necessary  
16 to make timely payment for projects and activities.

17 (c) Funds appropriated under this heading shall be  
18 considered to be economic assistance under the Foreign  
19 Assistance Act of 1961 for purposes of making available  
20 the administrative authorities contained in that Act for  
21 the use of economic assistance.

22 (d) With regard to funds appropriated under this  
23 heading for the economic revitalization program in Bosnia  
24 and Herzegovina, and local currencies generated by such  
25 funds (including the conversion of funds appropriated



1 under this heading into currency used by Bosnia and  
2 Herzegovina as local currency and local currency returned  
3 or repaid under such program) the Administrator of the  
4 United States Agency for International Development shall  
5 provide written approval for grants and loans prior to the  
6 obligation and expenditure of funds for such purposes, and  
7 prior to the use of funds that have been returned or repaid  
8 to any lending facility or grantee.

9 (e) The provisions of section 629 of this Act shall  
10 apply to funds made available under subsection (d) and  
11 to funds appropriated under this heading: *Provided*, That  
12 notwithstanding any provision of this or any other Act,  
13 including provisions in this subsection regarding the appli-  
14 cation of section 629 of this Act, local currencies gen-  
15 erated by, or converted from, funds appropriated by this  
16 Act and by previous appropriations Acts and made avail-  
17 able for the economic revitalization program in Bosnia  
18 may be used in Eastern Europe and the Baltic States to  
19 carry out the provisions of the Foreign Assistance Act of  
20 1961 and the Support for East European Democracy  
21 (SEED) Act of 1989.

22 (f) The President is authorized to withhold funds ap-  
23 propriated under this heading made available for economic  
24 revitalization programs in Bosnia and Herzegovina, if he  
25 determines and certifies to the Committees on Appropria-

1 tions that the Federation of Bosnia and Herzegovina has  
 2 not complied with article III of annex 1–A of the General  
 3 Framework Agreement for Peace in Bosnia and  
 4 Herzegovina concerning the withdrawal of foreign forces,  
 5 and that intelligence cooperation on training, investiga-  
 6 tions, and related activities between state sponsors of ter-  
 7 rorism and terrorist organizations and Bosnian officials  
 8 has not been terminated.

9 ASSISTANCE FOR THE INDEPENDENT STATES OF THE  
 10 FORMER SOVIET UNION

11 (a) For necessary expenses to carry out the provisions  
 12 of chapters 11 and 12 of part I of the Foreign Assistance  
 13 Act of 1961 and the FREEDOM Support Act, for assist-  
 14 ance for the Independent States of the former Soviet  
 15 Union and for related programs, \$596,000,000, to remain  
 16 available until September 30, 2005: *Provided*, That the  
 17 provisions of such chapters shall apply to funds appro-  
 18 priated by this paragraph: *Provided further*, That of the  
 19 funds made available for the Southern Caucasus region,  
 20 notwithstanding any other provision of law, funds may be  
 21 used for confidence-building measures and other activities  
 22 in furtherance of the peaceful resolution of the regional  
 23 conflicts, especially those in the vicinity of Abkhazia and  
 24 Nagorno-Karabagh: *Provided further*, That of the funds  
 25 appropriated under this heading, \$20,000,000 shall be  
 26 made available solely for assistance for the Russian Far

1 East: *Provided further*, That not less than \$3,000,000  
2 shall be made available for programs and activities author-  
3 ized under section 307 of the FREEDOM Support Act  
4 (Public Law 102–511): *Provided further*, That, notwith-  
5 standing any other provision of law, funds appropriated  
6 under this heading in this Act or prior Acts making appro-  
7 priations for foreign operations, export financing, and re-  
8 lated programs, that are made available pursuant to the  
9 provisions of section 807 of Public Law 102–511 shall be  
10 subject to a 6 percent ceiling on administrative expenses.

11 (b) Of the funds appropriated under this heading that  
12 are made available for assistance for Ukraine, not less  
13 than \$20,000,000 shall be made available for nuclear reac-  
14 tor safety initiatives, of which \$14,000,000 should be for  
15 simulator-related projects; and not less than \$2,000,000  
16 shall be made available for coal mine safety programs.

17 (c) Of the funds appropriated under this heading,  
18 \$75,000,000 should be made available for assistance for  
19 Georgia.

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

23 (e)(1) Of the funds appropriated under this heading  
24 that are allocated for assistance for the Government of  
25 the Russian Federation, 60 percent shall be withheld from

1 obligation until the President determines and certifies in  
2 writing to the Committees on Appropriations that the Gov-  
3 ernment of the Russian Federation:

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

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

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

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

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

20 (f) Section 907 of the FREEDOM Support Act shall  
21 not apply to—

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

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

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

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

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

14          (6) humanitarian assistance.

#### 15                               INDEPENDENT AGENCIES

#### 16                               INTER-AMERICAN FOUNDATION

17      For necessary expenses to carry out the functions of  
 18      the Inter-American Foundation in accordance with the  
 19      provisions of section 401 of the Foreign Assistance Act  
 20      of 1969, \$16,334,000, to remain available until September  
 21      30, 2005.

#### 22                               AFRICAN DEVELOPMENT FOUNDATION

23      For necessary expenses to carry out title V of the  
 24      International Security and Development Cooperation Act  
 25      of 1980, Public Law 96–533, \$18,689,000, to remain  
 26      available until September 30, 2005: *Provided*, That funds

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), \$310,000,000, 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 2005: *Provided further*, That during fiscal year 2004 and  
 23 any subsequent fiscal year, the Director of the Peace  
 24 Corps may make appointments or assignments, or extend  
 25 current appointments or assignments, to permit United  
 26 States citizens to serve for periods in excess of 5 years

1 in the case of individuals whose appointment or assign-  
 2 ment, such as regional safety security officers and employ-  
 3 ees within the Office of the Inspector General, involves the  
 4 safety of Peace Corps volunteers: *Provided further*, That  
 5 the Director of the Peace Corps may make such appoint-  
 6 ments or assignments notwithstanding the provisions of  
 7 section 7 of the Peace Corps Act limiting the length of  
 8 an appointment or assignment, the circumstances under  
 9 which such an appointment or assignment may exceed 5  
 10 years, and the percentage of appointments or assignments  
 11 that can be made in excess of 5 years.

12 DEPARTMENT OF STATE

13 INTERNATIONAL NARCOTICS CONTROL AND LAW

14 ENFORCEMENT

15 For necessary expenses to carry out section 481 of  
 16 the Foreign Assistance Act of 1961, \$284,550,000, to re-  
 17 main available until expended: *Provided*, That during fis-  
 18 cal year 2004, the Department of State may also use the  
 19 authority of section 608 of the Foreign Assistance Act of  
 20 1961, without regard to its restrictions, to receive excess  
 21 property from an agency of the United States Government  
 22 for the purpose of providing it to a foreign country under  
 23 chapter 8 of part I of that Act subject to the regular noti-  
 24 fication procedures of the Committees on Appropriations:  
 25 *Provided further*, That of the funds appropriated under

1 this heading, \$20,000,000 should be made available for  
 2 anti-trafficking in persons programs, including trafficking  
 3 prevention, protection and assistance for victims, and  
 4 prosecution of traffickers: *Provided further*, That of the  
 5 funds appropriated under this heading, \$7,105,000 should  
 6 be made available for the International Law Enforcement  
 7 Academy in Roswell, New Mexico: *Provided further*, That  
 8 of the funds appropriated under this heading, not more  
 9 than \$25,117,000 may be available for administrative ex-  
 10 penses.

11 ANDEAN COUNTERDRUG INITIATIVE

12 For necessary expenses to carry out section 481 of  
 13 the Foreign Assistance Act of 1961 to support  
 14 counterdrug activities in the Andean region of South  
 15 America, \$660,000,000, to remain available until ex-  
 16 pended: *Provided*, That in addition to the funds appro-  
 17 priated under this heading and subject to the regular noti-  
 18 fication procedures of the Committees on Appropriations,  
 19 the President may make available up to an additional  
 20 \$37,000,000 for the Andean Counterdrug Initiative, which  
 21 may be derived from funds appropriated under the head-  
 22 ing “International Narcotics Control and Law Enforce-  
 23 ment” in this Act and in prior Acts making appropriations  
 24 for foreign operations, export financing, and related pro-  
 25 grams: *Provided further*, That in fiscal year 2004, funds  
 26 available to the Department of State for assistance to the



1 Government of Colombia shall be available to support a  
2 unified campaign against narcotics trafficking, against ac-  
3 tivities by organizations designated as terrorist organiza-  
4 tions such as the Revolutionary Armed Forces of Colombia  
5 (FARC), the National Liberation Army (ELN), and the  
6 United Self-Defense Forces of Colombia (AUC), and to  
7 take actions to protect human health and welfare in emer-  
8 gency circumstances, including undertaking rescue oper-  
9 ations: *Provided further*, That this authority shall cease  
10 to be effective if the Secretary of State has credible evi-  
11 dence that the Colombian Armed Forces are not con-  
12 ducting vigorous operations to restore government author-  
13 ity and respect for human rights in areas under the effec-  
14 tive control of paramilitary and guerrilla organizations:  
15 *Provided further*, That the President shall ensure that if  
16 any helicopter procured with funds under this heading is  
17 used to aid or abet the operations of any illegal self-de-  
18 fense group or illegal security cooperative, such helicopter  
19 shall be immediately returned to the United States: *Pro-*  
20 *vided further*, That the Secretary of State, in consultation  
21 with the Administrator of the United States Agency for  
22 International Development, shall provide to the Commit-  
23 tees on Appropriations not later than 45 days after the  
24 date of the enactment of this Act and prior to the initial  
25 obligation of funds appropriated under this heading, a re-

1 port on the proposed uses of all funds under this heading  
2 on a country-by-country basis for each proposed program,  
3 project, or activity: *Provided further*, That of the funds  
4 appropriated under this heading, not less than  
5 \$250,000,000 shall be apportioned directly to the United  
6 States Agency for International Development, to be used  
7 for alternative development/institution building including  
8 judicial reform, of which not less than \$165,000,000 shall  
9 be made available for such purposes in Colombia: *Provided*  
10 *further*, That of the funds appropriated under this head-  
11 ing, not less than \$25,000,000 shall be made available for  
12 judicial reform in Colombia: *Provided further*, That of the  
13 funds appropriated under this heading, in addition to  
14 funds made available pursuant to the previous proviso, not  
15 less than \$2,500,000 shall be made available to protect  
16 human rights defenders in Colombia, not less than  
17 \$2,500,000 shall be made available for the United Nations  
18 Office of the High Commissioner for Human Rights in  
19 Colombia, not less than \$10,000,000 shall be made avail-  
20 able for assistance for the Colombian Attorney General's  
21 Human Rights Unit, and not less than \$2,500,000 shall  
22 be made available for assistance for the human rights unit  
23 of the Colombian Procuraduria: *Provided further*, That not  
24 more than 20 percent of the funds appropriated by this  
25 Act that are used for the procurement of chemicals for

1 aerial coca and poppy fumigation programs may be made  
2 available for such programs unless the Secretary of State,  
3 after consultation with the Administrator of the Environ-  
4 mental Protection Agency (EPA), certifies to the Commit-  
5 tees on Appropriations that: (1) the herbicide mixture is  
6 being used in accordance with EPA label requirements for  
7 comparable use in the United States and any additional  
8 controls recommended by the EPA for this program, and  
9 with the Colombian Environmental Management Plan for  
10 aerial fumigation; (2) the herbicide mixture, in the manner  
11 it is being used, does not pose unreasonable risks or ad-  
12 verse effects to humans or the environment; (3) com-  
13 plaints of harm to health or licit crops caused by such  
14 fumigation are evaluated and fair compensation is being  
15 paid for meritorious claims; and such funds may not be  
16 made available for such purposes unless programs are  
17 being implemented by the United States Agency for Inter-  
18 national Development, the Government of Colombia, or  
19 other organizations, in consultation with local commu-  
20 nities, to provide alternative sources of income in areas  
21 where security permits for small-acreage growers whose il-  
22 licit crops are targeted for fumigation: *Provided further,*  
23 That section 482(b) of the Foreign Assistance Act of 1961  
24 shall not apply to funds appropriated under this heading:  
25 *Provided further,* That assistance provided with funds ap-

1   appropriated under this heading that is made available not-  
2   withstanding section 482(b) of the Foreign Assistance Act  
3   of 1961, as amended, and funds appropriated by this Act  
4   that are made available for Colombia, shall be made avail-  
5   able subject to the regular notification procedures of the  
6   Committees on Appropriations: *Provided further*, That the  
7   provisions of section 3204(b) through (d) of Public Law  
8   106–246, as amended by Public Law 107–115, shall be  
9   applicable to funds appropriated for fiscal year 2004: *Pro-*  
10   *vided further*, That no United States Armed Forces per-  
11   sonnel or United States civilian contractor employed by  
12   the United States will participate in any combat operation  
13   in connection with assistance made available by this Act  
14   for Colombia: *Provided further*, That funds appropriated  
15   under this heading that are available for the Bolivian mili-  
16   tary and police may be made available if the Secretary  
17   of State determines and reports to the Committees on Ap-  
18   propriations that (1) the Bolivian Government is vigor-  
19   ously investigating and prosecuting members of the Boliv-  
20   ian military and police who have been credibly alleged to  
21   have committed gross violations of human rights and is  
22   promptly punishing those found to have committed such  
23   violations; and (2) the Bolivian military and police are co-  
24   operating with such investigations and prosecutions: *Pro-*  
25   *vided further*, That of the funds appropriated under this

1 heading, not more than \$16,285,000 may be available for  
 2 administrative expenses of the Department of State, and  
 3 not more than \$4,500,000 may be available, in addition  
 4 to amounts otherwise available for such purposes, for ad-  
 5 ministrative expenses of the United States Agency for  
 6 International Development.

7           MIGRATION AND REFUGEE ASSISTANCE

8           For expenses, not otherwise provided for, necessary  
 9 to enable the Secretary of State to provide, as authorized  
 10 by law, a contribution to the International Committee of  
 11 the Red Cross, assistance to refugees, including contribu-  
 12 tions to the International Organization for Migration and  
 13 the United Nations High Commissioner for Refugees, and  
 14 other activities to meet refugee and migration needs; sala-  
 15 ries and expenses of personnel and dependents as author-  
 16 ized by the Foreign Service Act of 1980; allowances as  
 17 authorized by sections 5921 through 5925 of title 5,  
 18 United States Code; purchase and hire of passenger motor  
 19 vehicles; and services as authorized by section 3109 of title  
 20 5, United States Code, \$760,197,000, which shall remain  
 21 available until expended: *Provided*, That not more than  
 22 \$18,500,000 may be available for administrative expenses:  
 23 *Provided further*, That not less than \$50,000,000 of the  
 24 funds made available under this heading shall be made  
 25 available for refugees from the former Soviet Union and  
 26 Eastern Europe and other refugees resettling in Israel:

1 *Provided further*, That funds appropriated under this  
 2 heading may be made available for a headquarters con-  
 3 tribution to the International Committee of the Red Cross  
 4 only if the Secretary of State determines (and so reports  
 5 to the appropriate committees of Congress) that the  
 6 Magen David Adom Society of Israel is not being denied  
 7 participation in the activities of the International Red  
 8 Cross and Red Crescent Movement: *Provided further*, That  
 9 funds made available under this heading should be made  
 10 available to international organizations for assistance for  
 11 refugees from North Korea: *Provided further*, That funds  
 12 made available under this heading should be made avail-  
 13 able for assistance for persons in Thailand who fled  
 14 Burma for humanitarian or other reasons: *Provided fur-*  
 15 *ther*, That none of the funds appropriated by this Act shall  
 16 be provided to the central Government of Nepal until the  
 17 Secretary of State determines and reports to the Commit-  
 18 tees on Appropriations that the Government of Nepal is  
 19 cooperating with the United Nations High Commissioner  
 20 for Refugees and other appropriate international organiza-  
 21 tions on issues concerning the protection of refugees from  
 22 Tibet.

23 UNITED STATES EMERGENCY REFUGEE AND MIGRATION  
 24 ASSISTANCE FUND

25 For necessary expenses to carry out the provisions  
 26 of section 2(c) of the Migration and Refugee Assistance

1 Act of 1962, as amended (22 U.S.C. 2601(c)),  
2 \$40,000,000, to remain available until expended.

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

5 For necessary expenses for nonproliferation, anti-ter-  
6 rorism, demining and related programs and activities,  
7 \$385,200,000, to carry out the provisions of chapter 8 of  
8 part II of the Foreign Assistance Act of 1961 for anti-  
9 terrorism assistance, chapter 9 of part II of the Foreign  
10 Assistance Act of 1961, section 504 of the FREEDOM  
11 Support Act, section 23 of the Arms Export Control Act  
12 or the Foreign Assistance Act of 1961 for demining activi-  
13 ties, the clearance of unexploded ordnance, the destruction  
14 of small arms, and related activities, notwithstanding any  
15 other provision of law, including activities implemented  
16 through nongovernmental and international organizations,  
17 and section 301 of the Foreign Assistance Act of 1961  
18 for a voluntary contribution to the International Atomic  
19 Energy Agency (IAEA), and for a United States contribu-  
20 tion to the Comprehensive Nuclear Test Ban Treaty Pre-  
21 paratory Commission: *Provided*, That of this amount not  
22 to exceed \$35,000,000, to remain available until expended,  
23 may be made available for the Nonproliferation and Disar-  
24 mament Fund, notwithstanding any other provision of  
25 law, to promote bilateral and multilateral activities relat-  
26 ing to nonproliferation and disarmament: *Provided further*,

1 That such funds may also be used for such countries other  
2 than the Independent States of the former Soviet Union  
3 and international organizations when it is in the national  
4 security interest of the United States to do so: *Provided*  
5 *further*, That funds appropriated under this heading may  
6 be made available for the International Atomic Energy  
7 Agency only if the Secretary of State determines (and so  
8 reports to the Congress) that Israel is not being denied  
9 its right to participate in the activities of that Agency:  
10 *Provided further*, That of the funds appropriated under  
11 this heading, \$19,300,000 shall be made available for a  
12 United States contribution to the Comprehensive Nuclear  
13 Test Ban Treaty Preparatory Commission: *Provided fur-*  
14 *ther*, That notwithstanding the previous proviso, funds  
15 earmarked in the previous proviso that are not made avail-  
16 able during fiscal year 2004 for a contribution to the Com-  
17 prehensive Nuclear Test Ban Treaty Preparatory Com-  
18 mission shall be made available for a voluntary contribu-  
19 tion to the International Atomic Energy Agency and shall  
20 remain available until September 30, 2005: *Provided fur-*  
21 *ther*, That of the funds made available for demining and  
22 related activities, not to exceed \$690,000, in addition to  
23 funds otherwise available for such purposes, may be used  
24 for administrative expenses related to the operation and  
25 management of the demining program: *Provided further*,



1 That the Secretary of State is authorized to provide not  
2 to exceed \$250,000 for public-private partnerships for  
3 mine action by grant, cooperative agreement, or contract.

4 DEPARTMENT OF THE TREASURY

5 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

6 For necessary expenses to carry out the provisions  
7 of section 129 of the Foreign Assistance Act of 1961 (re-  
8 lating to international affairs technical assistance activi-  
9 ties), \$12,000,000, to remain available until September  
10 30, 2006, which shall be available notwithstanding any  
11 other provision of law.

12 DEBT RESTRUCTURING

13 For the cost, as defined in section 502 of the Con-  
14 gressional Budget Act of 1974, of modifying loans and  
15 loan guarantees, as the President may determine, for  
16 which funds have been appropriated or otherwise made  
17 available for programs within the International Affairs  
18 Budget Function 150, including the cost of selling, reduc-  
19 ing, or canceling amounts owed to the United States as  
20 a result of concessional loans made to eligible countries,  
21 pursuant to parts IV and V of the Foreign Assistance Act  
22 of 1961, and of modifying concessional credit agreements  
23 with least developed countries, as authorized under section  
24 411 of the Agricultural Trade Development and Assist-  
25 ance Act of 1954, as amended, and concessional loans,  
26 guarantees and credit agreements, as authorized under

1 section 572 of the Foreign Operations, Export Financing,  
 2 and Related Programs Appropriations Act, 1989 (Public  
 3 Law 100–461), and of canceling amounts owed, as a result  
 4 of loans or guarantees made pursuant to the Export-Im-  
 5 port Bank Act of 1945, by countries that are eligible for  
 6 debt reduction pursuant to title V of H.R. 3425 as enacted  
 7 into law by section 1000(a)(5) of Public Law 106–113,  
 8 \$195,000,000, to remain available until expended: *Pro-*  
 9 *vided*, That not less than \$20,000,000 of the funds appro-  
 10 priated under this heading shall be made available to carry  
 11 out the provisions of part V of the Foreign Assistance Act  
 12 of 1961: *Provided further*, That \$75,000,000 of the funds  
 13 appropriated under this heading may be used by the Sec-  
 14 retary of the Treasury to pay to the Heavily Indebted Poor  
 15 Countries (HIPC) Trust Fund administered by the Inter-  
 16 national Bank for Reconstruction and Development  
 17 amounts for the benefit of countries that are eligible for  
 18 debt reduction pursuant to title V of H.R. 3425 as enacted  
 19 into law by section 1000(a)(5) of Public Law 106–113:  
 20 *Provided further*, That amounts paid to the HIPC Trust  
 21 Fund may be used only to fund debt reduction under the  
 22 enhanced HIPC initiative by—

- 23 (1) the Inter-American Development Bank;
- 24 (2) the African Development Fund;
- 25 (3) the African Development Bank; and

1           (4) the Central American Bank for Economic  
2       Integration:  
3   *Provided further*, That funds may not be paid to the HIPC  
4   Trust Fund for the benefit of any country if the Secretary  
5   of State has credible evidence that the government of such  
6   country is engaged in a consistent pattern of gross viola-  
7   tions of internationally recognized human rights or in mili-  
8   tary or civil conflict that undermines its ability to develop  
9   and implement measures to alleviate poverty and to devote  
10   adequate human and financial resources to that end: *Pro-*  
11   *vided further*, That on the basis of final appropriations,  
12   the Secretary of the Treasury shall consult with the Com-  
13   mittees on Appropriations concerning which countries and  
14   international financial institutions are expected to benefit  
15   from a United States contribution to the HIPC Trust  
16   Fund during the fiscal year: *Provided further*, That the  
17   Secretary of the Treasury shall inform the Committees on  
18   Appropriations not less than 15 days in advance of the  
19   signature of an agreement by the United States to make  
20   payments to the HIPC Trust Fund of amounts for such  
21   countries and institutions: *Provided further*, That the Sec-  
22   retary of the Treasury may disburse funds designated for  
23   debt reduction through the HIPC Trust Fund only for the  
24   benefit of countries that—

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

9           (2) have documented and demonstrated their  
10      commitment to redirect their budgetary resources  
11      from international debt repayments to programs to  
12      alleviate poverty and promote economic growth that  
13      are additional to or expand upon those previously  
14      available for such purposes:

15 *Provided further,* That any limitation of subsection (e) of  
16 section 411 of the Agricultural Trade Development and  
17 Assistance Act of 1954 shall not apply to funds appro-  
18 priated under this heading: *Provided further,* That none  
19 of the funds made available under this heading in this or  
20 any other appropriations Act shall be made available for  
21 Sudan or Burma unless the Secretary of the Treasury de-  
22 termines and notifies the Committees on Appropriations  
23 that a democratically elected government has taken office.

1           TITLE III—MILLENNIUM CHALLENGE  
2                           ASSISTANCE

3           FUNDS APPROPRIATED TO THE PRESIDENT

4                           MILLENNIUM CHALLENGE ASSISTANCE

5           (a) For necessary expenses in furtherance of the pur-  
6 poses applicable to the provision of economic assistance  
7 under the Foreign Assistance Act of 1961, up to  
8 \$1,000,000,000, to remain available until expended, for  
9 assistance for countries that have demonstrated commit-  
10 ment to (1) just and democratic governance, (2) economic  
11 freedom, and (3) investing in the well-being of their own  
12 people.

13          (b) In addition to meeting the criteria contained in  
14 subsection (a), a country shall be eligible to receive assist-  
15 ance under this title if—

16               (1) it is eligible to receive loans from the Inter-  
17 national Development Association; and

18               (2) it is not ineligible to receive assistance  
19 under provisions of law that would prohibit assist-  
20 ance under part I of the Foreign Assistance Act of  
21 1961.

22          (c) Prior to the initial obligation of funds appro-  
23 priated in subsection (a), the President shall consult with  
24 the Committees on Appropriations with regard to the—

1           (1) criteria that will be used to select the coun-  
2       tries to receive assistance from funds appropriated  
3       under this heading;

4           (2) inter-agency process by which such criteria  
5       have been developed and plans to continually refine  
6       those criteria;

7           (3) plans to ensure effective program, financial,  
8       and management oversight of the assistance pro-  
9       vided under this heading; and

10          (4) plans to evaluate program performance.

11       (d) Among the criteria to be considered in deter-  
12   mining the eligibility of a country for assistance under this  
13   title shall be a country's demonstrated commitment to eco-  
14   nomic policies that promote the sustainable use of natural  
15   resources.

16       (e) The President is authorized to establish within  
17   the Executive Branch, a corporation to be known as the  
18   Millennium Challenge Corporation (hereinafter in this title  
19   referred to as the "Corporation"). It shall be the responsi-  
20   bility of the Corporation to implement this title. The man-  
21   agement of the Corporation and its functions, powers, and  
22   authorities shall be as contained in title II of S. 1240 as  
23   introduced in the Senate on June 11, 2003.

24       (f) Funds appropriated under this title may be made  
25   available notwithstanding any other provision of law other

1 than the provisions of this title, and may be made avail-  
 2 able for the administrative expenses of the Corporation.

3 (g) Funds appropriated under this title shall be avail-  
 4 able for obligation only pursuant to the regular notifica-  
 5 tion procedures of the Committees on Appropriations.

## 6 TITLE IV—MILITARY ASSISTANCE

### 7 FUNDS APPROPRIATED TO THE PRESIDENT

#### 8 INTERNATIONAL MILITARY EDUCATION AND TRAINING

9 For necessary expenses to carry out the provisions  
 10 of section 541 of the Foreign Assistance Act of 1961,  
 11 \$91,700,000, of which up to \$3,000,000 may remain  
 12 available until expended: *Provided*, That the civilian per-  
 13 sonnel for whom military education and training may be  
 14 provided under this heading may include civilians who are  
 15 not members of a government whose participation would  
 16 contribute to improved civil-military relations, civilian con-  
 17 trol of the military, or respect for human rights: *Provided*  
 18 *further*, That funds appropriated under this heading for  
 19 military education and training for Guatemala may only  
 20 be available for expanded international military education  
 21 and training, and funds made available for Algeria, Cam-  
 22 bodia, Nigeria and Guatemala may only be provided  
 23 through the regular notification procedures of the Com-  
 24 mittees on Appropriations.

## FOREIGN MILITARY FINANCING PROGRAM

## (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,384,000,000: *Provided*, That of the funds appropriated under this heading, not less than \$2,160,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$568,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, \$206,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated by this paragraph, \$2,500,000 shall be made available for assistance for Armenia: *Provided further*, That of the funds appropriated by this paragraph, \$15,000,000 shall be transferred to and merged with funds appropriated under the heading



1 “Nonproliferation, Anti-Terrorism, Demining and Related  
2 Programs”, and made available, in addition to amounts  
3 otherwise available for such purposes, as follows:  
4 \$10,000,000, to remain available until expended, shall be  
5 made available to carry out the provisions of section 504  
6 of the FREEDOM Support Act for the Nonproliferation  
7 and Disarmament Fund, notwithstanding any other provi-  
8 sion of law, to promote bilateral and multilateral activities  
9 relating to nonproliferation and disarmament; \$2,000,000  
10 shall be made available to carry out the provisions of chap-  
11 ter 8 of part II of the Foreign Assistance Act of 1961  
12 for the Small Arms/Light Weapons Destruction program;  
13 and \$3,000,000 shall be made available as an additional  
14 contribution to the International Atomic Energy Agency:  
15 *Provided further*, That of the funds appropriated by this  
16 paragraph, not less than \$17,000,000 shall be transferred  
17 to and merged with funds appropriated under the heading  
18 “Andean Counterdrug Initiative” and made available for  
19 aircraft and related assistance for the Colombian National  
20 Police: *Provided further*, That funds appropriated by this  
21 paragraph shall be nonrepayable notwithstanding any re-  
22 quirement in section 23 of the Arms Export Control Act:  
23 *Provided further*, That funds made available under this  
24 paragraph shall be obligated upon apportionment in ac-

1 cordance with paragraph (5)(C) of title 31, United States  
2 Code, section 1501(a).

3       None of the funds made available under this heading  
4 shall be available to finance the procurement of defense  
5 articles, defense services, or design and construction serv-  
6 ices that are not sold by the United States Government  
7 under the Arms Export Control Act unless the foreign  
8 country proposing to make such procurements has first  
9 signed an agreement with the United States Government  
10 specifying the conditions under which such procurements  
11 may be financed with such funds: *Provided*, That all coun-  
12 try and funding level increases in allocations shall be sub-  
13 mitted through the regular notification procedures of sec-  
14 tion 615 of this Act: *Provided further*, That none of the  
15 funds appropriated under this heading shall be available  
16 for assistance for Sudan, Guatemala and Liberia: *Provided*  
17 *further*, That funds made available under this heading may  
18 be used, notwithstanding any other provision of law, for  
19 demining, the clearance of unexploded ordnance, and re-  
20 lated activities, and may include activities implemented  
21 through nongovernmental and international organizations:  
22 *Provided further*, That the authority contained in the pre-  
23 vious proviso or any other provision of law relating to the  
24 use of funds for programs under this heading, including  
25 provisions contained in previously enacted appropriations

1 Acts, shall not apply to activities relating to the clearance  
2 of unexploded ordnance resulting from United States  
3 Armed Forces testing or training exercises: *Provided fur-*  
4 *ther*, That the previous proviso shall not apply to San Jose  
5 Island, Republic of Panama: *Provided further*, That only  
6 those countries for which assistance was justified for the  
7 “Foreign Military Sales Financing Program” in the fiscal  
8 year 1989 congressional presentation for security assist-  
9 ance programs may utilize funds made available under this  
10 heading for procurement of defense articles, defense serv-  
11 ices or design and construction services that are not sold  
12 by the United States Government under the Arms Export  
13 Control Act: *Provided further*, That funds appropriated  
14 under this heading shall be expended at the minimum rate  
15 necessary to make timely payment for defense articles and  
16 services: *Provided further*, That not more than  
17 \$40,500,000 of the funds appropriated under this heading  
18 may be obligated for necessary expenses, including the  
19 purchase of passenger motor vehicles for replacement only  
20 for use outside of the United States, for the general costs  
21 of administering military assistance and sales: *Provided*  
22 *further*, That not more than \$361,000,000 of funds real-  
23 ized pursuant to section 21(e)(1)(A) of the Arms Export  
24 Control Act may be obligated for expenses incurred by the  
25 Department of Defense during fiscal year 2004 pursuant

1 to section 43(b) of the Arms Export Control Act, except  
 2 that this limitation may be exceeded only through the reg-  
 3 ular notification procedures of the Committees on Appro-  
 4 priations: *Provided further*, That foreign military financing  
 5 program funds estimated to be outlayed for Egypt during  
 6 fiscal year 2004 shall be transferred to an interest bearing  
 7 account for Egypt in the Federal Reserve Bank of New  
 8 York within 30 days of enactment of this Act.

#### 9 PEACEKEEPING OPERATIONS

10 For necessary expenses to carry out the provisions  
 11 of section 551 of the Foreign Assistance Act of 1961,  
 12 \$84,900,000: *Provided*, That none of the funds appro-  
 13 priated under this heading shall be obligated or expended  
 14 except as provided through the regular notification proce-  
 15 dures of the Committees on Appropriations.

### 16 TITLE V—MULTILATERAL ECONOMIC 17 ASSISTANCE

#### 18 FUNDS APPROPRIATED TO THE PRESIDENT

#### 19 INTERNATIONAL FINANCIAL INSTITUTIONS

#### 20 GLOBAL ENVIRONMENT FACILITY

21 For the United States contribution for the Global En-  
 22 vironment Facility, \$170,997,000 to the International  
 23 Bank for Reconstruction and Development as trustee for  
 24 the Global Environment Facility, by the Secretary of the  
 25 Treasury, to remain available until expended.

1     CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT  
2                                   ASSOCIATION

3           For payment to the International Development Asso-  
4   ciation by the Secretary of the Treasury, \$976,825,000,  
5   to remain available until expended.

6     CONTRIBUTION TO THE MULTILATERAL INVESTMENT  
7                                   GUARANTEE AGENCY

8           For payment to the Multilateral Investment Guar-  
9   antee Agency by the Secretary of the Treasury,  
10  \$1,124,000, for the United States paid-in share of the in-  
11  crease in capital stock, to remain available until expended.

12     LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

13           The United States Governor of the Multilateral In-  
14  vestment Guarantee Agency may subscribe without fiscal  
15  year limitation for the callable capital portion of the  
16  United States share of such capital stock in an amount  
17  not to exceed \$16,340,000.

18     CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT  
19                                   CORPORATION

20           For payment to the Inter-American Investment Cor-  
21  poration, by the Secretary of the Treasury, \$8,898,000,  
22  for the United States share of the increase in subscrip-  
23  tions to capital stock, to remain available until expended.

1 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS  
2 MULTILATERAL INVESTMENT FUND

3 For payment to the Enterprise for the Americas Mul-  
4 tilateral Investment Fund by the Secretary of the Treas-  
5 ury, for the United States contribution to the fund,  
6 \$30,614,000, to remain available until expended.

7 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

8 For the United States contribution by the Secretary  
9 of the Treasury to the increase in resources of the Asian  
10 Development Fund, as authorized by the Asian Develop-  
11 ment Bank Act, as amended, \$136,921,000, to remain  
12 available until expended.

13 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

14 For payment to the African Development Bank by  
15 the Secretary of the Treasury, \$5,105,000, for the United  
16 States paid-in share of the increase in capital stock, to  
17 remain available until expended.

18 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

19 The United States Governor of the African Develop-  
20 ment Bank may subscribe without fiscal year limitation  
21 for the callable capital portion of the United States share  
22 of such capital stock in an amount not to exceed  
23 \$79,610,000.

24 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

25 For the United States contribution by the Secretary  
26 of the Treasury to the increase in resources of the African

1 Development Fund, \$118,081,000, to remain available  
2 until expended.

3 CONTRIBUTION TO THE EUROPEAN BANK FOR  
4 RECONSTRUCTION AND DEVELOPMENT

5 For payment to the European Bank for Reconstruct-  
6 tion and Development by the Secretary of the Treasury,  
7 \$35,431,000, for the United States share of the paid-in  
8 portion of the increase in capital stock, to remain available  
9 until expended.

10 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

11 The United States Governor of the European Bank  
12 for Reconstruction and Development may subscribe with-  
13 out fiscal year limitation to the callable capital portion of  
14 the United States share of such capital stock in an amount  
15 not to exceed \$122,085,000.

16 CONTRIBUTION TO THE INTERNATIONAL FUND FOR  
17 AGRICULTURAL DEVELOPMENT

18 For the United States contribution by the Secretary  
19 of the Treasury to increase the resources of the Inter-  
20 national Fund for Agricultural Development,  
21 \$15,004,000, to remain available until expended.

22 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

23 For necessary expenses to carry out the provisions  
24 of section 301 of the Foreign Assistance Act of 1961, and  
25 of section 2 of the United Nations Environment Program  
26 Participation Act of 1973, \$314,550,000: *Provided, That*

1 of the funds appropriated under this heading,  
 2 \$120,000,000 shall be made available for a contribution  
 3 to the United Nations Children’s Fund, \$11,428,500 shall  
 4 be made available for a contribution to the United Nations  
 5 Environment Program, \$5,465,875 shall be made avail-  
 6 able for the United Nations Voluntary Fund for Victims  
 7 of Torture, \$3,621,250 shall be made available for the Or-  
 8 ganization of American States Fund for Strengthening  
 9 Democracy, \$1,937,975 shall be made available for Inter-  
 10 national Contributions for Scientific, Educational and Cul-  
 11 tural Activities, \$1,000,000 shall be made available for the  
 12 United Nations Center for Human Settlements,  
 13 \$1,500,000 shall be made available for the United Nations  
 14 Fund for Human Rights, \$6,732,750 shall be made avail-  
 15 able for International Conservation Programs, and  
 16 \$5,600,000 shall be made available for the Intergovern-  
 17 mental Panel on Climate Change/United Nations Frame-  
 18 work Convention on Climate Change: *Provided further*,  
 19 That none of the funds appropriated under this heading  
 20 may be made available to the International Atomic Energy  
 21 Agency (IAEA).

## 22 TITLE VI—GENERAL PROVISIONS

### 23 OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

24 SEC. 601. Except for the appropriations entitled  
 25 “International Disaster Assistance” and “United States



1 Emergency Refugee and Migration Assistance Fund”, not  
2 more than 15 percent of any appropriation item made  
3 available by this Act shall be obligated during the last  
4 month of availability.

5 PRIVATE AND VOLUNTARY ORGANIZATIONS

6 SEC. 602. (a) None of the funds appropriated or oth-  
7 erwise made available by this Act for development assist-  
8 ance may be made available to any United States private  
9 and voluntary organization, except any cooperative devel-  
10 opment organization, which obtains less than 20 percent  
11 of its total annual funding for international activities from  
12 sources other than the United States Government: *Pro-*  
13 *vided*, That the Administrator of the United States Agen-  
14 cy for International Development, after informing the  
15 Committees on Appropriations, may, on a case-by-case  
16 basis, waive the restriction contained in this subsection,  
17 after taking into account the effectiveness of the overseas  
18 development activities of the organization, its level of vol-  
19 unteer support, its financial viability and stability, and the  
20 degree of its dependence for its financial support on the  
21 agency.

22 (b) Funds appropriated or otherwise made available  
23 under title II of this Act should be made available to pri-  
24 vate and voluntary organizations at a level which is at  
25 least equivalent to the level provided in fiscal year 1995.

## 1                   LIMITATION ON RESIDENCE EXPENSES

2           SEC. 603. Of the funds appropriated or made avail-  
3 able pursuant to this Act, not to exceed \$100,500 shall  
4 be for official residence expenses of the United States  
5 Agency for International Development during the current  
6 fiscal year: *Provided*, That appropriate steps shall be  
7 taken to assure that, to the maximum extent possible,  
8 United States-owned foreign currencies are utilized in lieu  
9 of dollars.

## 10                   LIMITATION ON EXPENSES

11          SEC. 604. Of the funds appropriated or made avail-  
12 able pursuant to this Act, not to exceed \$5,000 shall be  
13 for entertainment expenses of the United States Agency  
14 for International Development during the current fiscal  
15 year.

## 16                   LIMITATION ON REPRESENTATIONAL ALLOWANCES

17          SEC. 605. Of the funds appropriated or made avail-  
18 able pursuant to this Act, not to exceed \$125,000 shall  
19 be available for representation allowances for the United  
20 States Agency for International Development during the  
21 current fiscal year: *Provided*, That appropriate steps shall  
22 be taken to assure that, to the maximum extent possible,  
23 United States-owned foreign currencies are utilized in lieu  
24 of dollars: *Provided further*, That of the funds made avail-  
25 able by this Act for general costs of administering military  
26 assistance and sales under the heading “Foreign Military

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

18 PROHIBITION ON FINANCING NUCLEAR GOODS

19 SEC. 606. None of the funds appropriated or made  
 20 available (other than funds for “Nonproliferation, Anti-  
 21 terrorism, Demining and Related Programs”) pursuant to  
 22 this Act, for carrying out the Foreign Assistance Act of  
 23 1961, may be used, except for purposes of nuclear safety,  
 24 to finance the export of nuclear equipment, fuel, or tech-  
 25 nology.

1 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN  
2 COUNTRIES

3 SEC. 607. None of the funds appropriated or other-  
4 wise made available pursuant to this Act shall be obligated  
5 or expended to finance directly any assistance or repara-  
6 tions to Cuba, Libya, North Korea, Iran, Sudan, or Syria:  
7 *Provided*, That, for the purposes of section 501 of Public  
8 Law 106–570, the terms “areas outside of control of the  
9 Government of Sudan” and “area in Sudan outside of con-  
10 trol of the Government of Sudan” shall, upon conclusion  
11 of a peace agreement between the Government of Sudan  
12 and the Sudan People’s Liberation Movement, have the  
13 same meaning and application as was the case imme-  
14 diately prior to the conclusion of such agreement: *Provided*  
15 *further*, That for purposes of this section, the prohibition  
16 on obligations or expenditures shall include direct loans,  
17 credits, insurance and guarantees of the Export-Import  
18 Bank or its agents.

19 MILITARY COUPS

20 SEC. 608. None of the funds appropriated or other-  
21 wise made available pursuant to this Act shall be obligated  
22 or expended to finance directly any assistance to the gov-  
23 ernment of any country whose duly elected head of govern-  
24 ment is deposed by decree or military coup: *Provided*, That  
25 assistance may be resumed to such government if the  
26 President determines and certifies to the Committees on

1 Appropriations that subsequent to the termination of as-  
 2 sistance a democratically elected government has taken of-  
 3 fice: *Provided further*, That the provisions of this section  
 4 shall not apply to assistance to promote democratic elec-  
 5 tions or public participation in democratic processes: *Pro-*  
 6 *vided further*, That funds made available pursuant to the  
 7 previous provisos shall be subject to the regular notifica-  
 8 tion procedures of the Committees on Appropriations.

9 TRANSFERS

10 SEC. 609. (a) TRANSFERS BETWEEN ACCOUNTS.—

11 None of the funds made available by this Act may be obli-  
 12 gated under an appropriation account to which they were  
 13 not appropriated, except for transfers specifically provided  
 14 for in this Act, unless the President, not less than five  
 15 days prior to the exercise of any authority contained in  
 16 the Foreign Assistance Act of 1961 to transfer funds,  
 17 consults with and provides a written policy justification  
 18 to the Committees on Appropriations of the House of Rep-  
 19 resentatives and the Senate.

20 (b) AUDIT OF INTER-AGENCY TRANSFERS.—Any

21 agreement for the transfer or allocation of funds appro-  
 22 priated by this Act, or prior Acts, entered into between  
 23 the United States Agency for International Development  
 24 and another agency of the United States Government  
 25 under the authority of section 632(a) of the Foreign As-  
 26 sistance Act of 1961 or any comparable provision of law,

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

7 DEOBLIGATION/REOBLIGATION AUTHORITY

8 SEC. 610. Obligated balances of funds appropriated  
9 to carry out section 23 of the Arms Export Control Act  
10 as of the end of the fiscal year immediately preceding the  
11 current fiscal year are, if deobligated, hereby continued  
12 available during the current fiscal year for the same pur-  
13 pose under any authority applicable to such appropriations  
14 under this Act: *Provided*, That the authority of this sec-  
15 tion may not be used in fiscal year 2004.

16 AVAILABILITY OF FUNDS

17 SEC. 611. No part of any appropriation contained in  
18 this Act shall remain available for obligation after the ex-  
19 piration of the current fiscal year unless expressly so pro-  
20 vided in this Act: *Provided*, That funds appropriated for  
21 the purposes of chapters 1, 8, 11, and 12 of part I, section  
22 667, chapter 4 of part II of the Foreign Assistance Act  
23 of 1961, as amended, section 23 of the Arms Export Con-  
24 trol Act, and funds provided under the heading “Assist-  
25 ance for Eastern Europe and the Baltic States”, shall re-  
26 main available for an additional four years from the date

1 on which the availability of such funds would otherwise  
2 have expired, if such funds are initially obligated before  
3 the expiration of their respective periods of availability  
4 contained in this Act: *Provided further*, That, notwith-  
5 standing any other provision of this Act, any funds made  
6 available for the purposes of chapter 1 of part I and chap-  
7 ter 4 of part II of the Foreign Assistance Act of 1961  
8 which are allocated or obligated for cash disbursements  
9 in order to address balance of payments or economic policy  
10 reform objectives, shall remain available until expended.

11 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

12 SEC. 612. No part of any appropriation contained in  
13 this Act shall be used to furnish assistance to the govern-  
14 ment of any country which is in default during a period  
15 in excess of one calendar year in payment to the United  
16 States of principal or interest on any loan made to the  
17 government of such country by the United States pursuant  
18 to a program for which funds are appropriated under this  
19 Act unless the President determines, following consulta-  
20 tions with the Committees on Appropriations, that assist-  
21 ance to such country is in the national interest of the  
22 United States.

23 COMMERCE AND TRADE

24 SEC. 613. (a) None of the funds appropriated or  
25 made available pursuant to this Act for direct assistance  
26 and none of the funds otherwise made available pursuant

1 to this Act to the Export-Import Bank and the Overseas  
2 Private Investment Corporation shall be obligated or ex-  
3 pended to finance any loan, any assistance or any other  
4 financial commitments for establishing or expanding pro-  
5 duction of any commodity for export by any country other  
6 than the United States, if the commodity is likely to be  
7 in surplus on world markets at the time the resulting pro-  
8 ductive capacity is expected to become operative and if the  
9 assistance will cause substantial injury to United States  
10 producers of the same, similar, or competing commodity:  
11 *Provided*, That such prohibition shall not apply to the Ex-  
12 port-Import Bank if in the judgment of its Board of Direc-  
13 tors the benefits to industry and employment in the  
14 United States are likely to outweigh the injury to United  
15 States producers of the same, similar, or competing com-  
16 modity, and the Chairman of the Board so notifies the  
17 Committees on Appropriations.

18 (b) None of the funds appropriated by this or any  
19 other Act to carry out chapter 1 of part I of the Foreign  
20 Assistance Act of 1961 shall be available for any testing  
21 or breeding feasibility study, variety improvement or intro-  
22 duction, consultancy, publication, conference, or training  
23 in connection with the growth or production in a foreign  
24 country of an agricultural commodity for export which  
25 would compete with a similar commodity grown or pro-



duced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

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

#### SURPLUS COMMODITIES

SEC. 614. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

## NOTIFICATION REQUIREMENTS

1  
2 SEC. 615. For the purposes of providing the executive  
3 branch with the necessary administrative flexibility, none  
4 of the funds made available under this Act for “Child Sur-  
5 vival and Health Programs Fund”, “Development Assist-  
6 ance”, “International Organizations and Programs”,  
7 “Trade and Development Agency”, “International Nar-  
8 cotics Control and Law Enforcement”, “Andean  
9 Counterdrug Initiative”, “Assistance for Eastern Europe  
10 and the Baltic States”, “Assistance for the Independent  
11 States of the Former Soviet Union”, “Economic Support  
12 Fund”, “Peacekeeping Operations”, “Capital Investment  
13 Fund”, “Operating Expenses of the United States Agency  
14 for International Development”, “Operating Expenses of  
15 the United States Agency for International Development  
16 Office of Inspector General”, “Nonproliferation, Anti-ter-  
17 rorism, Demining and Related Programs”, “Foreign Mili-  
18 tary Financing Program”, “International Military Edu-  
19 cation and Training”, “Peace Corps”, and “Migration and  
20 Refugee Assistance”, shall be available for obligation for  
21 activities, programs, projects, type of materiel assistance,  
22 countries, or other operations not justified or in excess of  
23 the amount justified to the Committees on Appropriations  
24 for obligation under any of these specific headings unless  
25 the Committees on Appropriations of both Houses of Con-

gress are previously notified 15 days in advance: *Provided*,  
That the President shall not enter into any commitment  
of funds appropriated for the purposes of section 23 of  
the Arms Export Control Act for the provision of major  
defense equipment, other than conventional ammunition,  
or other major defense items defined to be aircraft, ships,  
missiles, or combat vehicles, not previously justified to  
Congress or 20 percent in excess of the quantities justified  
to Congress unless the Committees on Appropriations are  
notified 15 days in advance of such commitment: *Provided*  
*further*, That this section shall not apply to any re-  
programming for an activity, program, or project under  
chapter 1 of part I of the Foreign Assistance Act of 1961  
of less than 10 percent of the amount previously justified  
to the Congress for obligation for such activity, program,  
or project for the current fiscal year: *Provided further*,  
That the requirements of this section or any similar provi-  
sion of this Act or any other Act, including any prior Act  
requiring notification in accordance with the regular noti-  
fication procedures of the Committees on Appropriations,  
may be waived if failure to do so would pose a substantial  
risk to human health or welfare: *Provided further*, That  
in case of any such waiver, notification to the Congress,  
or the appropriate congressional committees, shall be pro-  
vided as early as practicable, but in no event later than

1 3 days after taking the action to which such notification  
 2 requirement was applicable, in the context of the cir-  
 3 cumstances necessitating such waiver: *Provided further*,  
 4 That any notification provided pursuant to such a waiver  
 5 shall contain an explanation of the emergency cir-  
 6 cumstances.

7           LIMITATION ON AVAILABILITY OF FUNDS FOR  
 8           INTERNATIONAL ORGANIZATIONS AND PROGRAMS

9           SEC. 616. Subject to the regular notification proce-  
 10 dures of the Committees on Appropriations, funds appro-  
 11 priated under this Act or any previously enacted Act mak-  
 12 ing appropriations for foreign operations, export financ-  
 13 ing, and related programs, which are returned or not made  
 14 available for organizations and programs because of the  
 15 implementation of section 307(a) of the Foreign Assist-  
 16 ance Act of 1961, shall remain available for obligation  
 17 until September 30, 2005.

18          INDEPENDENT STATES OF THE FORMER SOVIET UNION

19          SEC. 617. (a) None of the funds appropriated under  
 20 the heading “Assistance for the Independent States of the  
 21 Former Soviet Union” shall be made available for assist-  
 22 ance for a government of an Independent State of the  
 23 former Soviet Union—

24               (1) unless that government is making progress  
 25               in implementing comprehensive economic reforms  
 26               based on market principles, private ownership, re-

1       spect for commercial contracts, and equitable treat-  
2       ment of foreign private investment; and

3           (2) if that government applies or transfers  
4       United States assistance to any entity for the pur-  
5       pose of expropriating or seizing ownership or control  
6       of assets, investments, or ventures.

7 Assistance may be furnished without regard to this sub-  
8 section if the President determines that to do so is in the  
9 national interest.

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

22       (c) None of the funds appropriated under the heading  
23 “Assistance for the Independent States of the Former So-  
24 viet Union” shall be made available for any state to en-  
25 hance its military capability: *Provided*, That this restric-

1 tion does not apply to demilitarization, demining or non-  
2 proliferation programs.

3 (d) Funds appropriated under the heading “Assist-  
4 ance for the Independent States of the Former Soviet  
5 Union” for the Russian Federation, Armenia, Georgia,  
6 and Ukraine shall be subject to the regular notification  
7 procedures of the Committees on Appropriations.

8 (e) Funds made available in this Act for assistance  
9 for the Independent States of the former Soviet Union  
10 shall be subject to the provisions of section 117 (relating  
11 to environment and natural resources) of the Foreign As-  
12 sistance Act of 1961.

13 (f) Funds appropriated in this or prior appropriations  
14 Acts that are or have been made available for an Enter-  
15 prise Fund in the Independent States of the Former So-  
16 viet Union may be deposited by such Fund in interest-  
17 bearing accounts prior to the disbursement of such funds  
18 by the Fund for program purposes. The Fund may retain  
19 for such program purposes any interest earned on such  
20 deposits without returning such interest to the Treasury  
21 of the United States and without further appropriation by  
22 the Congress. Funds made available for Enterprise Funds  
23 shall be expended at the minimum rate necessary to make  
24 timely payment for projects and activities.

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

15 PROHIBITION ON FUNDING FOR ABORTIONS AND

16 INVOLUNTARY STERILIZATION

17 SEC. 618. None of the funds made available to carry  
18 out part I of the Foreign Assistance Act of 1961, as  
19 amended, may be used to pay for the performance of abor-  
20 tions as a method of family planning or to motivate or  
21 coerce any person to practice abortions. None of the funds  
22 made available to carry out part I of the Foreign Assist-  
23 ance Act of 1961, as amended, may be used to pay for  
24 the performance of involuntary sterilization as a method  
25 of family planning or to coerce or provide any financial  
26 incentive to any person to undergo sterilizations. None of

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

13 EXPORT FINANCING TRANSFER AUTHORITIES

14 SEC. 619. Not to exceed 5 percent of any appropria-  
15 tion other than for administrative expenses made available  
16 for fiscal year 2004, for programs under title I of this  
17 Act may be transferred between such appropriations for  
18 use for any of the purposes, programs, and activities for  
19 which the funds in such receiving account may be used,  
20 but no such appropriation, except as otherwise specifically  
21 provided, shall be increased by more than 25 percent by  
22 any such transfer: *Provided*, That the exercise of such au-  
23 thority shall be subject to the regular notification proce-  
24 dures of the Committees on Appropriations.



## 1 SPECIAL NOTIFICATION REQUIREMENTS

2 SEC. 620. None of the funds appropriated by this Act  
3 shall be obligated or expended for Colombia, Liberia, Ser-  
4 bia, Sudan, Zimbabwe, Pakistan, or the Democratic Re-  
5 public of the Congo except as provided through the regular  
6 notification procedures of the Committees on Appropria-  
7 tions.

## 8 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

9 SEC. 621. 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.

## CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 622. Up to \$15,500,000 of the funds made available by this Act for assistance under the heading “Child Survival and Health Programs Fund”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary pur-

pose of the assistance is for child survival and related programs: *Provided further*, That of the funds appropriated under title II of this Act, not less than \$445,000,000 shall be made available for family planning/reproductive health.

# AFGHANISTAN

SEC. 623. Of the funds appropriated by this Act, \$600,000,000 shall be made available for assistance for Afghanistan, of which not less than \$395,000,000 shall be made available for humanitarian, reconstruction, and related assistance: *Provided*, That of the funds made available pursuant to this section, not less than \$164,000,000 should be from funds appropriated under the heading “Economic Support Fund” for rehabilitation of primary roads, implementation of the Bonn Agreement and women’s development programs: *Provided further*, That of the funds made available pursuant to this section, not less than \$4,500,000 shall be made available for the Afghan Human Rights Commission and not less than \$2,500,000 shall be made available for the Afghan Judicial Reform Commission: *Provided further*, That of the funds made available pursuant to this section, not less than \$10,000,000 shall be made available to support activities of the Afghan Ministry of Women’s Affairs, including to improve the capacity and effectiveness of the Ministry: *Provided further*, That funds made available pursuant to this section shall be made available for training and equip-

1 ment to improve the capacity of women-led Afghan non-  
2 governmental organizations and to support the activities  
3 of such organizations: *Provided further*, That not less than  
4 \$2,500,000 shall be made available for assistance for Af-  
5 ghan communities and families that suffer losses as a re-  
6 sult of the military operations.

7 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

8 SEC. 624. Prior to providing excess Department of  
9 Defense articles in accordance with section 516(a) of the  
10 Foreign Assistance Act of 1961, the Department of De-  
11 fense shall notify the Committees on Appropriations to the  
12 same extent and under the same conditions as are other  
13 committees pursuant to subsection (f) of that section: *Pro-*  
14 *vided*, That before issuing a letter of offer to sell excess  
15 defense articles under the Arms Export Control Act, the  
16 Department of Defense shall notify the Committees on  
17 Appropriations in accordance with the regular notification  
18 procedures of such Committees if such defense articles are  
19 significant military equipment (as defined in section 47(9)  
20 of the Arms Export Control Act) or are valued (in terms  
21 of original acquisition cost) at \$7,000,000 or more, or if  
22 notification is required elsewhere in this Act for the use  
23 of appropriated funds for specific countries that would re-  
24 ceive such excess defense articles: *Provided further*, That  
25 such Committees shall also be informed of the original ac-  
26 quisition cost of such defense articles.

## 1 AUTHORIZATION REQUIREMENT

2 SEC. 625. Funds appropriated by this Act, except  
3 funds appropriated under the headings “Trade and Devel-  
4 opment Agency”, “International Military Education and  
5 Training”, “Foreign Military Financing Program”, “Mi-  
6 gration and Refugee Assistance”, “Peace Corps”, “Millen-  
7 nium Challenge Assistance”, and “Nonproliferation, Anti-  
8 Terrorism, Demining and Related Programs”, may be ob-  
9 ligated and expended notwithstanding section 10 of Public  
10 Law 91–672 and section 15 of the State Department  
11 Basic Authorities Act of 1956.

## 12 DEMOCRACY PROGRAMS

13 SEC. 626. (a) Notwithstanding any other provision  
14 of law, of the funds appropriated by this Act to carry out  
15 the provisions of chapter 4 of part II of the Foreign As-  
16 sistance Act of 1961, not less than \$35,000,000 shall be  
17 made available for assistance for activities to support de-  
18 mocracy, human rights, and the rule of law in the People’s  
19 Republic of China, Hong Kong and Tibet: *Provided*, That  
20 not to exceed \$3,000,000 may be made available to non-  
21 governmental organizations to support activities which  
22 preserve cultural traditions and promote sustainable devel-  
23 opment and environmental conservation in Tibetan com-  
24 munities in the Tibetan Autonomous Region and in other  
25 Tibetan communities in China: *Provided further*, That  
26 funds appropriated under the heading “Economic Support

1 Fund” should be made available for assistance for Taiwan  
 2 for the purposes of furthering political and legal reforms:  
 3 *Provided further*, That such funds shall only be made  
 4 available to the extent that they are matched from sources  
 5 other than the United States Government: *Provided fur-*  
 6 *ther*, That funds made available pursuant to the authority  
 7 of this subsection shall be subject to the regular notifica-  
 8 tion procedures of the Committees on Appropriations.

9 (b) In addition to the funds made available in sub-  
 10 section (a), of the funds appropriated by this Act under  
 11 the heading “Economic Support Fund” not less than  
 12 \$25,000,000 shall be made available for programs and ac-  
 13 tivities to foster democracy, human rights, civic education,  
 14 women’s development, press freedoms, and the rule of law  
 15 in countries with a significant Muslim population, and  
 16 where such programs and activities would be important  
 17 to United States efforts to respond to, deter, or prevent  
 18 acts of international terrorism: *Provided*, That funds made  
 19 available pursuant to the authority of this subsection  
 20 should support new initiatives or bolster ongoing programs  
 21 and activities in those countries: *Provided further*, That  
 22 not less than \$3,000,000 of such funds shall be made  
 23 available for programs and activities that provide profes-  
 24 sional training for journalists: *Provided further*, That not-  
 25 withstanding any other provision of law, funds made avail-

1 able pursuant to the authority of this subsection may be  
2 made available to support the advancement of democracy  
3 and human rights in Iran: *Provided further*, That funds  
4 made available pursuant to this subsection shall be subject  
5 to the regular notification procedures of the Committees  
6 on Appropriations.

7 (c) Of the funds made available under subsection (a),  
8 not less than \$15,000,000 shall be made available for the  
9 Human Rights and Democracy Fund of the Bureau of De-  
10 mocracy, Human Rights and Labor, Department of State,  
11 to support the activities described in subsection (a), and  
12 of the funds made available under subsection (b), not less  
13 than \$15,000,000 shall be made available for such Fund  
14 to support the activities described in subsection (b): *Pro-*  
15 *vided*, That funds made available in this section for such  
16 Fund are in addition to the \$17,000,000 requested by the  
17 President for the Fund for fiscal year 2004.

18 (d) Of the funds made available under subsection (a),  
19 not less than \$10,000,000 shall be made available for the  
20 National Endowment for Democracy to support the activi-  
21 ties described in subsection (a), and of the funds made  
22 available under subsection (b), not less than \$5,000,000  
23 shall be made available for the National Endowment for  
24 Democracy to support the activities described in sub-  
25 section (b): *Provided*, That the funds appropriated by this

1 Act that are made available for the National Endowment  
2 for Democracy may be made available notwithstanding  
3 any other provision of law or regulation, and the Secretary  
4 of State shall provide a report to the Committees on Ap-  
5 propriations within 120 days of the date of enactment of  
6 this Act on the status of the allocation, obligation, and  
7 expenditure of such funds.

8 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST  
9 COUNTRIES

10 SEC. 627. (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-



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

#### DEBT-FOR-DEVELOPMENT

SEC. 628. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### SEPARATE ACCOUNTS

SEC. 629. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

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

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

5 (i) the amount of the local currencies to be  
 6 generated; and

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

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

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

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

23 (i) project and sector assistance activities;

24 or

25 (ii) debt and deficit financing; or

1 (B) for the administrative requirements of the  
2 United States Government.

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

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

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

1 dollar equivalent) used and/or to be used for such purpose  
2 in each applicable country.

3 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

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

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

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

1 description of the economic policy reforms that will be pro-  
 2 moted by such assistance).

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

7 COMPENSATION FOR UNITED STATES EXECUTIVE  
 8 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

9 SEC. 630. (a) No funds appropriated by this Act may  
 10 be made as payment to any international financial institu-  
 11 tion while the United States Executive Director to such  
 12 institution is compensated by the institution at a rate  
 13 which, together with whatever compensation such Director  
 14 receives from the United States, is in excess of the rate  
 15 provided for an individual occupying a position at level IV  
 16 of the Executive Schedule under section 5315 of title 5,  
 17 United States Code, or while any alternate United States  
 18 Director to such institution is compensated by the institu-  
 19 tion at a rate in excess of the rate provided for an indi-  
 20 vidual occupying a position at level V of the Executive  
 21 Schedule under section 5316 of title 5, United States  
 22 Code.

23 (b) For purposes of this section, “international finan-  
 24 cial institutions” are: the International Bank for Recon-  
 25 struction and Development, the Inter-American Develop-  
 26 ment Bank, the Asian Development Bank, the Asian De-

1 velopment Fund, the African Development Bank, the Afri-  
 2 can Development Fund, the International Monetary Fund,  
 3 the North American Development Bank, and the Euro-  
 4 pean Bank for Reconstruction and Development.

5 DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS  
 6 IN THE RUSSIAN FEDERATION

7 SEC. 631. None of the funds appropriated under this  
 8 Act may be made available for the Government of the Rus-  
 9 sian Federation, after 180 days from the date of the en-  
 10 actment of this Act, unless the President determines and  
 11 certifies in writing to the Committees on Appropriations  
 12 that the Government of the Russian Federation has imple-  
 13 mented no statute, executive order, regulation or similar  
 14 government action that would discriminate, or who have  
 15 as its principal effect discrimination, against religious  
 16 groups or religious communities in the Russian Federation  
 17 in violation of accepted international agreements on  
 18 human rights and religious freedoms to which the Russian  
 19 Federation is a party.

20 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN  
 21 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

22 SEC. 632. Unless expressly provided to the contrary,  
 23 provisions of this or any other Act, including provisions  
 24 contained in prior Acts authorizing or making appropria-  
 25 tions for foreign operations, export financing, and related  
 26 programs, shall not be construed to prohibit activities au-

1 thorized by or conducted under the Peace Corps Act, the  
 2 Inter-American Foundation Act or the African Develop-  
 3 ment Foundation Act. The agency shall promptly report  
 4 to the Committees on Appropriations whenever it is con-  
 5 ducting activities or is proposing to conduct activities in  
 6 a country for which assistance is prohibited.

7 IMPACT ON JOBS IN THE UNITED STATES

8 SEC. 633. None of the funds appropriated by this Act  
 9 may be obligated or expended to provide—

10 (a) any financial incentive to a business enter-  
 11 prise currently located in the United States for the  
 12 purpose of inducing such an enterprise to relocate  
 13 outside the United States if such incentive or in-  
 14 ducement is likely to reduce the number of employ-  
 15 ees of such business enterprise in the United States  
 16 because United States production is being replaced  
 17 by such enterprise outside the United States; or

18 (b) assistance for any program, project, or ac-  
 19 tivity that contributes to the violation of internation-  
 20 ally recognized workers rights, as defined in section  
 21 507(4) of the Trade Act of 1974, of workers in the  
 22 recipient country, including any designated zone or  
 23 area in that country: *Provided*, That in recognition  
 24 that the application of this subsection should be  
 25 commensurate with the level of development of the  
 26 recipient country and sector, the provisions of this

1 subsection shall not preclude assistance for the in-  
 2 formal sector in such country, micro and small-scale  
 3 enterprise, and smallholder agriculture.

#### 4 SPECIAL AUTHORITIES

5 SEC. 634. (a) AFGHANISTAN, PAKISTAN, LEBANON,  
 6 MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN,  
 7 AND DISPLACED BURMESE.—Funds appropriated by this  
 8 Act that are made available for assistance for Afghanistan  
 9 may be made available notwithstanding section 612 of this  
 10 Act or any similar provision of law and section 660 of the  
 11 Foreign Assistance Act of 1961, and funds appropriated  
 12 in titles I and II of this Act that are made available for  
 13 Lebanon, Montenegro, Pakistan, and for victims of war,  
 14 displaced children, and displaced Burmese, and to assist  
 15 victims of trafficking in persons and, subject to the regular  
 16 notification procedures of the Committees on Appropria-  
 17 tions, to combat such trafficking, may be made available  
 18 notwithstanding any other provision of law.

19 (b) TROPICAL FORESTRY AND BIODIVERSITY CON-  
 20 SERVATION ACTIVITIES.—Funds appropriated by this Act  
 21 to carry out the provisions of sections 103 through 106,  
 22 and chapter 4 of part II, of the Foreign Assistance Act  
 23 of 1961 may be used, notwithstanding any other provision  
 24 of law, for the purpose of supporting tropical forestry and  
 25 biodiversity conservation activities and energy programs  
 26 aimed at reducing greenhouse gas emissions: *Provided,*



1 That such assistance shall be subject to sections 116,  
 2 502B, and 620A of the Foreign Assistance Act of 1961.

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

21 (d)(1) WAIVER.—The President may waive the provi-  
 22 sions of section 1003 of Public Law 100–204 if the Presi-  
 23 dent determines and certifies in writing to the Speaker  
 24 of the House of Representatives and the President pro

1 tempore of the Senate that it is important to the national  
2 security interests of the United States.

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

7 (e) CONTINGENCIES.—During fiscal year 2004, the  
8 President may use up to \$50,000,000 under the authority  
9 of section 451 of the Foreign Assistance Act, notwith-  
10 standing the funding ceiling in section 451(a).

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

18 (g) SHIPMENT OF HUMANITARIAN ASSISTANCE.—  
19 During fiscal year 2004, of the amounts made available  
20 by the United States Agency for International Develop-  
21 ment to carry out the provisions of section 123(b) of the  
22 Foreign Assistance Act of 1961, funds may be made avail-  
23 able to nongovernmental organizations for administrative  
24 costs necessary to implement a program to obtain avail-

1 able donated space on commercial ships for the shipment  
2 of humanitarian assistance overseas.

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

11 (i) WORLD FOOD PROGRAM.—Of the funds managed  
12 by the Bureau for Democracy, Conflict, and Humanitarian  
13 Assistance of the United States Agency for International  
14 Development, from this or any other Act, not less than  
15 \$6,000,000 shall be made available as a general contribu-  
16 tion to the World Food Program, notwithstanding any  
17 other provision of law.

18 ARAB LEAGUE BOYCOTT OF ISRAEL

19 SEC. 635. It is the sense of the Congress that—

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

25 (2) the Arab League boycott, which was regret-  
26 tably reinstated in 1997, should be immediately and

1 publicly terminated, and the Central Office for the  
2 Boycott of Israel immediately disbanded;

3 (3) the three Arab League countries with diplo-  
4 matic and trade relations with Israel should return  
5 their ambassadors to Israel, should refrain from  
6 downgrading their relations with Israel, and should  
7 play a constructive role in securing a peaceful reso-  
8 lution of the Israeli-Arab conflict;

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

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

18 (6) the President should report to Congress an-  
19 nually on specific steps being taken by the United  
20 States to encourage Arab League states to normalize  
21 their relations with Israel to bring about the termi-  
22 nation of the Arab League boycott of Israel, includ-  
23 ing those to encourage allies and trading partners of  
24 the United States to enact laws prohibiting busi-

1        nesses from complying with the boycott and penal-  
 2        izing businesses that do comply.

### 3                    ADMINISTRATION OF JUSTICE ACTIVITIES

4        SEC. 636. Of the funds appropriated or otherwise  
 5        made available by this Act for “Economic Support Fund”,  
 6        assistance may be provided to strengthen the administra-  
 7        tion of justice in countries in Latin America and the Car-  
 8        ibbean and in other regions consistent with the provisions  
 9        of section 534(b) of the Foreign Assistance Act of 1961,  
 10       except that programs to enhance protection of participants  
 11       in judicial cases may be conducted notwithstanding section  
 12       660 of that Act. Funds made available pursuant to this  
 13       section may be made available notwithstanding section  
 14       534(c) and the second and third sentences of section  
 15       534(e) of the Foreign Assistance Act of 1961.

### 16                    ELIGIBILITY FOR ASSISTANCE

17       SEC. 637. (a) ASSISTANCE THROUGH NONGOVERN-  
 18       MENTAL ORGANIZATIONS.—Restrictions contained in this  
 19       or any other Act with respect to assistance for a country  
 20       shall not be construed to restrict assistance in support of  
 21       programs of nongovernmental organizations from funds  
 22       appropriated by this Act to carry out the provisions of  
 23       chapters 1, 10, 11, and 12 of part I and chapter 4 of  
 24       part II of the Foreign Assistance Act of 1961, and from  
 25       funds appropriated under the heading “Assistance for  
 26       Eastern Europe and the Baltic States”: *Provided*, That

1 before using the authority of this subsection to furnish as-  
2 sistance in support of programs of nongovernmental orga-  
3 nizations, the President shall notify the Committees on  
4 Appropriations under the regular notification procedures  
5 of those committees, including a description of the pro-  
6 gram to be assisted, the assistance to be provided, and  
7 the reasons for furnishing such assistance: *Provided fur-*  
8 *ther*, That nothing in this subsection shall be construed  
9 to alter any existing statutory prohibitions against abor-  
10 tion or involuntary sterilizations contained in this or any  
11 other Act.

12 (b) PUBLIC LAW 480.—During fiscal year 2004, re-  
13 strictions contained in this or any other Act with respect  
14 to assistance for a country shall not be construed to re-  
15 strict assistance under the Agricultural Trade Develop-  
16 ment and Assistance Act of 1954: *Provided*, That none  
17 of the funds appropriated to carry out title I of such Act  
18 and made available pursuant to this subsection may be  
19 obligated or expended except as provided through the reg-  
20 ular notification procedures of the Committees on Appro-  
21 priations.

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

23 (1) with respect to section 620A of the Foreign  
24 Assistance Act of 1961 or any comparable provision

1 of law prohibiting assistance to countries that sup-  
2 port international terrorism; or

3 (2) with respect to section 116 of the Foreign  
4 Assistance Act of 1961 or any comparable provision  
5 of law prohibiting assistance to the government of a  
6 country that violates internationally recognized  
7 human rights.

8 EARMARKS

9 SEC. 638. (a) Funds appropriated by this Act which  
10 are earmarked may be reprogrammed for other programs  
11 within the same account notwithstanding the earmark if  
12 compliance with the earmark is made impossible by oper-  
13 ation of any provision of this or any other Act: *Provided*,  
14 That any such reprogramming shall be subject to the reg-  
15 ular notification procedures of the Committees on Appro-  
16 priations: *Provided further*, That assistance that is repro-  
17 grammed pursuant to this subsection shall be made avail-  
18 able under the same terms and conditions as originally  
19 provided.

20 (b) In addition to the authority contained in sub-  
21 section (a), the original period of availability of funds ap-  
22 propriated by this Act and administered by the United  
23 States Agency for International Development that are ear-  
24 marked for particular programs or activities by this or any  
25 other Act shall be extended for an additional fiscal year  
26 if the Administrator of such agency determines and re-

1 ports promptly to the Committees on Appropriations that  
2 the termination of assistance to a country or a significant  
3 change in circumstances makes it unlikely that such ear-  
4 marked funds can be obligated during the original period  
5 of availability: *Provided*, That such earmarked funds that  
6 are continued available for an additional fiscal year shall  
7 be obligated only for the purpose of such earmark.

8 CEILINGS AND EARMARKS

9 SEC. 639. Ceilings and earmarks contained in this  
10 Act shall not be applicable to funds or authorities appro-  
11 priated or otherwise made available by any subsequent Act  
12 unless such Act specifically so directs. Earmarks or min-  
13 imum funding requirements or prohibitions contained in  
14 any other Act shall not be applicable to funds appropriated  
15 by this Act.

16 PROHIBITION ON PUBLICITY OR PROPAGANDA

17 SEC. 640. No part of any appropriation contained in  
18 this Act shall be used for publicity or propaganda purposes  
19 within the United States not authorized before the date  
20 of the enactment of this Act by the Congress: *Provided*,  
21 That not to exceed \$750,000 may be made available to  
22 carry out the provisions of section 316 of Public Law 96-  
23 533.



## 13 NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

20 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-  
21 MENTS THAT EXPORT LETHAL MILITARY EQUIP-  
22 MENT TO COUNTRIES SUPPORTING INTERNATIONAL  
23 TERRORISM

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1 ment to a country the government of which the Secretary  
 2 of State has determined is a terrorist government for pur-  
 3 poses of section 6(j) of the Export Administration Act.  
 4 The prohibition under this section with respect to a for-  
 5 eign government shall terminate 12 months after that gov-  
 6 ernment ceases to provide such military equipment. This  
 7 section applies with respect to lethal military equipment  
 8 provided under a contract entered into after October 1,  
 9 1997.

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

14 (c) Whenever the waiver authority of subsection (b)  
 15 is exercised, the President shall submit to the appropriate  
 16 congressional committees a report with respect to the fur-  
 17 nishing of such assistance. Any such report shall include  
 18 a detailed explanation of the assistance to be provided, in-  
 19 cluding the estimated dollar amount of such assistance,  
 20 and an explanation of how the assistance furthers United  
 21 States national interests.

22 WITHHOLDING OF ASSISTANCE FOR PARKING FINES

23 OWED BY FOREIGN COUNTRIES

24 SEC. 644. Of the funds appropriated under this Act  
 25 that are made available for a foreign country under part  
 26 I of the Foreign Assistance Act of 1961, an amount equiv-

1   alent to 110 percent of the total unpaid fines determined  
 2   to be owed under the parking programs in the District  
 3   of Columbia and New York City, New York by such coun-  
 4   try as of September 30, 2003 that were incurred after the  
 5   first day of the fiscal year preceding the current fiscal year  
 6   shall be withheld from obligation for such country until  
 7   the Secretary of State certifies and reports in writing to  
 8   the Committees on Appropriations that such fines and  
 9   penalties are fully paid to the governments of the District  
 10  of Columbia and New York City, New York.

11       LIMITATION ON ASSISTANCE FOR THE PLO FOR THE  
 12                                   WEST BANK AND GAZA

13       SEC. 645. None of the funds appropriated by this Act  
 14   may be obligated for assistance for the Palestine Libera-  
 15   tion Organization for the West Bank and Gaza unless the  
 16   President has exercised the authority under section 604(a)  
 17   of the Middle East Peace Facilitation Act of 1995 (title  
 18   VI of Public Law 104–107) or any other legislation to sus-  
 19   pend or make inapplicable section 307 of the Foreign As-  
 20   sistance Act of 1961 and that suspension is still in effect:  
 21   *Provided*, That if the President fails to make the certifi-  
 22   cation under section 604(b)(2) of the Middle East Peace  
 23   Facilitation Act of 1995 or to suspend the prohibition  
 24   under other legislation, funds appropriated by this Act  
 25   may not be obligated for assistance for the Palestine Lib-  
 26   eration Organization for the West Bank and Gaza.

## 1                   WAR CRIMES TRIBUNALS DRAWDOWN

2           SEC. 646. If the President determines that doing so  
3 will contribute to a just resolution of charges regarding  
4 genocide or other violations of international humanitarian  
5 law, the President may direct a drawdown pursuant to sec-  
6 tion 552(c) of the Foreign Assistance Act of 1961, as  
7 amended, of up to \$30,000,000 of commodities and serv-  
8 ices for the United Nations War Crimes Tribunal estab-  
9 lished with regard to the former Yugoslavia by the United  
10 Nations Security Council or such other tribunals or com-  
11 missions as the Council may establish or authorize to deal  
12 with such violations, without regard to the ceiling limita-  
13 tion contained in paragraph (2) thereof: *Provided*, That  
14 the determination required under this section shall be in  
15 lieu of any determinations otherwise required under sec-  
16 tion 552(c): *Provided further*, That the drawdown made  
17 under this section for any tribunal shall not be construed  
18 as an endorsement or precedent for the establishment of  
19 any standing or permanent international criminal tribunal  
20 or court: *Provided further*, That funds made available for  
21 tribunals other than Yugoslavia, Rwanda, or the Special  
22 Court for Sierra Leone shall be made available subject to  
23 the regular notification procedures of the Committees on  
24 Appropriations.

## 1 LANDMINES

2 SEC. 647. 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. 648. 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. 649. 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 TIBET

24 SEC. 650. The Secretary of Treasury should instruct  
 25 the United States executive director to each international  
 26 financial institution to use the voice and vote of the United

1 States to support projects in Tibet if such projects do not  
 2 provide incentives for the migration and settlement of non-  
 3 Tibetans into Tibet or facilitate the transfer of ownership  
 4 of Tibetan land and natural resources to non-Tibetans; are  
 5 based on a thorough needs-assessment; foster self-suffi-  
 6 ciency of the Tibetan people and respect Tibetan culture  
 7 and traditions; and are subject to effective monitoring.

8 HAITI

9 SEC. 651. The Government of Haiti shall be eligible  
 10 to purchase defense articles and services under the Arms  
 11 Export Control Act (22 U.S.C. 2751 et seq.), for the Coast  
 12 Guard.

13 LIMITATION ON ASSISTANCE TO THE PALESTINIAN  
 14 AUTHORITY

15 SEC. 652. (a) PROHIBITION OF FUNDS.—None of the  
 16 funds appropriated by this Act to carry out the provisions  
 17 of chapter 4 of part II of the Foreign Assistance Act of  
 18 1961 may be obligated or expended with respect to pro-  
 19 viding funds to the Palestinian Authority.

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

1 has taken steps to arrest terrorists, confiscate weapons  
2 and dismantle the terrorist infrastructure.

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

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

15 LIMITATION ON ASSISTANCE TO SECURITY FORCES

16 SEC. 653. None of the funds made available by this  
17 Act may be provided to any unit of the security forces  
18 of a foreign country if the Secretary of State has credible  
19 evidence that such unit has committed gross violations of  
20 human rights, unless the Secretary determines and reports  
21 to the Committees on Appropriations that the government  
22 of such country is taking effective measures to bring the  
23 responsible members of the security forces unit to justice:  
24 *Provided*, That nothing in this section shall be construed  
25 to withhold funds made available by this Act from any  
26 unit of the security forces of a foreign country not credibly



1 alleged to be involved in gross violations of human rights:  
 2 *Provided further*, That in the event that funds are withheld  
 3 from any unit pursuant to this section, the Secretary of  
 4 State shall promptly inform the foreign government of the  
 5 basis for such action and shall, to the maximum extent  
 6 practicable, assist the foreign government in taking effec-  
 7 tive measures to bring the responsible members of the se-  
 8 curity forces to justice.

9 ENVIRONMENT PROGRAMS

10 SEC. 654. (a) FUNDING.—Of the funds appropriated  
 11 by this Act, not less than \$485,000,000 shall be made  
 12 available for environment programs: *Provided*, That of the  
 13 funds appropriated under the heading “Development As-  
 14 sistance”, not less than \$165,000,000 shall be made avail-  
 15 able for programs and activities which directly protect bio-  
 16 diversity, including forests, in developing countries: *Pro-*  
 17 *vided further*, That of the funds made available under the  
 18 previous proviso, \$1,500,000 shall be made available to  
 19 improve the capacity of indigenous groups and local envi-  
 20 ronmental organizations and law enforcement agencies to  
 21 protect the biodiversity of indigenous reserves in the Ama-  
 22 zon Basin region of Brazil, which amount shall be in addi-  
 23 tion to the amount requested in this Act for assistance  
 24 for Brazil for fiscal year 2004: *Provided further*, That not  
 25 later than 180 days after enactment of this Act, the Sec-  
 26 retary of State, in coordination with the Administrator of

1 the United States Agency for International Development  
2 and other appropriate departments and agencies, and  
3 after consultation with appropriate nongovernmental orga-  
4 nizations and governments, shall submit to the Commit-  
5 tees on Appropriations a comprehensive, multi-year action  
6 plan for biodiversity conservation in the Amazon Basin re-  
7 gion of South America: *Provided further*, That of the funds  
8 appropriated under the headings “Development Assist-  
9 ance” and “Andean Counterdrug Initiative”, not less than  
10 \$10,000,000 shall be made available in fiscal year 2004  
11 to implement the action plan described in the previous pro-  
12 viso: *Provided further*, That funds appropriated by this Act  
13 under the heading “Child Survival and Health Programs  
14 Fund” should be used to fund child survival, health, and  
15 family planning activities of integrated population-health-  
16 environment programs, including in areas where biodiver-  
17 sity and endangered species are threatened, and funds ap-  
18 propriated by this Act under the heading “Development  
19 Assistance” should be used to fund environment, conserva-  
20 tion, natural resource management, and sustainable agri-  
21 culture activities of such integrated programs: *Provided*  
22 *further*, That of the funds appropriated by this Act, not  
23 less than \$185,000,000 shall be made available to support  
24 policies and programs in developing countries and coun-  
25 tries in transition that directly (1) promote a wide range

1 of energy conservation, energy efficiency and clean energy  
2 programs and activities, including the transfer of clean  
3 and environmentally sustainable energy technologies; (2)  
4 measure, monitor, and reduce greenhouse gas emissions;  
5 (3) increase carbon sequestration activities; and (4) en-  
6 hance climate change mitigation and adaptation programs.

7 (b) CLIMATE CHANGE REPORT.—Not later than 45  
8 days after the date on which the President’s fiscal year  
9 2005 budget request is submitted to Congress, the Presi-  
10 dent shall submit a report to the Committees on Appro-  
11 priations describing in detail the following—

12 (1) all Federal agency obligations and expendi-  
13 tures, domestic and international, for climate change  
14 programs and activities in fiscal year 2004, includ-  
15 ing an accounting of expenditures by agency with  
16 each agency identifying climate change activities and  
17 associated costs by line item as presented in the  
18 President’s Budget Appendix; and

19 (2) all fiscal year 2003 obligations and esti-  
20 mated expenditures, fiscal year 2004 estimated ex-  
21 penditures and estimated obligations, and fiscal year  
22 2005 requested funds by the United States Agency  
23 for International Development, by country and cen-  
24 tral program, for each of the following: (i) to pro-  
25 mote the transfer and deployment of a wide range

1 of United States clean energy and energy efficiency  
2 technologies; (ii) to assist in the measurement, moni-  
3 toring, reporting, verification, and reduction of  
4 greenhouse gas emissions; (iii) to promote carbon  
5 capture and sequestration measures; (iv) to help  
6 meet such countries' responsibilities under the  
7 Framework Convention on Climate Change; and (v)  
8 to develop assessments of the vulnerability to im-  
9 pacts of climate change and mitigation and adapta-  
10 tion response strategies.

11 REGIONAL PROGRAMS FOR EAST ASIA AND THE PACIFIC

12 SEC. 655. Funds appropriated by this Act under the  
13 heading "Economic Support Fund" that are allocated for  
14 "Regional Democracy" and "ASEAN Regional" assist-  
15 ance for East Asia and the Pacific shall be made available  
16 for the Human Rights and Democracy Fund of the Bu-  
17 reau for Democracy, Human Rights and Labor, Depart-  
18 ment of State to support democracy programs in Iraq.

19 ZIMBABWE

20 SEC. 656. The Secretary of the Treasury shall in-  
21 struct the United States executive director to each inter-  
22 national financial institution to vote against any extension  
23 by the respective institution of any loans, to the Govern-  
24 ment of Zimbabwe, except to meet basic human needs or  
25 to promote democracy, unless the Secretary of State deter-  
26 mines and certifies to the Committees on Appropriations

1 that the rule of law has been restored in Zimbabwe, in-  
2 cluding respect for ownership and title to property, free-  
3 dom of speech and association.

4 NIGERIA

5 SEC. 657. None of the funds appropriated under the  
6 headings “International Military Education and Training”  
7 and “Foreign Military Financing Program” may be made  
8 available for assistance for Nigeria until the President cer-  
9 tifies to the Committees on Appropriations that the Nige-  
10 rian Minister of Defense, the Chief of the Army Staff, and  
11 the Minister of State for Defense/Army are suspending  
12 from the Armed Forces those members, of whatever rank,  
13 against whom there is credible evidence of gross violations  
14 of human rights in Benue State in October 2001, and the  
15 Government of Nigeria and the Nigerian Armed Forces  
16 are taking effective measures to bring such individuals to  
17 justice: *Provided*, That the President may waive such pro-  
18 hibition if he determines that doing so is in the national  
19 security interest of the United States: *Provided further*,  
20 That prior to exercising such waiver authority, the Presi-  
21 dent shall submit a report to the Committees on Appro-  
22 priations describing the involvement of the Nigerian  
23 Armed Forces in the incident in Benue State, the meas-  
24 ures that are being taken to bring such individuals to jus-  
25 tice, and whether any Nigerian Armed Forces units in-

1 volved with the incident in Benue State are receiving  
2 United States assistance.

3 BURMA

4 SEC. 658. (a) The Secretary of the Treasury shall  
5 instruct the United States executive director to each ap-  
6 propriate international financial institution in which the  
7 United States participates, to oppose and vote against the  
8 extension by such institution of any loan or financial or  
9 technical assistance or any other utilization of funds of  
10 the respective bank to and for Burma.

11 (b) Of the funds appropriated under the heading  
12 “Economic Support Fund”, not less than \$15,000,000  
13 shall be made available to support democracy activities in  
14 Burma, along the Burma-Thailand border, for activities  
15 of Burmese student groups and other organizations lo-  
16 cated outside Burma, and for the purpose of supporting  
17 the provision of humanitarian assistance to displaced Bur-  
18 mese along Burma’s borders: *Provided*, That funds made  
19 available under this heading may be made available not-  
20 withstanding any other provision of law: *Provided further*,  
21 That not more than 60 days after enactment of this Act,  
22 the Secretary of State, in consultation with the Adminis-  
23 trator of the United States Agency for International De-  
24 velopment, shall submit a report to the Committees on Ap-  
25 propriations detailing the amount and rate of disburse-  
26 ment of fiscal years 2002 and 2003 funding for HIV/

1 AIDS programs and activities in Burma, the amount of  
 2 funds expended by the State Peace and Development  
 3 Council (SPDC) on HIV/AIDS programs and activities in  
 4 calendar years 2001, 2002, and 2003, and the extent to  
 5 which international nongovernmental organizations are  
 6 able to conduct HIV/AIDS programs throughout Burma,  
 7 including the ability of expatriate staff to freely travel  
 8 through the country and to conduct programmatic over-  
 9 sight independent of SPDC handling and monitoring: *Pro-*  
 10 *vided further*, That funds made available by this section  
 11 shall be subject to the regular notification procedures of  
 12 the Committees on Appropriations.

13 ENTERPRISE FUND RESTRICTIONS

14 SEC. 659. Prior to the distribution of any assets re-  
 15 sulting from any liquidation, dissolution, or winding up  
 16 of an Enterprise Fund, in whole or in part, the President  
 17 shall submit to the Committees on Appropriations, in ac-  
 18 cordance with the regular notification procedures of the  
 19 Committees on Appropriations, a plan for the distribution  
 20 of the assets of the Enterprise Fund.

21 CAMBODIA

22 SEC. 660. (a) The Secretary of the Treasury shall  
 23 instruct the United States executive directors of the inter-  
 24 national financial institutions to use the voice and vote  
 25 of the United States to oppose loans to the Central Gov-

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

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

6 (2) Paragraph (1) shall not apply to assistance for  
7 basic education, reproductive and maternal and child  
8 health, cultural and historic preservation, programs for  
9 the prevention, treatment, and control of, and research on,  
10 HIV/AIDS, tuberculosis, malaria, polio and other infec-  
11 tious diseases, programs to combat human trafficking that  
12 are provided through nongovernmental organizations, and  
13 for the Ministry of Women and Veterans Affairs to combat  
14 human trafficking.

15 (c) Of the funds appropriated by this Act under the  
16 heading “Economic Support Fund”, \$7,000,000 shall be  
17 made available, notwithstanding subsection (b), for assist-  
18 ance for democratic opposition political parties in Cam-  
19 bodia.

20 (d) Funds appropriated by this Act to carry out pro-  
21 visions of section 541 of the Foreign Assistance Act of  
22 1961 may be made available notwithstanding subsection  
23 (b) only if at least 15 days prior to the obligation of such  
24 funds, the Secretary of State provides to the Committees  
25 on Appropriations a list of those individuals who have been



1 credibly alleged to have ordered or carried out  
2 extrajudicial and political killings that occurred during the  
3 March 1997 grenade attack against the Khmer Nation  
4 Party, the July 1997 coup d'etat, and election related vio-  
5 lence that occurred during the 1998, 2002, and 2003 elec-  
6 tions in Cambodia.

7 (e) None of the funds appropriated or otherwise made  
8 available by this Act may be used to provide assistance  
9 to any tribunal established by the Government of Cam-  
10 bodia unless the Secretary of State certifies to the Com-  
11 mittees on Appropriations that the perpetrators of the  
12 March 1997 grenade attack and election-related killings,  
13 including former parliamentarian Om Radsady, have been  
14 arrested and prosecuted.

15 FOREIGN MILITARY TRAINING REPORT

16 SEC. 661. (a) Notwithstanding any other provision  
17 of law, the Secretary of Defense and the Secretary of  
18 State shall jointly provide to the Congress by May 1, 2004,  
19 a report on all military training provided to foreign mili-  
20 tary personnel (excluding sales and training provided to  
21 the military personnel of countries belonging to the North  
22 Atlantic Treaty Organization (NATO) or of a country that  
23 has concluded a protocol with NATO for accession to  
24 NATO) under programs administered by the Department  
25 of Defense and the Department of State during fiscal year  
26 2003 and those proposed for fiscal year 2004. This report

1 shall include, for each such military training activity, the  
2 foreign policy justification and purpose for the training ac-  
3 tivity, the cost of the training activity, the number of for-  
4 eign students trained and their units of operation, and the  
5 location of the training. In addition, this report shall also  
6 include, with respect to United States personnel, the oper-  
7 ational benefits to United States forces derived from each  
8 such training activity and the United States military units  
9 involved in each such training activity. This report may  
10 include a classified annex if deemed necessary and appro-  
11 priate.

12 (b) For purposes of this section a report to Congress  
13 shall be deemed to mean a report to the Appropriations  
14 and Foreign Relations Committees of the Senate and the  
15 Appropriations and International Relations Committees of  
16 the House of Representatives.

17 ENTERPRISE FUNDS IN THE MIDDLE EAST REGION

18 SEC. 662. (a) Funds appropriated by this Act under  
19 the heading “Economic Support Fund” may be made  
20 available, notwithstanding any other provision of law, to  
21 establish and operate one or more enterprise funds in the  
22 Middle East region for the purpose of supporting the pri-  
23 vate sectors in that region: *Provided*, That provisions con-  
24 tained in section 201 of the Support for East European  
25 Democracy (SEED) Act of 1989 (excluding the authoriza-  
26 tions of appropriations provided in subsection (b) of that

1 section) shall apply with respect to such enterprise funds:  
 2 *Provided further*, That prior to obligating any funds for  
 3 purposes other than the administrative support of any  
 4 such enterprise fund, and every six months after the estab-  
 5 lishment of such fund, the President shall certify and re-  
 6 port to the Committees on Appropriations that—

7           (1) the enterprise fund has taken all appro-  
 8 priate steps to ensure that amounts appropriated by  
 9 this Act that are provided to the fund for the pur-  
 10 pose of assisting the development of the private sec-  
 11 tor are not provided to or through any individual or  
 12 entity that the management of the fund knows or  
 13 has reason to believe advocates, plans, sponsors, or  
 14 engages in, or has engaged in, terrorist activity;

15           (2) the enterprise fund furthers United States  
 16 commercial interests in the region; and

17           (3) the enterprise fund is managed in a fiscally  
 18 responsible manner.

19                                   PALESTINIAN STATEHOOD

20       SEC. 663. (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—

25           (1) a new leadership of a Palestinian governing  
 26 entity, that has not supported acts of terrorism, has

1       been democratically elected through credible and  
2       competitive elections;

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

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

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

11          (C) has established a new Palestinian secu-  
12      rity entity that is fully cooperative with appro-  
13      priate Israeli and other appropriate security or-  
14      ganizations; and

15          (D) has taken appropriate measures to  
16      enact a constitution assuring the rule of law  
17      and other reforms assuring transparent and ac-  
18      countable governance.

19      (b) WAIVER.—The President may waive subsection  
20      (a) if he determines that it is in the national security inter-  
21      ests of the United States to do so.

22      (c) 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 652 of this Act (“Limitation on Assistance  
3 to the Palestinian Authority”).

4 COLOMBIA

5 SEC. 664. (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 50 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 25 percent of such funds may be obli-  
14 gated only after the Secretary of State certifies and  
15 reports to the appropriate congressional committees  
16 that:

17 (A) The Commander General of the Co-  
18 lombian Armed Forces is suspending from the  
19 Armed Forces those members, of whatever  
20 rank, who, according to the Minister of Defense  
21 or 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, 2004, 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) CONSULTATIVE PROCESS.—At least 10 days prior  
22          to making the certifications required by subsection (a), the  
23          Secretary of State shall consult with internationally recog-  
24          nized human rights organizations regarding progress in  
25          meeting the conditions contained in that subsection.

1 (c) DEFINITIONS.—In this section:

2 (1) AIDED OR ABETTED.—The term “aided or  
3 abetted” means to provide any support to para-  
4 military groups, including taking actions which  
5 allow, facilitate, or otherwise foster the activities of  
6 such groups.

7 (2) PARAMILITARY GROUPS.—The term “para-  
8 military groups” means illegal self-defense groups  
9 and illegal security cooperatives.

10 ILLEGAL ARMED GROUPS

11 SEC. 665. (a) DENIAL OF VISAS TO SUPPORTERS OF  
12 COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to sub-  
13 section (b), the Secretary of State shall not issue a visa  
14 to any alien who the Secretary determines, based on cred-  
15 ible evidence—

16 (1) has willfully provided any support to the  
17 Revolutionary Armed Forces of Colombia (FARC),  
18 the National Liberation Army (ELN), or the United  
19 Self-Defense Forces of Colombia (AUC), including  
20 taking actions or failing to take actions which allow,  
21 facilitate, or otherwise foster the activities of such  
22 groups; or

23 (2) has committed, ordered, incited, assisted, or  
24 otherwise participated in the commission of gross  
25 violations of human rights, including extra-judicial  
26 killings, in Colombia.



1 (b) WAIVER.—Subsection (a) shall not apply if the  
 2 Secretary of State determines and certifies to the appro-  
 3 priate congressional committees, on a case-by-case basis,  
 4 that the issuance of a visa to the alien is necessary to  
 5 support the peace process in Colombia or for urgent hu-  
 6 manitarian reasons.

7 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN  
 8 BROADCASTING CORPORATION

9 SEC. 666. None of the funds appropriated or other-  
 10 wise made available by this Act may be used to provide  
 11 equipment, technical support, consulting services, or any  
 12 other form of assistance to the Palestinian Broadcasting  
 13 Corporation.

14 IRAQ

15 SEC. 667. Notwithstanding any other provision of  
 16 law, funds appropriated under the heading “Economic  
 17 Support Fund” may be made available for assistance for  
 18 Iraq: *Provided*, That the provisions of section 620G of the  
 19 Foreign Assistance Act of 1961, or any other provision  
 20 of law that applies to countries that have supported ter-  
 21 rorism, shall not apply with respect to countries that pro-  
 22 vide assistance to Iraq: *Provided further*, That funds ap-  
 23 propriated by this Act or prior appropriations Acts for  
 24 Iraq should be made available for the removal and safe  
 25 disposal in Iraq of unexploded ordnance, low level radio-  
 26 active waste, and other environmental hazards: *Provided*

1 *further*, That not less than \$10,000,000 of the funds ap-  
 2 propriated by this Act or prior appropriations Acts that  
 3 are made available for assistance for Iraq should be made  
 4 available for investigations of human rights violations by  
 5 the former Iraq regime including the excavation of mass  
 6 graves: *Provided further*, That funds made available under  
 7 this section are made available subject to the regular noti-  
 8 fication procedures of the Committees on Appropriations.

9 WEST BANK AND GAZA PROGRAM

10 SEC. 668. (a) OVERSIGHT.—For fiscal year 2004, 30  
 11 days prior to the initial obligation of funds for the bilateral  
 12 West Bank and Gaza Program, the Secretary of State  
 13 shall certify to the appropriate committees of Congress  
 14 that procedures have been established to assure the Comp-  
 15 troller General of the United States will have access to  
 16 appropriate United States financial information in order  
 17 to review the uses of United States assistance for the Pro-  
 18 gram funded under the heading “Economic Support  
 19 Fund” for the West Bank and Gaza.

20 (b) VETTING.—Prior to the obligation of funds ap-  
 21 propriated by this Act under the heading “Economic Sup-  
 22 port Fund” for assistance for the West Bank and Gaza,  
 23 the Secretary of State shall take all appropriate steps to  
 24 ensure that such assistance is not provided to or through  
 25 any individual or entity that the Secretary knows or has  
 26 reason to believe advocates, plans, sponsors, engages in,

1 or has engaged in, terrorist activity. The Secretary of  
2 State shall, as appropriate, establish procedures specifying  
3 the steps to be taken in carrying out this subsection.

4 (c) AUDITS.—(1) The Administrator of the United  
5 States Agency for International Development shall ensure  
6 that Federal or non-Federal audits of all contractors and  
7 grantees, and significant subcontractors and subgrantees,  
8 under the West Bank and Gaza Program, are conducted  
9 at least on an annual basis to ensure, among other things,  
10 compliance with this section.

11 (2) Of the funds appropriated by this Act under the  
12 heading “Economic Support Fund” that are made avail-  
13 able for assistance for the West Bank and Gaza, up to  
14 \$1,000,000 may be used by the Office of the Inspector  
15 General of the United States Agency for International De-  
16 velopment for audits, inspections, and other activities in  
17 furtherance of the requirements of this subsection. Such  
18 funds are in addition to funds otherwise available for such  
19 purposes.

20 INDONESIA

21 SEC. 669. Funds appropriated by this Act under the  
22 heading “Foreign Military Financing Program” may be  
23 made available for assistance for Indonesia, and licenses  
24 may be issued for the export of lethal defense articles for  
25 the Indonesian Armed Forces, only if the President cer-  
26 tifies to the appropriate congressional committees that—

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

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

15          (3) the Indonesian Armed Forces are cooper-  
16          ating with civilian prosecutors and judicial authori-  
17          ties in Indonesia and with the joint United Nations-  
18          East Timor Serious Crimes Unit (SCU) in such  
19          cases (including extraditing those indicted by the  
20          SCU to East Timor and providing access to wit-  
21          nesses, relevant military documents, and other re-  
22          quested information);

23          (4) the Indonesian Government and Armed  
24          Forces are cooperating with the Federal Bureau of  
25          Investigation's investigation of the killings and

1 wounding of American and Indonesian citizens in  
 2 Papua on August 31, 2002; and

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

6 RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS

7 DESTABILIZING WEST AFRICA

8 SEC. 670. (a) None of the funds appropriated by this  
 9 Act may be made available for assistance for the govern-  
 10 ment of any country for which the Secretary of State de-  
 11 termines there is credible evidence that such government  
 12 has aided or abetted, within the previous 6 months, in the  
 13 illicit distribution, transportation, or sale of diamonds  
 14 mined in Sierra Leone or Liberia.

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

19 SPECIAL DEBT RELIEF FOR THE POOREST

20 SEC. 671. (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. 672. (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 the local community de-  
7 velopment, and child survival and other child  
8 development, in a manner consistent with sec-  
9 tions 707 through 710 of the Foreign Assist-  
10 ance Act of 1961, if the sale, reduction, or can-  
11 cellation would not contravene any term or con-  
12 dition of any prior agreement relating to such  
13 loan.

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

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

1       tion, or cancellation of a loan pursuant to this sec-  
2       tion. Such agency shall make adjustment in its ac-  
3       counts to reflect the sale, reduction, or cancellation.

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

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

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

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

6 SEC. 673. Funds appropriated in Public Law 107–  
 7 115 and Public Law 108–7 that were available for the  
 8 United Nations Population Fund (UNFPA), and  
 9 \$35,000,000 in this Act, shall be made available for the  
 10 UNFPA unless the President determines that the UNFPA  
 11 supports or participates in the management of a program  
 12 of coercive abortion or involuntary sterilization: *Provided*,  
 13 That none of the funds made available for the UNFPA  
 14 may be used in the People’s Republic of China: *Provided*  
 15 *further*, That the other conditions on availability of funds  
 16 for abortion and abortion-related activities contained in  
 17 this Act shall apply to any assistance provided for the  
 18 UNFPA in this Act: *Provided further*, That the conditions  
 19 on availability of funds for the UNFPA as contained in  
 20 section 576(c) of Public Law 107–115 shall apply to any  
 21 assistance provided for the UNFPA in this Act.

22 CENTRAL ASIA

23 SEC. 674. (a) Funds appropriated by this Act may  
 24 be made available for assistance for the central Govern-  
 25 ment of Uzbekistan only if the Secretary of State deter-  
 26 mines and reports to the Committees on Appropriations

1 that the Government of Uzbekistan is making substantial  
2 and continuing progress in meeting its commitments  
3 under the “Declaration on the Strategic Partnership and  
4 Cooperation Framework Between the Republic of  
5 Uzbekistan and the United States of America”, including  
6 respect for human rights, establishing a genuine multi-  
7 party system, and ensuring free and fair elections, free-  
8 dom of expression, and the independence of the media.

9 (b) Funds appropriated by this Act may be made  
10 available for assistance for the Government of Kazakhstan  
11 only if the Secretary of State determines and reports to  
12 the Committees on Appropriations that the Government  
13 of Kazakhstan has made significant improvements in the  
14 protection of human rights during the preceding 6 month  
15 period.

16 (c) The Secretary of State may waive the require-  
17 ments under subsection (b) if he determines and reports  
18 to the Committees on Appropriations that such a waiver  
19 is in the national security interests of the United States.

20 (d) Not later than October 1, 2004, the Secretary of  
21 State shall submit a report to the Committees on Appro-  
22 priations describing the following:

23 (1) The defense articles, defense services, and  
24 financial assistance provided by the United States to  
25 the countries of Central Asia during the 6-month pe-

1       riod ending 30 days prior to submission of each such  
2       report.

3           (2) The use during such period of defense arti-  
4       cles, defense services, and financial assistance pro-  
5       vided by the United States by units of the armed  
6       forces, border guards, or other security forces of  
7       such countries.

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

11           COMMERCIAL LEASING OF DEFENSE ARTICLES

12      SEC. 675. Notwithstanding any other provision of  
13      law, and subject to the regular notification procedures of  
14      the Committees on Appropriations, the authority of sec-  
15      tion 23(a) of the Arms Export Control Act may be used  
16      to provide financing to Israel, Egypt and NATO and  
17      major non-NATO allies for the procurement by leasing  
18      (including leasing with an option to purchase) of defense  
19      articles from United States commercial suppliers, not in-  
20      cluding Major Defense Equipment (other than helicopters  
21      and other types of aircraft having possible civilian applica-  
22      tion), if the President determines that there are compel-  
23      ling foreign policy or national security reasons for those  
24      defense articles being provided by commercial lease rather  
25      than by government-to-government sale under such Act.

## WAR CRIMINALS

1  
2 SEC. 676. (a)(1) None of the funds appropriated or  
3 otherwise made available pursuant to this Act may be  
4 made available for assistance, and the Secretary of the  
5 Treasury shall instruct the United States executive direc-  
6 tors to the international financial institutions to vote  
7 against any new project involving the extension by such  
8 institutions of any financial or technical assistance, to any  
9 country, entity, or municipality whose competent authori-  
10 ties have failed, as determined by the Secretary of State,  
11 to take necessary and significant steps to implement its  
12 international legal obligations to apprehend and transfer  
13 to the International Criminal Tribunal for the former  
14 Yugoslavia (the “Tribunal”) all persons in their territory  
15 who have been indicted by the Tribunal and to otherwise  
16 cooperate with the Tribunal.

17 (2) The provisions of this subsection shall not apply  
18 to humanitarian assistance or assistance for democratiza-  
19 tion.

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

24 (1) cooperating with the Tribunal, including ac-  
25 cess for investigators to archives and witnesses, the

1 provision of documents, and the surrender and  
2 transfer of indictees or assistance in their apprehen-  
3 sion; and

4 (2) are acting consistently with the Dayton Ac-  
5 cords.

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

17 (d) In carrying out this section, the Secretary of  
18 State, the Administrator of the United States Agency for  
19 International Development, and the Secretary of the  
20 Treasury shall consult with representatives of human  
21 rights organizations and all government agencies with rel-  
22 evant information to help prevent indicted war criminals  
23 from benefiting from any financial or technical assistance  
24 or grants provided to any country or entity described in  
25 subsection (a).

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

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

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

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

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

15 (4) DAYTON ACCORDS.—The term “Dayton Ac-  
 16 cords” means the General Framework Agreement  
 17 for Peace in Bosnia and Herzegovina, together with  
 18 annexes relating thereto, done at Dayton, November  
 19 10 through 16, 1995.

#### 20 USER FEES

21 SEC. 677. The Secretary of the Treasury shall in-  
 22 struct the United States Executive Director at each inter-  
 23 national financial institution (as defined in section  
 24 1701(c)(2) of the International Financial Institutions Act)  
 25 and the International Monetary Fund to oppose any loan,  
 26 grant, strategy or policy of these institutions that would



1 require user fees or service charges on poor people for pri-  
 2 mary education or primary healthcare, including preven-  
 3 tion and treatment efforts for HIV/AIDS, malaria, tuber-  
 4 culosis, and infant, child, and maternal well-being, in con-  
 5 nection with the institutions' financing programs.

6 FUNDING FOR SERBIA

7 SEC. 678. (a) Funds appropriated by this Act may  
 8 be made available for assistance for Serbia after March  
 9 1, 2004, if the President has made the determination and  
 10 certification contained in subsection (c).

11 (b) After March 31, 2004, the Secretary of the Treas-  
 12 ury should instruct the United States executive directors  
 13 to the international financial institutions to support loans  
 14 and assistance to the Government of the Federal Republic  
 15 of Yugoslavia (or a government of a successor state) sub-  
 16 ject to the conditions in subsection (c): *Provided*, That sec-  
 17 tion 576 of the Foreign Operations, Export Financing,  
 18 and Related Programs Appropriations Act, 1997, as  
 19 amended, shall not apply to the provision of loans and as-  
 20 sistance to the Federal Republic of Yugoslavia (or a suc-  
 21 cessor state) through international financial institutions.

22 (c) The determination and certification referred to in  
 23 subsection (a) is a determination by the President and a  
 24 certification to the Committees on Appropriations that the  
 25 Government of the Federal Republic of Yugoslavia (or a  
 26 government of a successor state) is—

1           (1) cooperating with the International Criminal  
2       Tribunal for the former Yugoslavia including access  
3       for investigators, the provision of documents, and  
4       the surrender and transfer of indictees, including  
5       Ratko Mladic, or assistance in their apprehension;

6           (2) taking steps that are consistent with the  
7       Dayton Accords to end Serbian financial, political,  
8       security and other support which has served to  
9       maintain separate Republika Srpska institutions;  
10      and

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

15      (d) This section shall not apply to Montenegro,  
16      Kosovo, humanitarian assistance or assistance to promote  
17      democracy in municipalities.

18      MULTILATERAL DEVELOPMENT BANK ACCOUNTABILITY

19      SEC. 679. Beginning not more than 180 days after  
20      the date of enactment of this Act, the Secretary of the  
21      Treasury shall instruct the United States Executive Direc-  
22      tor of each multilateral development bank or subsidiary  
23      or window thereof (hereinafter “Bank”), not to vote in  
24      favor of any action proposed to be taken by such Bank  
25      unless not less than 45 days before consideration by the  
26      board of directors of such Bank, the Secretary of State,

1 in consultation with the Secretary of the Treasury, has  
2 determined that—

3           (1) such Bank is implementing regular, inde-  
4           pendent external audits of internal management con-  
5           trols and procedures for meeting operational objec-  
6           tives, complying with Bank policies, and preventing  
7           fraud, and is making reports describing the scope  
8           and findings of such audits available to the public on  
9           at least an annual basis;

10           (2) any proposed loan, credit, or grant agree-  
11           ment has been published and includes the resources  
12           and conditionality necessary to ensure that the bor-  
13           rower complies with applicable laws in carrying out  
14           such loan, credit, or grant agreement, including laws  
15           pertaining to the integrity and transparency of the  
16           process such as public consultation, and to public  
17           health and safety and environmental protection; and

18           (3) such Bank is implementing effective proce-  
19           dures for the receipt, retention, and treatment of  
20           (A) complaints received by the Bank regarding  
21           fraud, accounting, mismanagement, internal ac-  
22           counting controls, or auditing matters; and (B) the  
23           confidential, anonymous submission by employees of  
24           the Bank of concerns regarding fraud, accounting,

3 COOPERATION WITH CUBA ON COUNTER-NARCOTICS  
4 MATTERS

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

(2) there is evidence of involvement of the Government of Cuba in drug trafficking.

## 24 COMMUNITY-BASED POLICE ASSISTANCE

25 SEC. 681. (a) AUTHORITY.—Funds made available to  
26 carry out the provisions of chapter 1 of part I and chapter

1 4 of part II of the Foreign Assistance Act of 1961, may  
 2 be used, notwithstanding section 660 of that Act, to en-  
 3 hance the effectiveness and accountability of civilian police  
 4 authority in Jamaica and El Salvador through training  
 5 and technical assistance in internationally recognized  
 6 human rights, the rule of law, strategic planning, and  
 7 through assistance to foster civilian police roles that sup-  
 8 port democratic governance including assistance for pro-  
 9 grams to prevent conflict and foster improved police rela-  
 10 tions with the communities they serve.

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

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

16 SEC. 682. (a) LIMITATION ON USE OF FUNDS BY  
 17 OPIC.—None of the funds made available in this Act may  
 18 be used by the Overseas Private Investment Corporation  
 19 to insure, reinsure, guarantee, or finance any investment  
 20 in connection with a project involving the mining,  
 21 polishing or other processing, or sale of diamonds in a  
 22 country that fails to meet the requirements of subsection  
 23 (c).

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

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

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

12 AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL  
13 SALVADOR AND GUATEMALA

14 SEC. 683. (a) Information relevant to the December  
15 2, 1980, murders of four American churchwomen in El  
16 Salvador, and the May 5, 2001, murder of Sister Barbara  
17 Ann Ford and the murders of other American citizens in  
18 Guatemala since December 1999, should be declassified  
19 and made public as soon as possible.

20 (b) In making determinations concerning declassifica-  
21 tion and release of relevant information, all Federal agen-  
22 cies and departments should use the discretion contained  
23 within such existing standards and procedures on classi-  
24 fication in support of releasing, rather than withholding,  
25 such information.

## 1 CONFLICT RESOLUTION

2 SEC. 684. Of the funds appropriated under the head-  
3 ings “Economic Support Fund” and “Assistance for East-  
4 ern Europe and the Baltic States”, \$15,000,000 shall be  
5 made available to support conflict resolution programs and  
6 activities which bring together individuals of different eth-  
7 nic, religious, and political backgrounds from areas of civil  
8 conflict and war.

## 9 NICARAGUA

10 SEC. 685. Of the funds appropriated under the head-  
11 ings “Economic Support Fund”, “Development Assist-  
12 ance”, and “Child Survival and Health Programs Fund”,  
13 not less than \$35,000,000 shall be made available for as-  
14 sistance for Nicaragua, of which not less than \$5,000,000  
15 shall be made available from funds appropriated under the  
16 heading “Economic Support Fund”: *Provided*, That with  
17 respect to funds made available pursuant to this section,  
18 priority shall be given to programs to provide alternative  
19 means of income for subsistence farmers and to promote  
20 judicial reform.

## 21 REPORT ON INTERNATIONAL COFFEE CRISIS

22 SEC. 686. Not later than 120 days after enactment  
23 of this Act, the Secretary of State, in consultation with  
24 the Administrator of the United States Agency for Inter-  
25 national Development and the Secretary of the Treasury,  
26 shall submit a report to the Committees on Appropriations

1 describing the progress the United States is making to-  
2 ward meeting the objectives set forth in paragraph (1) of  
3 S. Res. 368 (107th Congress) and paragraph (1) of H.  
4 Res. 604 (107th Congress), including adopting a global  
5 strategy to deal with the international coffee crisis and  
6 measures to support and complement multilateral efforts  
7 to respond to the international coffee crisis.

8 VENEZUELA

9 SEC. 687. (a) None of the funds appropriated or oth-  
10 erwise made available pursuant by this Act may be made  
11 available for assistance for the central Government of Ven-  
12 ezuela if the Secretary of State certifies to the Committees  
13 on Appropriations that the central Government of Ven-  
14 ezuela is assisting, harboring, or providing sanctuary for  
15 Colombian terrorist organizations.

16 (b) The provision of subsection (a) shall not apply  
17 to democracy and rule of law assistance for Venezuela.

18 (c) Of the funds appropriated by this Act under the  
19 heading “Economic Support Fund”, not less than  
20 \$5,000,000 shall be made available for democracy and rule  
21 of assistance for Venezuela.

22 DISABILITY ACCESS

23 SEC. 688. The Administrator of the United States  
24 Agency for International Development (“USAID”) shall  
25 seek to ensure that programs, projects, and activities ad-  
26 ministered by USAID in Iraq and Afghanistan comply



1 fully with USAID’s “Policy Paper: Disability” issued on  
 2 September 12, 1997: *Provided*, That the Administrator  
 3 shall submit a report to the Committees on Appropriations  
 4 not later than December 31, 2004, describing the manner  
 5 in which the needs of people with disabilities were met in  
 6 the development and implementation of USAID programs,  
 7 projects, and activities in Iraq and Afghanistan in fiscal  
 8 year 2004: *Provided further*, That the Administrator, not  
 9 later than 180 days after enactment of this Act and in  
 10 consultation, as appropriate, with other appropriate de-  
 11 partments and agencies, the Architectural and Transpor-  
 12 tation Barriers Compliance Board, and nongovernmental  
 13 organizations with expertise in the needs of people with  
 14 disabilities, shall develop and implement appropriate  
 15 standards for access for people with disabilities for con-  
 16 struction projects funded by USAID.

17 THAILAND

18 SEC. 689. Funds appropriated by this Act that are  
 19 available for the central Government of Thailand may be  
 20 made available if the Secretary of State determines and  
 21 reports to the Committees on Appropriations that the cen-  
 22 tral Government of Thailand (1) supports the advance-  
 23 ment of democracy in Burma and is taking action to sanc-  
 24 tion the military junta in Rangoon; (2) is not hampering  
 25 the delivery of humanitarian assistance to people in Thai-

4 SEC. 690. Section 3204(f) of the Emergency Supple-  
5 mental Act, 2000 (Public Law 106–246) is amended—

6 (1) in the heading, by striking “BI-  
7 MONTHLY” and inserting “QUARTERLY”;

8 (2) by striking “60” and inserting “90”; and

9 (3) by striking “Congress” and inserting “the  
10 appropriate congressional committees”.

SEC. 691. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

1           (2) shall not be subject to requirements relating  
2       to the use of non-United States Government funds  
3       for advocacy and lobbying activities other than those  
4       that apply to United States nongovernmental organi-  
5       zations receiving assistance under part I of such  
6       Act.

7       This Act may be cited as the “Foreign Operations,  
8   Export Financing, and Related Programs Appropriations  
9   Act, 2004”.



Calendar No. 215

108TH CONGRESS  
1ST SESSION

**S. 1426**

[Report No. 108-106]

**A BILL**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

JULY 17, 2003

Read twice and placed on the calendar