

109TH CONGRESS
1ST SESSION

H. R. 3057

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2005

Received; read twice and referred to the Committee on Appropriations

AN ACT

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 2006, and for other pur-
4 poses, namely:

5 TITLE I—EXPORT AND INVESTMENT

6 ASSISTANCE

7 EXPORT-IMPORT BANK OF THE UNITED STATES

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

1 amended, sections 1(a) and (b) of Public Law 103–428
2 shall remain in effect through October 1, 2006.

3 SUBSIDY APPROPRIATION

4 For the cost of direct loans, loan guarantees, insur-
5 ance, and tied-aid grants as authorized by section 10 of
6 the Export-Import Bank Act of 1945, as amended,
7 \$125,000,000, to remain available until September 30,
8 2009: *Provided*, That such costs, including the cost of
9 modifying such loans, shall be as defined in section 502
10 of the Congressional Budget Act of 1974: *Provided fur-*
11 *ther*, That such sums shall remain available until Sep-
12 tember 30, 2024, for the disbursement of direct loans,
13 loan guarantees, insurance and tied-aid grants obligated
14 in fiscal years 2006, 2007, 2008, and 2009: *Provided fur-*
15 *ther*, That none of the funds appropriated by this Act or
16 any prior Act appropriating funds for foreign operations,
17 export financing, and related programs for tied-aid credits
18 or grants may be used for any other purpose except
19 through the regular notification procedures of the Com-
20 mittees on Appropriations: *Provided further*, That funds
21 appropriated by this paragraph are made available not-
22 withstanding section 2(b)(2) of the Export-Import Bank
23 Act of 1945, in connection with the purchase or lease of
24 any product by any Eastern European country, any Baltic
25 State or any agency or national thereof.

1 ADMINISTRATIVE EXPENSES

2 For administrative expenses to carry out the direct
3 and guaranteed loan and insurance programs, including
4 hire of passenger motor vehicles and services as authorized
5 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
6 reception and representation expenses for members of the
7 Board of Directors, \$73,200,000 (reduced by
8 \$5,000,000): *Provided*, That the Export-Import Bank may
9 accept, and use, payment or services provided by trans-
10 action participants for legal, financial, or technical services
11 in connection with any transaction for which an applica-
12 tion for a loan, guarantee or insurance commitment has
13 been made: *Provided further*, That, notwithstanding sub-
14 section (b) of section 117 of the Export Enhancement Act
15 of 1992, subsection (a) thereof shall remain in effect until
16 October 1, 2006.

17 OVERSEAS PRIVATE INVESTMENT CORPORATION

18 NONCREDIT ACCOUNT

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

1 amount for official reception and representation expenses
2 which shall not exceed \$35,000) shall not exceed
3 \$42,274,000: *Provided further*, That project-specific trans-
4 action costs, including direct and indirect costs incurred
5 in claims settlements, and other direct costs associated
6 with services provided to specific investors or potential in-
7 vestors pursuant to section 234 of the Foreign Assistance
8 Act of 1961, shall not be considered administrative ex-
9 penses for the purposes of this heading.

10 PROGRAM ACCOUNT

11 For the cost of direct and guaranteed loans,
12 \$20,276,000, as authorized by section 234 of the Foreign
13 Assistance Act of 1961, to be derived by transfer from
14 the Overseas Private Investment Corporation Non-Credit
15 Account: *Provided*, That such costs, including the cost of
16 modifying such loans, shall be as defined in section 502
17 of the Congressional Budget Act of 1974: *Provided fur-*
18 *ther*, That such sums shall be available for direct loan obli-
19 gations and loan guaranty commitments incurred or made
20 during fiscal years 2006 and 2007: *Provided further*, That
21 such sums shall remain available through fiscal year 2014
22 for the disbursement of direct and guaranteed loans obli-
23 gated in fiscal year 2006, and through fiscal year 2015
24 for the disbursement of direct and guaranteed loans obli-
25 gated in fiscal year 2007: *Provided further*, That notwith-
26 standing any provision of the Foreign Assistance Act of

1 1961, the Overseas Private Investment Corporation is au-
2 thorized to undertake any program authorized by title IV
3 of the Foreign Assistance Act of 1961 in Iraq: *Provided*
4 *further*, That funds made available pursuant to the author-
5 ity of the previous proviso shall be subject to the regular
6 notification procedures of the Committees on Appropria-
7 tions.

8 In addition, such sums as may be necessary for ad-
9 ministrative expenses to carry out the credit program may
10 be derived from amounts available for administrative ex-
11 penses to carry out the credit and insurance programs in
12 the Overseas Private Investment Corporation Noncredit
13 Account and merged with said account.

14 FUNDS APPROPRIATED TO THE PRESIDENT

15 TRADE AND DEVELOPMENT AGENCY

16 For necessary expenses to carry out the provisions
17 of section 661 of the Foreign Assistance Act of 1961,
18 \$50,900,000, to remain available until September 30,
19 2007.

20 TITLE II—BILATERAL ECONOMIC ASSISTANCE

21 FUNDS APPROPRIATED TO THE PRESIDENT

22 For expenses necessary to enable the President to
23 carry out the provisions of the Foreign Assistance Act of
24 1961, and for other purposes, to remain available until

1 September 30, 2006, unless otherwise specified herein, as
2 follows:

3 UNITED STATES AGENCY FOR INTERNATIONAL
4 DEVELOPMENT
5 CHILD SURVIVAL AND HEALTH PROGRAMS FUND
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to carry out the provisions
8 of chapters 1 and 10 of part I of the Foreign Assistance
9 Act of 1961, for child survival, health, and family plan-
10 ning/reproductive health activities, in addition to funds
11 otherwise available for such purposes, \$1,497,000,000, to
12 remain available until September 30, 2007: *Provided*,
13 That this amount shall be made available for such activi-
14 ties as: (1) immunization programs; (2) oral rehydration
15 programs; (3) health, nutrition, water and sanitation pro-
16 grams which directly address the needs of mothers and
17 children, and related education programs; (4) assistance
18 for children displaced or orphaned by causes other than
19 AIDS; (5) programs for the prevention, treatment, control
20 of, and research on HIV/AIDS, tuberculosis, polio, ma-
21 laria, and other infectious diseases, and for assistance to
22 communities severely affected by HIV/AIDS, including
23 children displaced or orphaned by AIDS; and (6) family
24 planning/reproductive health: *Provided further*, That none
25 of the funds appropriated under this heading may be made
26 available for nonproject assistance, except that funds may

1 be made available for such assistance for ongoing health
2 activities: *Provided further*, That of the funds appropriated
3 under this heading, not to exceed \$250,000, in addition
4 to funds otherwise available for such purposes, may be
5 used to monitor and provide oversight of child survival,
6 maternal and family planning/reproductive health, and in-
7 fectious disease programs: *Provided further*, That the fol-
8 lowing amounts should be allocated as follows:
9 \$347,000,000 for child survival and maternal health;
10 \$25,000,000 for vulnerable children; \$350,000,000 for
11 HIV/AIDS; \$200,000,000 for other infectious diseases;
12 and \$375,000,000 for family planning/reproductive health,
13 including in areas where population growth threatens bio-
14 diversity or endangered species: *Provided further*, That of
15 the funds appropriated under this heading, and in addition
16 to funds allocated under the previous proviso, not less
17 than \$200,000,000 shall be made available for a United
18 States contribution to the Global Fund to Fight AIDS,
19 Tuberculosis and Malaria (the “Global Fund”), and shall
20 be expended at the minimum rate necessary to make time-
21 ly payment for projects and activities: *Provided further*,
22 That up to 5 percent of the aggregate amount of funds
23 made available to the Global Fund in fiscal year 2006 may
24 be made available to the United States Agency for Inter-
25 national Development for technical assistance related to

1 the activities of the Global Fund: *Provided further*, That
2 of the funds appropriated under this heading,
3 \$65,000,000 should be made available for a United States
4 contribution to The Vaccine Fund, and up to \$6,000,000
5 may be transferred to and merged with funds appropriated
6 by this Act under the heading “Operating Expenses of the
7 United States Agency for International Development” for
8 costs directly related to international health, but funds
9 made available for such costs may not be derived from
10 amounts made available for contribution under this and
11 preceding provisos: *Provided further*, That none of the
12 funds made available in this Act nor any unobligated bal-
13 ances from prior appropriations may be made available to
14 any organization or program which, as determined by the
15 President of the United States, supports or participates
16 in the management of a program of coercive abortion or
17 involuntary sterilization: *Provided further*, That none of
18 the funds made available under this Act may be used to
19 pay for the performance of abortion as a method of family
20 planning or to motivate or coerce any person to practice
21 abortions: *Provided further*, That nothing in this para-
22 graph shall be construed to alter any existing statutory
23 prohibitions against abortion under section 104 of the
24 Foreign Assistance Act of 1961: *Provided further*, That
25 none of the funds made available under this Act may be

1 used to lobby for or against abortion: *Provided further*,
2 That in order to reduce reliance on abortion in developing
3 nations, funds shall be available only to voluntary family
4 planning projects which offer, either directly or through
5 referral to, or information about access to, a broad range
6 of family planning methods and services, and that any
7 such voluntary family planning project shall meet the fol-
8 lowing requirements: (1) service providers or referral
9 agents in the project shall not implement or be subject
10 to quotas, or other numerical targets, of total number of
11 births, number of family planning acceptors, or acceptors
12 of a particular method of family planning (this provision
13 shall not be construed to include the use of quantitative
14 estimates or indicators for budgeting and planning pur-
15 poses); (2) the project shall not include payment of incen-
16 tives, bribes, gratuities, or financial reward to: (A) an indi-
17 vidual in exchange for becoming a family planning accep-
18 tor; or (B) program personnel for achieving a numerical
19 target or quota of total number of births, number of fam-
20 ily planning acceptors, or acceptors of a particular method
21 of family planning; (3) the project shall not deny any right
22 or benefit, including the right of access to participate in
23 any program of general welfare or the right of access to
24 health care, as a consequence of any individual's decision
25 not to accept family planning services; (4) the project shall

1 provide family planning acceptors comprehensible infor-
2 mation on the health benefits and risks of the method cho-
3 sen, including those conditions that might render the use
4 of the method inadvisable and those adverse side effects
5 known to be consequent to the use of the method; and
6 (5) the project shall ensure that experimental contracep-
7 tive drugs and devices and medical procedures are pro-
8 vided only in the context of a scientific study in which
9 participants are advised of potential risks and benefits;
10 and, not less than 60 days after the date on which the
11 Administrator of the United States Agency for Inter-
12 national Development determines that there has been a
13 violation of the requirements contained in paragraph (1),
14 (2), (3), or (5) of this proviso, or a pattern or practice
15 of violations of the requirements contained in paragraph
16 (4) of this proviso, the Administrator shall submit to the
17 Committees on Appropriations a report containing a de-
18 scription of such violation and the corrective action taken
19 by the Agency: *Provided further*, That in awarding grants
20 for natural family planning under section 104 of the For-
21 eign Assistance Act of 1961 no applicant shall be discrimi-
22 nated against because of such applicant's religious or con-
23 scientious commitment to offer only natural family plan-
24 ning; and, additionally, all such applicants shall comply
25 with the requirements of the previous proviso: *Provided*

1 *further*, That for purposes of this or any other Act author-
 2 izing or appropriating funds for foreign operations, export
 3 financing, and related programs, the term “motivate”, as
 4 it relates to family planning assistance, shall not be con-
 5 strued to prohibit the provision, consistent with local law,
 6 of information or counseling about all pregnancy options:
 7 *Provided further*, That to the maximum extent feasible,
 8 taking into consideration cost, timely availability, and best
 9 health practices, funds appropriated in this Act or prior
 10 appropriations Acts that are made available for condom
 11 procurement shall be made available only for the procure-
 12 ment of condoms manufactured in the United States: *Pro-*
 13 *vided further*, That information provided about the use of
 14 condoms as part of projects or activities that are funded
 15 from amounts appropriated by this Act shall be medically
 16 accurate and shall include the public health benefits and
 17 failure rates of such use.

18 DEVELOPMENT ASSISTANCE

19 For necessary expenses of the United States Agency
 20 for International Development to carry out the provisions
 21 of sections 103, 105, 106, and subtitle A of title VI of
 22 chapter II, and chapter 10 of part I of the Foreign Assist-
 23 ance Act of 1961, \$1,460,000,000, to remain available
 24 until September 30, 2007: *Provided*, That \$214,000,000
 25 should be allocated for trade capacity building, of which
 26 at least \$20,000,000 shall be made available for labor and

1 environmental capacity building activities relating to the
2 free trade agreement with the countries of Central Amer-
3 ica and the Dominican Republic: *Provided further*, That
4 \$365,000,000 should be allocated for basic education: *Pro-
5 vided further*, That of the funds appropriated under this
6 heading and managed by the United States Agency for
7 International Development Bureau of Democracy, Con-
8 flict, and Humanitarian Assistance, not less than
9 \$15,000,000 shall be made available only for programs to
10 improve women's leadership capacity in recipient coun-
11 tries: *Provided further*, That such funds may not be made
12 available for construction: *Provided further*, That of the
13 funds appropriated under this heading that are made
14 available for assistance programs for displaced and or-
15 phaned children and victims of war, not to exceed
16 \$37,500, in addition to funds otherwise available for such
17 purposes, may be used to monitor and provide oversight
18 of such programs: *Provided further*, That funds appro-
19 priated under this heading should be made available for
20 programs in sub-Saharan Africa to address sexual and
21 gender-based violence: *Provided further*, That up to
22 \$15,000,000 should be made available for drinking water
23 supply projects in east Africa.

24 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

25 For necessary expenses of the United States Agency
26 for International Development to carry out the provisions

1 of section 491 of the Foreign Assistance Act of 1961 for
2 international disaster relief, rehabilitation, and recon-
3 struction assistance, \$356,000,000, to remain available
4 until expended of which \$20,000,000 should be for famine
5 prevention and relief.

6 TRANSITION INITIATIVES

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

1 appropriated under this heading: *Provided further*, That
2 funds made available pursuant to the previous proviso
3 shall be made available subject to prior consultation with
4 the Committees on Appropriations.

5 DEVELOPMENT CREDIT AUTHORITY

6 (INCLUDING TRANSFER OF FUNDS)

7 For the cost of direct loans and loan guarantees pro-
8 vided by the United States Agency for International De-
9 velopment, as authorized by sections 256 and 635 of the
10 Foreign Assistance Act of 1961, up to \$21,000,000, to
11 remain available until September 30, 2008, may be de-
12 rived by transfer from funds appropriated by this Act to
13 carry out part I of such Act and under the heading “As-
14 sistance for Eastern Europe and the Baltic States”: *Pro-*
15 *vided*, That such funds shall be made available only for
16 micro and small enterprise programs, urban programs,
17 and other programs which further the purposes of part
18 I of the Act: *Provided further*, That such costs, including
19 the cost of modifying such direct and guaranteed loans,
20 shall be as defined in section 502 of the Congressional
21 Budget Act of 1974, as amended: *Provided further*, That
22 funds made available by this paragraph may be used for
23 the cost of modifying any such guaranteed loans under
24 this Act or prior Acts, and funds used for such costs shall
25 be subject to the regular notification procedures of the
26 Committees on Appropriations: *Provided further*, That the

1 provisions of section 107A(d) (relating to general provi-
2 sions applicable to the Development Credit Authority) of
3 the Foreign Assistance Act of 1961, as contained in sec-
4 tion 306 of H.R. 1486 as reported by the House Com-
5 mittee on International Relations on May 9, 1997, shall
6 be applicable to direct loans and loan guarantees provided
7 under this heading: *Provided further*, That these funds are
8 available to subsidize total loan principal, any portion of
9 which is to be guaranteed, of up to \$700,000,000.

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

18 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
19 DISABILITY FUND

20 For payment to the “Foreign Service Retirement and
21 Disability Fund”, as authorized by the Foreign Service
22 Act of 1980, \$41,700,000.

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

25 For necessary expenses to carry out the provisions
26 of section 667 of the Foreign Assistance Act of 1961,

1 \$630,000,000, of which up to \$25,000,000 may remain
2 available until September 30, 2007: *Provided*, That none
3 of the funds appropriated under this heading and under
4 the heading “Capital Investment Fund” may be made
5 available to finance the construction (including architect
6 and engineering services), purchase, or long-term lease of
7 offices for use by the United States Agency for Inter-
8 national Development, unless the Administrator has iden-
9 tified such proposed construction (including architect and
10 engineering services), purchase, or long-term lease of of-
11 fices in a report submitted to the Committees on Appro-
12 priations at least 15 days prior to the obligation of these
13 funds for such purposes: *Provided further*, That the pre-
14 vious proviso shall not apply where the total cost of con-
15 struction (including architect and engineering services),
16 purchase, or long-term lease of offices does not exceed
17 \$1,000,000: *Provided further*, That contracts or agree-
18 ments entered into with funds appropriated under this
19 heading may entail commitments for the expenditure of
20 such funds through fiscal year 2006: *Provided further*,
21 That none of the funds in this Act may be used to open
22 a new overseas mission of the United States Agency for
23 International Development without the prior written noti-
24 fication of the Committees on Appropriations: *Provided*
25 *further*, That the authority of sections 610 and 109 of the

1 Foreign Assistance Act of 1961 may be exercised by the
2 Secretary of State to transfer funds appropriated to carry
3 out chapter 1 of part I of such Act to “Operating Ex-
4 penses of the United States Agency for International De-
5 velopment” in accordance with the provisions of those sec-
6 tions.

7 CAPITAL INVESTMENT FUND

8 For necessary expenses for overseas construction and
9 related costs, and for the procurement and enhancement
10 of information technology and related capital investments,
11 pursuant to section 667 of the Foreign Assistance Act of
12 1961, \$77,700,000, to remain available until expended:
13 *Provided*, That this amount is in addition to funds other-
14 wise available for such purposes: *Provided further*, That
15 funds appropriated under this heading shall be available
16 for obligation only pursuant to the regular notification
17 procedures of the Committees on Appropriations: *Provided*
18 *further*, That of the amounts appropriated under this
19 heading, not to exceed \$55,800,000 may be made available
20 for the purposes of implementing the Capital Security
21 Cost Sharing Program: *Provided further*, That the Admin-
22 istrator of the United States Agency for International De-
23 velopment shall assess fair and reasonable rental pay-
24 ments for the use of space by employees of other United
25 States Government agencies in buildings constructed
26 using funds appropriated under this heading, and such

1 rental payments shall be deposited into this account as
 2 an offsetting collection: *Provided further*, That the rental
 3 payments collected pursuant to the previous proviso and
 4 deposited as an offsetting collection shall be available for
 5 obligation only pursuant to the regular notification proce-
 6 dures of the Committees on Appropriations: *Provided fur-*
 7 *ther*, That the assignment of United States Government
 8 employees or contractors to space in buildings constructed
 9 using funds appropriated under this heading shall be sub-
 10 ject to the concurrence of the Administrator of the United
 11 States Agency for International Development.

12 OPERATING EXPENSES OF THE UNITED STATES AGENCY
 13 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-
 14 SPECTOR GENERAL

15 For necessary expenses to carry out the provisions
 16 of section 667 of the Foreign Assistance Act of 1961,
 17 \$36,000,000, to remain available until September 30,
 18 2007, which sum shall be available for the Office of the
 19 Inspector General of the United States Agency for Inter-
 20 national Development.

21 OTHER BILATERAL ECONOMIC ASSISTANCE
 22 ECONOMIC SUPPORT FUND
 23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses to carry out the provisions
 25 of chapter 4 of part II, \$2,558,525,000, to remain avail-
 26 able until September 30, 2007: *Provided*, That of the

1 funds appropriated under this heading, not less than
2 \$240,000,000 shall be available only for Israel, which sum
3 shall be available on a grant basis as a cash transfer and
4 shall be disbursed within 30 days of the enactment of this
5 Act: *Provided further*, That not less than \$495,000,000
6 shall be available only for Egypt, which sum shall be pro-
7 vided on a grant basis, and of which sum cash transfer
8 assistance shall be provided with the understanding that
9 Egypt will undertake significant economic reforms which
10 are additional to those which were undertaken in previous
11 fiscal years: *Provided further*, That of the funds made
12 available under this heading for Egypt, not less than
13 \$50,000,000 shall be used for programs to improve and
14 promote democracy, governance, and human rights and
15 not less than \$50,000,000 shall be used for education pro-
16 grams: *Provided further*, That with respect to the provision
17 of assistance for Egypt for democracy and governance ac-
18 tivities, the organizations implementing such assistance
19 and the specific nature of that assistance shall not be sub-
20 ject to the prior approval by the Government of Egypt:
21 *Provided further*, That in exercising the authority to pro-
22 vide cash transfer assistance for Israel, the President shall
23 ensure that the level of such assistance does not cause an
24 adverse impact on the total level of nonmilitary exports
25 from the United States to such country and that Israel

1 enters into a side letter agreement in an amount propor-
2 tional to the fiscal year 1999 agreement: *Provided further*,
3 That of the funds appropriated under this heading, not
4 less than \$250,000,000 should be made available only for
5 assistance for Jordan: *Provided further*, That \$20,000,000
6 of the funds appropriated under this heading should 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 \$40,000,000 of the funds
13 appropriated under this heading should be made available
14 for assistance for Lebanon, of which not less than
15 \$6,000,000 should be made available for scholarships and
16 direct support of American educational institutions in
17 Lebanon: *Provided further*, That funds appropriated under
18 this heading that are made available for a Middle East
19 Financing Facility, Middle East Enterprise Fund, or any
20 other similar entity in the Middle East shall be subject
21 to the regular notification procedures of the Committees
22 on Appropriations: *Provided further*, That not more than
23 \$225,000,000 of the funds made available for assistance
24 for Afghanistan under this heading may be obligated for
25 such assistance until the Secretary of State certifies to the

1 Committees on Appropriations, that the Government of
2 Afghanistan at both the national and local level, is cooper-
3 ating fully with United States funded poppy eradication
4 and interdiction efforts in Afghanistan: *Provided further*,
5 That with respect to funds appropriated under this head-
6 ing in this Act or prior Acts making appropriations for
7 foreign operations, export financing, and related pro-
8 grams, the responsibility for policy decisions and justifica-
9 tions for the use of such funds, including whether there
10 will be a program for a country that uses those funds and
11 the amount of each such program, shall be the responsi-
12 bility of the Secretary of State and the Deputy Secretary
13 of State and this responsibility shall not be delegated.

14 INTERNATIONAL FUND FOR IRELAND

15 For necessary expenses to carry out the provisions
16 of chapter 4 of part II of the Foreign Assistance Act of
17 1961, \$13,500,000, which shall be available for the United
18 States contribution to the International Fund for Ireland
19 and shall be made available in accordance with the provi-
20 sions of the Anglo-Irish Agreement Support Act of 1986
21 (Public Law 99–415): *Provided*, That such amount shall
22 be expended at the minimum rate necessary to make time-
23 ly payment for projects and activities: *Provided further*,
24 That funds made available under this heading shall re-
25 main available until September 30, 2007.

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

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1 (d) The President is authorized to withhold funds ap-
2 propriated under this heading made available for economic
3 revitalization programs in Bosnia and Herzegovina, if he
4 determines and certifies to the Committees on Appropria-
5 tions that the Federation of Bosnia and Herzegovina has
6 not complied with article III of annex 1–A of the General
7 Framework Agreement for Peace in Bosnia and
8 Herzegovina concerning the withdrawal of foreign forces,
9 and that intelligence cooperation on training, investiga-
10 tions, and related activities between state sponsors of ter-
11 rorism and terrorist organizations and Bosnian officials
12 has not been terminated.

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

15 (a) For necessary expenses to carry out the provisions
16 of chapters 11 and 12 of part I of the Foreign Assistance
17 Act of 1961 and the FREEDOM Support Act, for assist-
18 ance for the Independent States of the former Soviet
19 Union and for related programs, \$477,000,000, to remain
20 available until September 30, 2007: *Provided*, That the
21 provisions of such chapters shall apply to funds appro-
22 priated by this paragraph: *Provided further*, That, not-
23 withstanding any provision of the Freedom Support Act
24 of 1992, funds appropriated under this heading in this Act
25 or prior Acts making appropriations for foreign oper-
26 ations, export financing, and related programs, that are

1 made available pursuant to the provisions of section 807
2 of Public Law 102–511 shall be subject to a 6 percent
3 ceiling on administrative expenses.

4 (b) Of the funds appropriated under this heading, not
5 less than \$52,000,000 should be made available, in addi-
6 tion to funds otherwise available for such purposes, for
7 assistance for child survival, environmental and reproduc-
8 tive health, and to combat HIV/AIDS, tuberculosis and
9 other infectious diseases, and for related activities.

10 (c)(1) Of the funds appropriated under this heading
11 that are allocated for assistance for the Government of
12 the Russian Federation, 60 percent shall be withheld from
13 obligation until the President determines and certifies in
14 writing to the Committees on Appropriations that the Gov-
15 ernment of the Russian Federation—

16 (A) has terminated implementation of arrange-
17 ments to provide Iran with technical expertise, train-
18 ing, technology, or equipment necessary to develop a
19 nuclear reactor, related nuclear research facilities or
20 programs, or ballistic missile capability; and

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

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

1 (A) assistance to combat infectious diseases,
2 child survival activities, or assistance for victims of
3 trafficking in persons; and

4 (B) activities authorized under title V (Non-
5 proliferation and Disarmament Programs and Ac-
6 tivities) of the FREEDOM Support Act.

7 (d) Section 907 of the FREEDOM Support Act shall
8 not apply to—

9 (1) activities to support democracy or assist-
10 ance under title V of the FREEDOM Support Act
11 and section 1424 of Public Law 104–201 or non-
12 proliferation assistance;

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

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

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

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

1 (6) humanitarian assistance.

2 INDEPENDENT AGENCIES

3 INTER-AMERICAN FOUNDATION

4 For necessary expenses to carry out the functions of
5 the Inter-American Foundation in accordance with the
6 provisions of section 401 of the Foreign Assistance Act
7 of 1969, \$19,500,000, to remain available until September
8 30, 2007.

9 AFRICAN DEVELOPMENT FOUNDATION

10 For necessary expenses to carry out title V of the
11 International Security and Development Cooperation Act
12 of 1980, Public Law 96–533, \$20,500,000, to remain
13 available until September 30, 2007: *Provided*, That funds
14 made available to grantees may be invested pending ex-
15 penditure for project purposes when authorized by the
16 board of directors of the Foundation: *Provided further*,
17 That interest earned shall be used only for the purposes
18 for which the grant was made: *Provided further*, That not-
19 withstanding section 505(a)(2) of the African Develop-
20 ment Foundation Act, in exceptional circumstances the
21 board of directors of the Foundation may waive the
22 \$250,000 limitation contained in that section with respect
23 to a project: *Provided further*, That the Foundation shall
24 provide a report to the Committees on Appropriations
25 after each time such waiver authority is exercised.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$325,000,000, to remain available until September 30, 2007: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$2,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses for the “Millennium Challenge Corporation”, \$1,750,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$75,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003: *Provided further*, That none of the funds available to carry out section 616 of

1 such Act may be made available until the Chief Executive
2 Officer of the Millennium Challenge Corporation provides
3 a report to the Committees on Appropriations listing the
4 candidate countries that will be receiving assistance under
5 section 616 of such Act, the level of assistance proposed
6 for each such country, a description of the proposed pro-
7 grams, projects and activities, and the implementing agen-
8 cy or agencies of the United States Government: *Provided*
9 *further*, That section 605(e)(4) of the Millennium Chal-
10 lenge Act of 2003 shall apply to funds appropriated under
11 this heading: *Provided further*, That funds appropriated
12 under this heading may be made available for a Millen-
13 nium Challenge Compact entered into pursuant to section
14 609 of the Millennium Challenge Act of 2003 only if such
15 Compact obligates, or contains a commitment to obligate
16 subject to the availability of funds and the mutual agree-
17 ment of the parties to the Compact to proceed, the entire
18 amount of the United States Government funding antici-
19 pated for the duration of the Compact.

20 DEPARTMENT OF STATE

21 GLOBAL HIV/AIDS INITIATIVE

22 For necessary expenses to carry out the provisions
23 of the Foreign Assistance Act of 1961 for the prevention,
24 treatment, and control of, and research on, HIV/AIDS,
25 \$1,920,000,000 (reduced by \$1,000,000) (increased by

1 \$1,000,000), to remain available until expended: *Provided*,
 2 That of the funds appropriated under this heading, not
 3 less than \$200,000,000 shall be made available for a
 4 United States Contribution to the Global Fund to Fight
 5 AIDS, Tuberculosis and Malaria (the “Global Fund”),
 6 and shall be expended at the minimum rate necessary to
 7 make timely payment for projects and activities: *Provided*
 8 *further*, That not more than \$12,000,000 of the funds ap-
 9 propriated under this heading may be made available for
 10 administrative expenses of the Office of the Coordinator
 11 of United States Government Activities to Combat HIV/
 12 AIDS Globally of the 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, \$437,400,000 (in-
 17 creased by \$5,000,000), to remain available until Sep-
 18 tember 30, 2008: *Provided*, That during fiscal year 2006,
 19 the Department of State may also use the authority of
 20 section 608 of the Foreign Assistance Act of 1961, with-
 21 out regard to its restrictions, to receive excess property
 22 from an agency of the United States Government for the
 23 purpose of providing it to a foreign country under chapter
 24 8 of part I of that Act subject to the regular notification
 25 procedures of the Committees on Appropriations: *Provided*
 26 *further*, That the Secretary of State shall provide to the

1 Committees on Appropriations not later than 45 days
2 after the date of the enactment of this Act and prior to
3 the initial obligation of funds appropriated under this
4 heading, a report on the proposed uses of all funds under
5 this heading on a country-by-country basis for each pro-
6 posed program, project, or activity: *Provided further*, That
7 \$10,000,000 of the funds appropriated under this heading
8 should be made available for demand reduction programs:
9 *Provided further*, That of the funds appropriated under
10 this heading, not more than \$33,484,000 may be available
11 for administrative expenses.

12 ANDEAN COUNTERDRUG INITIATIVE

13 For necessary expenses to carry out section 481 of
14 the Foreign Assistance Act of 1961 to support
15 counterdrug activities in the Andean region of South
16 America, \$734,500,000, to remain available until Sep-
17 tember 30, 2008: *Provided*, That in fiscal year 2006,
18 funds available to the Department of State for assistance
19 to the Government of Colombia shall be available to sup-
20 port a unified campaign against narcotics trafficking,
21 against activities by organizations designated as terrorist
22 organizations such as the Revolutionary Armed Forces of
23 Colombia (FARC), the National Liberation Army (ELN),
24 and the United Self-Defense Forces of Colombia (AUC),
25 and to take actions to protect human health and welfare
26 in emergency circumstances, including undertaking rescue

1 operations: *Provided further*, That this authority shall
2 cease to be effective if the Secretary of State has credible
3 evidence that the Colombian Armed Forces are not con-
4 ducting vigorous operations to restore government author-
5 ity and respect for human rights in areas under the effec-
6 tive control of paramilitary and guerrilla organizations:
7 *Provided further*, That the President shall ensure that if
8 any helicopter procured with funds under this heading is
9 used to aid or abet the operations of any illegal self-de-
10 fense group or illegal security cooperative, such helicopter
11 shall be immediately returned to the United States: *Pro-*
12 *vided further*, That the Secretary of State, in consultation
13 with the Administrator of the United States Agency for
14 International Development, shall provide to the Commit-
15 tees on Appropriations not later than 45 days after the
16 date of the enactment of this Act and prior to the initial
17 obligation of funds appropriated under this heading, a re-
18 port on the proposed uses of all funds under this heading
19 on a country-by-country basis for each proposed program,
20 project, or activity: *Provided further*, That funds made
21 available in this Act for demobilization/reintegration of
22 members of foreign terrorist organizations in Colombia
23 shall be subject to prior consultation with, and the regular
24 notification procedures of, the Committees on Appropria-
25 tions: *Provided further*, That section 482(b) of the Foreign

1 Assistance Act of 1961 shall not apply to funds appro-
2 priated under this heading: *Provided further*, That assist-
3 ance provided with funds appropriated under this heading
4 that is made available notwithstanding section 482(b) of
5 the Foreign Assistance Act of 1961 shall be made avail-
6 able subject to the regular notification procedures of the
7 Committees on Appropriations: *Provided further*, That no
8 United States Armed Forces personnel or United States
9 civilian contractor employed by the United States will par-
10 ticipate in any combat operation in connection with assist-
11 ance made available by this Act for Colombia: *Provided*
12 *further*, That of the funds appropriated under this head-
13 ing, not more than \$19,015,000 may be available for ad-
14 ministrative expenses of the Department of State, and not
15 more than \$7,800,000 may be available, in addition to
16 amounts otherwise available for such purposes, for admin-
17 istrative expenses of the United States Agency for Inter-
18 national Development.

19 MIGRATION AND REFUGEE ASSISTANCE

20 For expenses, not otherwise provided for, necessary
21 to enable the Secretary of State to provide, as authorized
22 by law, a contribution to the International Committee of
23 the Red Cross, assistance to refugees, including contribu-
24 tions to the International Organization for Migration and
25 the United Nations High Commissioner for Refugees, and
26 other activities to meet refugee and migration needs; sala-

1 ries and expenses of personnel and dependents as author-
 2 ized by the Foreign Service Act of 1980; allowances as
 3 authorized by sections 5921 through 5925 of title 5,
 4 United States Code; purchase and hire of passenger motor
 5 vehicles; and services as authorized by section 3109 of title
 6 5, United States Code, \$790,720,000, which shall remain
 7 available until expended: *Provided*, That not more than
 8 \$22,000,000 may be available for administrative expenses:
 9 *Provided further*, That funds appropriated under this
 10 heading may be made available for a headquarters con-
 11 tribution to the International Committee of the Red Cross
 12 only if the Secretary of State determines (and so reports
 13 to the appropriate committees of Congress) that the
 14 Magen David Adom Society of Israel is not being denied
 15 participation in the activities of the International Red
 16 Cross and Red Crescent Movement.

17 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
 18 ASSISTANCE FUND

19 For necessary expenses to carry out the provisions
 20 of section 2(c) of the Migration and Refugee Assistance
 21 Act of 1962, as amended (22 U.S.C. 2601(c)),
 22 \$30,000,000, to remain available until expended.

23 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
 24 RELATED PROGRAMS

25 For necessary expenses for nonproliferation, anti-ter-
 26 rorism, demining and related programs and activities,

1 \$400,350,000 (increased by \$7,000,000) (reduced by
2 \$7,000,000), to carry out the provisions of chapter 8 of
3 part II of the Foreign Assistance Act of 1961 for anti-
4 terrorism assistance, chapter 9 of part II of the Foreign
5 Assistance Act of 1961, section 504 of the FREEDOM
6 Support Act, section 23 of the Arms Export Control Act
7 or the Foreign Assistance Act of 1961 for demining activi-
8 ties, the clearance of unexploded ordnance, the destruction
9 of small arms, and related activities, notwithstanding any
10 other provision of law that restricts assistance to foreign
11 countries, including activities implemented through non-
12 governmental and international organizations, and section
13 301 of the Foreign Assistance Act of 1961 for a voluntary
14 contribution to the International Atomic Energy Agency
15 (IAEA), and for a United States contribution to the Com-
16 prehensive Nuclear Test Ban Treaty Preparatory Com-
17 mission: *Provided*, That of this amount not to exceed
18 \$37,500,000, to remain available until expended, may be
19 made available for the Nonproliferation and Disarmament
20 Fund, notwithstanding any other provision of law that re-
21 stricts assistance to foreign countries, to promote bilateral
22 and multilateral activities relating to nonproliferation and
23 disarmament: *Provided further*, That such funds may also
24 be used for such countries other than the Independent
25 States of the former Soviet Union and international orga-

1 nizations when it is in the national security interest of the
2 United States to do so: *Provided further*, That funds ap-
3 propriated under this heading may be made available for
4 the International Atomic Energy Agency only if the Sec-
5 retary of State determines (and so reports to the Con-
6 gress) that Israel is not being denied its right to partici-
7 pate in the activities of that Agency: *Provided further*,
8 That of the funds made available for demining and related
9 activities, not to exceed \$705,000, in addition to funds
10 otherwise available for such purposes, may be used for ad-
11 ministrative expenses related to the operation and man-
12 agement of the demining program: *Provided further*, That
13 funds appropriated under this heading that are available
14 for “Anti-terrorism Assistance” and “Export Control and
15 Border Security” shall remain available until September
16 30, 2007: *Provided further*, That funds appropriated
17 under this heading shall be made available for programs
18 and countries in the amounts contained in the table in-
19 cluded in the report accompanying this Act: *Provided fur-*
20 *ther*, That any proposed increases or decreases to the
21 amounts contained in such table shall be subject to the
22 regular notification procedures of the Committee on Ap-
23 propriations and section 634A of the Foreign Assistance
24 Act of 1961 and notifications shall be transmitted at least
25 15 days in advance of the obligation of funds.

1 DEPARTMENT OF THE TREASURY

2 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

3 For necessary expenses to carry out the provisions
4 of section 129 of the Foreign Assistance Act of 1961,
5 \$20,000,000, to remain available until September 30,
6 2009, which shall be available notwithstanding any other
7 provision of law that restricts assistance to foreign coun-
8 tries.

9 DEBT RESTRUCTURING

10 For the cost, as defined in section 502 of the Con-
11 gressional Budget Act of 1974, of modifying loans and
12 loan guarantees, as the President may determine, for
13 which funds have been appropriated or otherwise made
14 available for programs within the International Affairs
15 Budget Function 150, including the cost of selling, reduc-
16 ing, or canceling amounts owed to the United States as
17 a result of concessional loans made to eligible countries,
18 pursuant to parts IV and V of the Foreign Assistance Act
19 of 1961, of modifying concessional credit agreements with
20 least developed countries, as authorized under section 411
21 of the Agricultural Trade Development and Assistance Act
22 of 1954, as amended, of concessional loans, guarantees
23 and credit agreements, as authorized under section 572
24 of the Foreign Operations, Export Financing, and Related
25 Programs Appropriations Act, 1989 (Public Law 100–
26 461), and of canceling amounts owed, as a result of loans

1 or guarantees made pursuant to the Export-Import Bank
2 Act of 1945, by countries that are eligible for debt reduc-
3 tion pursuant to title V of H.R. 3425 as enacted into law
4 by section 1000(a)(5) of Public Law 106–113,
5 \$65,000,000, to remain available until September 30,
6 2008: *Provided*, That not less than \$20,000,000 of the
7 funds appropriated under this heading shall be made avail-
8 able to carry out the provisions of part V of the Foreign
9 Assistance Act of 1961: *Provided further*, That up to
10 \$45,000,000 of the funds appropriated under this heading
11 may be used by the Secretary of the Treasury to pay to
12 the Heavily Indebted Poor Countries (HIPC) Trust Fund
13 administered by the International Bank for Reconstruc-
14 tion and Development amounts for the benefit of countries
15 that are eligible for debt reduction pursuant to title V of
16 H.R. 3425 as enacted into law by section 1000(a)(5) of
17 Public Law 106–113: *Provided further*, That amounts paid
18 to the HIPC Trust Fund may be used only to fund debt
19 reduction under the enhanced HIPC initiative by—

- 20 (1) the Inter-American Development Bank;
21 (2) the African Development Fund;
22 (3) the African Development Bank; and
23 (4) the Central American Bank for Economic
24 Integration:

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

23 (1) have committed, for a period of 24 months,
24 not to accept new market-rate loans from the inter-
25 national financial institution receiving debt repay-

1 ment as a result of such disbursement, other than
2 loans made by such institutions to export-oriented
3 commercial projects that generate foreign exchange
4 which are generally referred to as “enclave” loans;
5 and

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

12 *Provided further*, That none of the funds made available
13 under this heading in this or any other appropriations Act
14 shall be made available for Sudan or Burma unless the
15 Secretary of the Treasury determines and notifies the
16 Committees on Appropriations that a democratically elect-
17 ed government has taken office.

18 TITLE III—MILITARY ASSISTANCE

19 FUNDS APPROPRIATED TO THE PRESIDENT

20 INTERNATIONAL MILITARY EDUCATION AND TRAINING

21 For necessary expenses to carry out the provisions
22 of section 541 of the Foreign Assistance Act of 1961,
23 \$86,744,000, of which up to \$3,000,000 may remain
24 available until expended: *Provided*, That the civilian per-
25 sonnel for whom military education and training may be

1 provided under this heading may include civilians who are
2 not members of a government whose participation would
3 contribute to improved civil-military relations, civilian con-
4 trol of the military, or respect for human rights: *Provided*
5 *further*, That funds appropriated under this heading for
6 military education and training for Nigeria may only be
7 provided through the regular notification procedures of the
8 Committees on Appropriations.

9 FOREIGN MILITARY FINANCING PROGRAM

10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses necessary for grants to enable the
12 President to carry out the provisions of section 23 of the
13 Arms Export Control Act, \$4,442,300,000: *Provided*,
14 That of the funds appropriated under this heading, not
15 less than \$2,280,000,000 shall be available for grants only
16 for Israel, and not less than \$1,300,000,000 shall be made
17 available for grants only for Egypt: *Provided further*, That
18 the funds appropriated by this paragraph for Israel shall
19 be disbursed within 30 days of the enactment of this Act:
20 *Provided further*, That to the extent that the Government
21 of Israel requests that funds be used for such purposes,
22 grants made available for Israel by this paragraph shall,
23 as agreed by Israel and the United States, be available
24 for advanced weapons systems, of which not less than
25 \$595,000,000 shall be available for the procurement in
26 Israel of defense articles and defense services, including

1 research and development: *Provided further*, That of the
2 funds appropriated by this paragraph, \$206,000,000
3 should be made available for assistance for Jordan: *Pro-*
4 *vided further*, That funds appropriated or otherwise made
5 available by this paragraph shall be nonrepayable notwith-
6 standing any requirement in section 23 of the Arms Ex-
7 port Control Act: *Provided further*, That funds made avail-
8 able under this paragraph shall be obligated upon appor-
9 tionment in accordance with paragraph (5)(C) of title 31,
10 United States Code, section 1501(a).

11 None of the funds made available under this heading
12 shall be available to finance the procurement of defense
13 articles, defense services, or design and construction serv-
14 ices that are not sold by the United States Government
15 under the Arms Export Control Act unless the foreign
16 country proposing to make such procurements has first
17 signed an agreement with the United States Government
18 specifying the conditions under which such procurements
19 may be financed with such funds: *Provided*, That all coun-
20 try and funding level increases in allocations shall be sub-
21 mitted through the regular notification procedures of sec-
22 tion 515 of this Act: *Provided further*, That none of the
23 funds appropriated under this heading shall be available
24 for assistance for Sudan and Guatemala: *Provided further*,
25 That funds made available under this heading may be

1 used, notwithstanding any other provision of law that re-
2 stricts assistance to foreign countries, for demining, the
3 clearance of unexploded ordnance, and related activities,
4 and may include activities implemented through non-
5 governmental and international organizations: *Provided*
6 *further*, That only those countries for which assistance was
7 justified for the “Foreign Military Sales Financing Pro-
8 gram” in the fiscal year 1989 congressional presentation
9 for security assistance programs may utilize funds made
10 available under this heading for procurement of defense
11 articles, defense services or design and construction serv-
12 ices that are not sold by the United States Government
13 under the Arms Export Control Act: *Provided further*,
14 That funds appropriated under this heading shall be ex-
15 pended at the minimum rate necessary to make timely
16 payment for defense articles and services: *Provided fur-*
17 *ther*, That not more than \$41,600,000 of the funds appro-
18 priated under this heading may be obligated for necessary
19 expenses, including the purchase of passenger motor vehi-
20 cles for replacement only for use outside of the United
21 States, for the general costs of administering military as-
22 sistance and sales: *Provided further*, That not more than
23 \$373,000,000 of funds realized pursuant to section
24 21(e)(1)(A) of the Arms Export Control Act may be obli-
25 gated for expenses incurred by the Department of Defense

1 during fiscal year 2006 pursuant to section 43(b) of the
2 Arms Export Control Act, except that this limitation may
3 be exceeded only through the regular notification proce-
4 dures of the Committees on Appropriations: *Provided fur-*
5 *ther*, That foreign military financing program funds esti-
6 mated to be outlayed for Egypt during fiscal year 2006
7 shall be transferred to an interest bearing account for
8 Egypt in the Federal Reserve Bank of New York within
9 30 days of enactment of this Act.

10 PEACEKEEPING OPERATIONS

11 For necessary expenses to carry out the provisions
12 of section 551 of the Foreign Assistance Act of 1961,
13 \$177,800,000: *Provided*, That none of the funds appro-
14 priated under this heading shall be obligated or expended
15 except as provided through the regular notification proce-
16 dures of the Committees on Appropriations.

17 TITLE IV—MULTILATERAL ECONOMIC
18 ASSISTANCE

19 FUNDS APPROPRIATED TO THE PRESIDENT

20 INTERNATIONAL FINANCIAL INSTITUTIONS

21 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT

22 ASSOCIATION

23 For payment to the International Development Asso-
24 ciation by the Secretary of the Treasury, \$950,000,000,
25 to remain available until expended.

3 For payment to the Multilateral Investment Guar-
4 antee Agency by the Secretary of the Treasury,
5 \$1,741,515, to remain available until expended.

7 The United States Governor of the Multilateral In-
8 vestment Guarantee Agency may subscribe without fiscal
9 year limitation to the callable capital portion of the United
10 States share of such capital in an amount not to exceed
11 \$8,126,527.

For payment to the Inter-American Investment Cor-
poration by the Secretary of the Treasury, \$1,741,515, to
remain available until expended.

For payment to the Enterprise for the Americas Mul-
tilateral Investment Fund by the Secretary of the Treas-
ury, for the United States contribution to the fund,
\$1,741,515, to remain available until expended.

24 For the United States contribution by the Secretary
25 of the Treasury to the increase in resources of the Asian
26 Development Fund, as authorized by the Asian Develop-

1 ment Bank Act, as amended, \$115,250,000, to remain
2 available until expended.

3 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

4 For payment to the African Development Bank by
5 the Secretary of the Treasury, \$5,638,350, for the United
6 States paid-in share of the increase in capital stock, to
7 remain available until expended.

8 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

9 The United States Governor of the African Develop-
10 ment Bank may subscribe without fiscal year limitation
11 for the callable capital portion of the United States share
12 of such capital stock in an amount not to exceed
13 \$88,333,855.

14 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

15 For the United States contribution by the Secretary
16 of the Treasury to the increase in resources of the African
17 Development Fund, \$135,700,000, to remain available
18 until expended.

19 CONTRIBUTION TO THE EUROPEAN BANK FOR

20 RECONSTRUCTION AND DEVELOPMENT

21 For payment to the European Bank for Reconstruct-
22 ion and Development by the Secretary of the Treasury,
23 \$1,015,677 for the United States share of the paid-in por-
24 tion of the increase in capital stock, to remain available
25 until expended.

1 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

2 The United States Governor of the European Bank
3 for Reconstruction and Development may subscribe with-
4 out fiscal year limitation to the callable capital portion of
5 the United States share of such capital stock in an amount
6 not to exceed \$2,249,888.

7 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
8 AGRICULTURAL DEVELOPMENT

9 For the United States contribution by the Secretary
10 of the Treasury to increase the resources of the Inter-
11 national Fund for Agricultural Development,
12 \$15,000,000, to remain available until expended.

13 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

14 For necessary expenses to carry out the provisions
15 of section 301 of the Foreign Assistance Act of 1961, and
16 of section 2 of the United Nations Environment Program
17 Participation Act of 1973, \$328,958,000: *Provided*, That
18 none of the funds appropriated under this heading may
19 be made available to the International Atomic Energy
20 Agency (IAEA).

21 TITLE V—GENERAL PROVISIONS

22 COMPENSATION FOR UNITED STATES EXECUTIVE
23 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

24 SEC. 501. (a) No funds appropriated by this Act may
25 be made as payment to any international financial institu-
26 tion while the United States Executive Director to such

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

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

20 RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO
21 UNITED NATIONS AGENCIES

22 SEC. 502. None of the funds appropriated by this Act
23 may be made available to pay any voluntary contribution
24 of the United States to the United Nations (including the
25 United Nations Development Program) if the United Na-

1 tions implements or imposes any taxation on any United
2 States persons.

3 LIMITATION ON RESIDENCE EXPENSES

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

12 LIMITATION ON EXPENSES

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

18 LIMITATION ON REPRESENTATIONAL ALLOWANCES

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

1 able by this Act for general costs of administering military
 2 assistance and sales under the heading “Foreign Military
 3 Financing Program”, not to exceed \$4,000 shall be avail-
 4 able for entertainment expenses and not to exceed
 5 \$130,000 shall be available for representation allowances:
 6 *Provided further*, That of the funds made available by this
 7 Act under the heading “International Military Education
 8 and Training”, not to exceed \$55,000 shall be available
 9 for entertainment allowances: *Provided further*, That of
 10 the funds made available by this Act for the Inter-Amer-
 11 ican Foundation, not to exceed \$2,000 shall be available
 12 for entertainment and representation allowances: *Provided*
 13 *further*, That of the funds made available by this Act for
 14 the Peace Corps, not to exceed a total of \$4,000 shall be
 15 available for entertainment expenses: *Provided further*,
 16 That of the funds made available by this Act under the
 17 heading “Trade and Development Agency”, not to exceed
 18 \$4,000 shall be available for representation and entertain-
 19 ment allowances: *Provided further*, That of the funds made
 20 available by this Act under the heading “Millennium Chal-
 21 lenge Corporation”, not to exceed \$115,000 shall be avail-
 22 able for representation and entertainment allowances.

23 PROHIBITION ON TAXATION OF UNITED STATES

24 ASSISTANCE

25 SEC. 506. (a) PROHIBITION ON TAXATION.—None of
 26 the funds appropriated by this Act may be made available

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

10 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
11 amount equivalent to 200 percent of the total taxes as-
12 sessed during fiscal year 2006 on funds appropriated by
13 this Act by a foreign government or entity against com-
14 modities financed under United States assistance pro-
15 grams for which funds are appropriated by this Act, either
16 directly or through grantees, contractors and subcontrac-
17 tors shall be withheld from obligation from funds appro-
18 priated for assistance for fiscal year 2007 and allocated
19 for the central government of such country and for the
20 West Bank and Gaza Program to the extent that the Sec-
21 retary of State certifies and reports in writing to the Com-
22 mittees on Appropriations that such taxes have not been
23 reimbursed to the Government of the United States.

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

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

10 (e) DETERMINATIONS.—

11 (1) The provisions of this section shall not
12 apply to any country or entity the Secretary of State
13 determines—

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

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

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

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

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

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

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

22 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
23 COUNTRIES

24 SEC. 507. None of the funds appropriated or other-
25 wise made available pursuant to this Act shall be obligated
26 or expended to finance directly any assistance or repara-

1 tions to Cuba, Libya, North Korea, Iran, or Syria: *Pro-*
 2 *vided*, That for purposes of this section, except with re-
 3 spect to Libya, the prohibition on obligations or expendi-
 4 tures shall include direct loans, credits, insurance and
 5 guarantees of the Export-Import Bank or its agents.

6

MILITARY COUPS

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

22

TRANSFERS

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

cept pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

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

(b) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(c) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign As-

1 sistance Act of 1961 or any comparable provision of law,
2 shall expressly provide that the Office of the Inspector
3 General for the agency receiving the transfer or allocation
4 of such funds shall perform periodic program and financial
5 audits of the use of such funds: *Provided*, That funds
6 transferred under such authority may be made available
7 for the cost of such audits.

8 COMMERCIAL LEASING OF DEFENSE ARTICLES

9 SEC. 510. Notwithstanding any other provision of law
10 that restricts assistance to foreign countries, and subject
11 to the regular notification procedures of the Committees
12 on Appropriations, the authority of section 23(a) of the
13 Arms Export Control Act may be used to provide financ-
14 ing to Israel, Egypt and NATO and major non-NATO al-
15 lies for the procurement by leasing (including leasing with
16 an option to purchase) of defense articles from United
17 States commercial suppliers, not including Major Defense
18 Equipment (other than helicopters and other types of air-
19 craft having possible civilian application), if the President
20 determines that there are compelling foreign policy or na-
21 tional security reasons for those defense articles being pro-
22 vided by commercial lease rather than by government-to-
23 government sale under such Act.

24 AVAILABILITY OF FUNDS

25 SEC. 511. No part of any appropriation contained in
26 this Act shall remain available for obligation after the ex-

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

19 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT
20 SEC. 512. No part of any appropriation contained in
21 this Act shall be used to furnish assistance to the govern-
22 ment of any country which is in default during a period
23 in excess of 1 calendar year in payment to the United
24 States of principal or interest on any loan made to the
25 government of such country by the United States pursuant
26 to a program for which funds are appropriated under this

1 Act unless the President determines, following consulta-
2 tions with the Committees on Appropriations, that assist-
3 ance to such country is in the national interest of the
4 United States.

5 COMMERCE AND TRADE

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

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

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

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

17 SURPLUS COMMODITIES

18 SEC. 514. The Secretary of the Treasury shall in-
19 struct the United States Executive Directors of the Inter-
20 national Bank for Reconstruction and Development, the
21 International Development Association, the International
22 Finance Corporation, the Inter-American Development
23 Bank, the International Monetary Fund, the Asian Devel-
24 opment Bank, the Inter-American Investment Corpora-
25 tion, the North American Development Bank, the Euro-
26 pean Bank for Reconstruction and Development, the Afri-

1 can Development Bank, and the African Development
2 Fund to use the voice and vote of the United States to
3 oppose any assistance by these institutions, using funds
4 appropriated or made available pursuant to this Act, for
5 the production or extraction of any commodity or mineral
6 for export, if it is in surplus on world markets and if the
7 assistance will cause substantial injury to United States
8 producers of the same, similar, or competing commodity.

9 NOTIFICATION REQUIREMENTS

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

tion” (by country only), “Foreign Military Financing Pro-
gram”, “International Military Education and Training”,
“Peace Corps”, and “Migration and Refugee Assistance”,
shall be available for obligation for activities, programs,
projects, type of materiel assistance, countries, or other
operations not justified or in excess of the amount justi-
fied to the Committees on Appropriations for obligation
under any of these specific headings unless the Commit-
tees on Appropriations of both Houses of Congress are
previously notified 15 days in advance: *Provided*, That the
President shall not enter into any commitment of funds
appropriated for the purposes of section 23 of the Arms
Export Control Act for the provision of major defense
equipment, other than conventional ammunition, or other
major defense items defined to be aircraft, ships, missiles,
or combat vehicles, not previously justified to Congress or
20 percent in excess of the quantities justified to Congress
unless the Committees on Appropriations are notified 15
days in advance of such commitment: *Provided further*,
That this section shall not apply to any reprogramming
for an activity, program, or project for which funds are
appropriated under title II of this Act of less than 10 per-
cent 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 require-

1 ments of this section or any similar provision of this Act
2 or any other Act, including any prior Act requiring notifi-
3 cation in accordance with the regular notification proce-
4 dures of the Committees on Appropriations, may be
5 waived if failure to do so would pose a substantial risk
6 to human health or welfare: *Provided further*, That in case
7 of any such waiver, notification to the Congress, or the
8 appropriate congressional committees, shall be provided as
9 early as practicable, but in no event later than 3 days after
10 taking the action to which such notification requirement
11 was applicable, in the context of the circumstances neces-
12 sitating such waiver: *Provided further*, That any notifica-
13 tion provided pursuant to such a waiver shall contain an
14 explanation of the emergency circumstances.

15 LIMITATION ON AVAILABILITY OF FUNDS FOR
16 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

17 SEC. 516. Subject to the regular notification proce-
18 dures of the Committees on Appropriations, funds appro-
19 priated under this Act or any previously enacted Act mak-
20 ing appropriations for foreign operations, export financ-
21 ing, and related programs, which are returned or not made
22 available for organizations and programs because of the
23 implementation of section 307(a) of the Foreign Assist-
24 ance Act of 1961, shall remain available for obligation
25 until September 30, 2007.

1 INDEPENDENT STATES OF THE FORMER SOVIET UNION

2 SEC. 517. (a) None of the funds appropriated under
3 the heading “Assistance for the Independent States of the
4 Former Soviet Union” shall be made available for assist-
5 ance for a government of an Independent State of the
6 former Soviet Union—

7 (1) unless that government is making progress
8 in implementing comprehensive economic reforms
9 based on market principles, private ownership, re-
10 spect for commercial contracts, and equitable treat-
11 ment of foreign private investments; and

12 (2) if that government applies or transfers
13 United States assistance to any entity for the pur-
14 pose of expropriating or seizing ownership or control
15 of assets, investments, or ventures.

16 Assistance may be furnished without regard to this sub-
17 section if the President determines that to do so is in the
18 national interest.

19 (b) None of the funds appropriated under the heading
20 “Assistance for the Independent States of the Former So-
21 viet Union” shall be made available for assistance for a
22 government of an Independent State of the former Soviet
23 Union if that government directs any action in violation
24 of the territorial integrity or national sovereignty of any
25 other Independent State of the former Soviet Union, such

1 as those violations included in the Helsinki Final Act: *Pro-*
2 *vided*, That such funds may be made available without re-
3 gard to the restriction in this subsection if the President
4 determines that to do so is in the national security interest
5 of the United States.

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

12 (d) Funds appropriated under the heading “Assist-
13 ance for the Independent States of the Former Soviet
14 Union” for the Russian Federation, Armenia,
15 Kazakhstan, and Uzbekistan shall be subject to the reg-
16 ular notification procedures of the Committees on Appro-
17 priations.

18 (e) Funds made available in this Act for assistance
19 for the Independent States of the former Soviet Union
20 shall be subject to the provisions of section 117 (relating
21 to environment and natural resources) of the Foreign As-
22 sistance Act of 1961.

23 (f) In issuing new task orders, entering into con-
24 tracts, or making grants, with funds appropriated in this
25 Act or prior appropriations Acts under the heading “As-

1 sistance for the Independent States of the Former Soviet
2 Union” and under comparable headings in prior appro-
3 priations Acts, for projects or activities that have as one
4 of their primary purposes the fostering of private sector
5 development, the Coordinator for United States Assistance
6 to Europe and Eurasia and the implementing agency shall
7 encourage the participation of and give significant weight
8 to contractors and grantees who propose investing a sig-
9 nificant amount of their own resources (including volun-
10 teer services and in-kind contributions) in such projects
11 and activities.

12 PROHIBITION ON FUNDING FOR ABORTIONS AND
13 INVOLUNTARY STERILIZATION

14 SEC. 518. None of the funds made available to carry
15 out part I of the Foreign Assistance Act of 1961, as
16 amended, may be used to pay for the performance of abor-
17 tions as a method of family planning or to motivate or
18 coerce any person to practice abortions. None of the funds
19 made available to carry out part I of the Foreign Assist-
20 ance Act of 1961, as amended, may be used to pay for
21 the performance of involuntary sterilization as a method
22 of family planning or to coerce or provide any financial
23 incentive to any person to undergo sterilizations. None of
24 the funds made available to carry out part I of the Foreign
25 Assistance Act of 1961, as amended, may be used to pay
26 for any biomedical research which relates in whole or in

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

10 EXPORT FINANCING TRANSFER AUTHORITIES

11 SEC. 519. Not to exceed 5 percent of any appropria-
12 tion other than for administrative expenses made available
13 for fiscal year 2006, for programs under title I of this
14 Act may be transferred between such appropriations for
15 use for any of the purposes, programs, and activities for
16 which the funds in such receiving account may be used,
17 but no such appropriation, except as otherwise specifically
18 provided, shall be increased by more than 25 percent by
19 any such transfer: *Provided*, That the exercise of such au-
20 thority shall be subject to the regular notification proce-
21 dures of the Committees on Appropriations.

22 SPECIAL NOTIFICATION REQUIREMENTS

23 SEC. 520. None of the funds appropriated by this Act
24 shall be obligated or expended for Serbia, Sudan,
25 Zimbabwe, or Pakistan, except as provided through the

1 regular notification procedures of the Committees on Ap-
2 propriations.

3 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

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

22 CHILD SURVIVAL AND HEALTH ACTIVITIES

23 SEC. 522. Up to \$13,500,000 of the funds made
24 available by this Act for assistance under the heading
25 “Child Survival and Health Programs Fund”, may be
26 used to reimburse United States Government agencies,

1 agencies of State governments, institutions of higher
2 learning, and private and voluntary organizations for the
3 full cost of individuals (including for the personal services
4 of such individuals) detailed or assigned to, or contracted
5 by, as the case may be, the United States Agency for
6 International Development for the purpose of carrying out
7 activities under that heading: *Provided*, That up to
8 \$3,500,000 of the funds made available by this Act for
9 assistance under the heading “Development Assistance”
10 may be used to reimburse such agencies, institutions, and
11 organizations for such costs of such individuals carrying
12 out other development assistance activities: *Provided fur-*
13 *ther*, That funds appropriated by titles II and III of this
14 Act that are made available for bilateral assistance for
15 child survival activities or disease programs including ac-
16 tivities relating to research on, and the prevention, treat-
17 ment and control of, HIV/AIDS may be made available
18 notwithstanding any provision of the Foreign Assistance
19 Act of 1961 and any other provision of law that restricts
20 assistance to foreign countries except for the provisions
21 under the heading “Child Survival and Health Programs
22 Fund” and the United States Leadership Against HIV/
23 AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat.
24 711; 22 U.S.C. 7601 et seq.), as amended.

AFGHANISTAN

1
2 SEC. 523. Of the funds appropriated by titles II and
3 III of this Act, not less than \$954,000,000 should be made
4 available for humanitarian, reconstruction, and related as-
5 sistance for Afghanistan: *Provided*, That of the funds allo-
6 cated for assistance for Afghanistan from this Act and
7 other Acts making appropriations for foreign operations,
8 export financing, and related programs for fiscal year
9 2006, not less than \$50,000,000 should be made available
10 to support programs that directly address the needs of Af-
11 ghan women and girls.

12 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

13 SEC. 524. Prior to providing excess Department of
14 Defense articles in accordance with section 516(a) of the
15 Foreign Assistance Act of 1961, the Department of De-
16 fense shall notify the Committees on Appropriations to the
17 same extent and under the same conditions as are other
18 committees pursuant to subsection (f) of that section: *Pro-*
19 *vided*, That before issuing a letter of offer to sell excess
20 defense articles under the Arms Export Control Act, the
21 Department of Defense shall notify the Committees on
22 Appropriations in accordance with the regular notification
23 procedures of such Committees if such defense articles are
24 significant military equipment (as defined in section 47(9)
25 of the Arms Export Control Act) or are valued (in terms
26 of original acquisition cost) at \$7,000,000 or more, or if

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

6 HIV/AIDS

7 SEC. 525. (a) Notwithstanding any other provision
8 of this Act, 25 percent of the funds that are appropriated
9 by this Act for a contribution to support the Global Fund
10 to Fight AIDS, Tuberculosis and Malaria (the “Global
11 Fund”) shall be withheld from obligation to the Global
12 Fund until the Secretary of State certifies to the Commit-
13 tees on Appropriations that the Global Fund—

14 (1) has established clear progress indicators
15 upon which to determine the release of incremental
16 disbursements;

17 (2) is releasing such incremental disbursements
18 only if positive results have been attained based on
19 those indicators; and

20 (3) is providing support and oversight to coun-
21 try-level entities, such as country coordinating mech-
22 anisms, principal recipients, and local Fund agents,
23 to enable them to fulfill their mandates.

24 (b) The Secretary of State may waive paragraph (1)
25 of this subsection if she determines and reports to the

1 Committees on Appropriations that such waiver is impor-
2 tant to the national interest of the United States.

3 DEMOCRACY PROGRAMS

4 SEC. 526. (a) Not less than \$27,000,000 (increased
5 by \$9,000,000) of the funds appropriated by this Act
6 under the heading “Economic Support Fund” should be
7 allocated for the Human Rights and Democracy Fund:
8 *Provided*, That up to \$1,200,000 may be used for the
9 Reagan/Fascell Democracy Fellows program.

10 (b) Notwithstanding any other provision of law that
11 restricts assistance to foreign countries, up to \$1,500,000
12 of the funds appropriated by this Act under the heading
13 “Economic Support Fund” may be provided to make
14 grants to educational, humanitarian, and nongovern-
15 mental organizations and individuals inside Iran and Syria
16 to support the advancement of democracy and human
17 rights in Iran and Syria, and such funds may be provided
18 through the National Endowment for Democracy.

19 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
20 COUNTRIES

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

14 DEBT-FOR-DEVELOPMENT

HR 3057 RFS

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

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

(B) enter into an agreement with that government which sets forth—

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

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies depos-

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

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

7 (i) project and sector assistance activities;

8 or

9 (ii) debt and deficit financing; or

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

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

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

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

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

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

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

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

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

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

17 ENTERPRISE FUND RESTRICTIONS

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

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

4 FINANCIAL MARKET ASSISTANCE IN TRANSITION

5 COUNTRIES

6 SEC. 531. Of the funds appropriated by this Act
7 under the headings “Trade and Development Agency”,
8 “Development Assistance”, “Transition Initiatives”,
9 “Economic Support Fund”, “International Affairs Tech-
10 nical Assistance”, “Assistance for the Independent States
11 of the Former Soviet Union”, “Nonproliferation, Anti-ter-
12 rorism, Demining and Related Programs”, and “Assist-
13 ance for Eastern Europe and Baltic States”, not less than
14 \$40,000,000 should be made available for building capital
15 markets and financial systems in countries in transition.

16 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
17 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

18 SEC. 532. Unless expressly provided to the contrary,
19 provisions of this Act, and provisions contained in prior
20 Acts authorizing or making appropriations for foreign op-
21 erations, export financing, and related programs, shall not
22 be construed to prohibit activities authorized by or con-
23 ducted under the Peace Corps Act, the Inter-American
24 Foundation Act or the African Development Foundation
25 Act. The agency shall promptly report to the Committees
26 on Appropriations whenever it is conducting activities or

1 is proposing to conduct activities in a country for which
2 assistance is prohibited.

3 IMPACT ON JOBS IN THE UNITED STATES

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

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

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

SPECIAL AUTHORITIES

1
2 SEC. 534. (a) AFGHANISTAN, PAKISTAN, LEBANON,
3 MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN,
4 AND DISPLACED BURMESE.—Funds appropriated by this
5 Act that are made available for assistance for Afghanistan
6 may be made available notwithstanding section 512 of this
7 Act or any similar provision of law and section 660 of the
8 Foreign Assistance Act of 1961, and funds appropriated
9 in titles I and II of this Act that are made available for
10 Lebanon, Montenegro, Pakistan, and for victims of war,
11 displaced children, and displaced Burmese, and to assist
12 victims of trafficking in persons and, subject to the regular
13 notification procedures of the Committees on Appropria-
14 tions, to combat such trafficking, may be made available
15 notwithstanding any other provision of law that restricts
16 assistance to foreign countries and section 660 of the For-
17 eign Assistance Act of 1961.

18 (b) TROPICAL FORESTRY AND BIODIVERSITY CON-
19 SERVATION ACTIVITIES.—Funds appropriated by this Act
20 to carry out the provisions of sections 103 through 106,
21 and chapter 4 of part II, of the Foreign Assistance Act
22 of 1961 may be used, notwithstanding any other provision
23 of law that restricts assistance to foreign countries and
24 section 660 of the Foreign Assistance Act of 1961, for
25 the purpose of supporting tropical forestry and biodiver-

1 sity conservation activities and energy programs aimed at
2 reducing greenhouse gas emissions: *Provided*, That such
3 assistance shall be subject to sections 116, 502B, and
4 620A of the Foreign Assistance Act of 1961.

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

22 (d)(1) WAIVER.—The President may waive the provi-
23 sions of section 1003 of Public Law 100–204 if the Presi-
24 dent determines and certifies in writing to the Speaker
25 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
4 waiver pursuant to paragraph (1) 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 (e) SMALL BUSINESS.—In entering into multiple
8 award indefinite-quantity contracts with funds appro-
9 priated by this Act, the United States Agency for Inter-
10 national Development may provide an exception to the fair
11 opportunity process for placing task orders under such
12 contracts when the order is placed with any category of
13 small or small disadvantaged business.

14 (f) CONTINGENCIES.—During fiscal year 2006, the
15 President may use up to \$45,000,000 under the authority
16 of section 451 of the Foreign Assistance Act of 1961, not-
17 withstanding the funding ceiling in section 451(a).

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

1 (h) WORLD FOOD PROGRAM.—Of the funds managed
2 by the Bureau for Democracy, Conflict, and Humanitarian
3 Assistance of the United States Agency for International
4 Development, from this or any other Act, not less than
5 \$6,000,000 shall be made available as a general contribu-
6 tion to the World Food Program, notwithstanding any
7 other provision of law that restricts assistance to foreign
8 countries.

9 (i) NATIONAL ENDOWMENT FOR DEMOCRACY.—
10 Funds appropriated by this Act that are provided to the
11 National Endowment for Democracy may be provided not-
12 withstanding any other provision of law or regulation that
13 restricts assistance to foreign countries.

14 ARAB LEAGUE BOYCOTT OF ISRAEL

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

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

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

25 (3) all Arab League states should normalize re-
26 lations with their neighbor Israel;

17 ELIGIBILITY FOR ASSISTANCE

18 SEC. 536. (a) ASSISTANCE THROUGH NONGOVERN-
19 MENTAL ORGANIZATIONS.—Restrictions on assistance for
20 foreign countries contained in this or any other Act shall
21 not be construed to restrict assistance in support of pro-
22 grams of nongovernmental organizations from funds ap-
23 propriated by this Act to carry out the provisions of chap-
24 ters 1, 10, 11, and 12 of part I and chapter 4 of part
25 II of the Foreign Assistance Act of 1961, and from funds
26 appropriated under the heading “Assistance for Eastern

1 Europe and the Baltic States’’: *Provided*, That before
2 using the authority of this subsection to furnish assistance
3 in support of programs of nongovernmental organizations,
4 the President shall notify the Committees on Appropria-
5 tions under the regular notification procedures of those
6 committees, including a description of the program to be
7 assisted, the assistance to be provided, and the reasons
8 for furnishing such assistance: *Provided further*, That
9 nothing in this subsection shall be construed to alter any
10 existing statutory prohibitions against abortion or involun-
11 tary sterilizations contained in this or any other Act.

12 (b) PUBLIC LAW 480.—During fiscal year 2006, re-
13 strictions on assistance to foreign countries contained in
14 this or any other Act shall not be construed to restrict
15 assistance under the Agricultural Trade Development and
16 Assistance Act of 1954: *Provided*, That none of the funds
17 appropriated to carry out title I of such Act and made
18 available pursuant to this subsection may be obligated or
19 expended except as provided through the regular notifica-
20 tion procedures of the Committees on Appropriations.

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

22 (1) with respect to section 620A of the Foreign
23 Assistance Act of 1961 or any comparable provision
24 of law prohibiting assistance to countries that sup-
25 port international terrorism; or

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

6 RESERVATIONS OF FUNDS

7 SEC. 537. (a) Funds appropriated by this Act which
8 are earmarked may be reprogrammed for other programs
9 within the same account notwithstanding the earmark if
10 compliance with the earmark is made impossible by oper-
11 ation of any provision of this Act or any other provision
12 contained in prior Acts authorizing or making appropria-
13 tions for foreign operations, export financing, and related
14 programs: *Provided*, That any such reprogramming shall
15 be subject to the regular notification procedures of the
16 Committees on Appropriations: *Provided further*, That as-
17 sistance that is reprogrammed pursuant to this subsection
18 shall be made available under the same terms and condi-
19 tions as originally 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. 538. 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 contained in any other Act
14 shall not be applicable to funds appropriated by this Act.

15 PROHIBITION ON PUBLICITY OR PROPAGANDA

16 SEC. 539. No part of any appropriation contained in
17 this Act shall be used for publicity or propaganda purposes
18 within the United States not authorized before the date
19 of the enactment of this Act by the Congress.

20 PROHIBITION OF PAYMENTS TO UNITED NATIONS

21 MEMBERS

22 SEC. 540. None of the funds appropriated or made
23 available pursuant to this Act for carrying out the Foreign
24 Assistance Act of 1961, may be used to pay in whole or
25 in part any assessments, arrearages, or dues of any mem-
26 ber of the United Nations or, from funds appropriated by

1 this Act to carry out chapter 1 of part I of the Foreign
2 Assistance Act of 1961, the costs for participation of an-
3 other country's delegation at international conferences
4 held under the auspices of multilateral or international or-
5 ganizations.

6 NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

7 SEC. 541. None of the funds appropriated or made
8 available pursuant to this Act shall be available to a non-
9 governmental organization which fails to provide upon
10 timely request any document, file, or record necessary to
11 the auditing requirements of the United States Agency for
12 International Development.

13 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-
14 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
15 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
16 TERRORISM

17 SEC. 542. (a) None of the funds appropriated or oth-
18 erwise made available by this Act may be available to any
19 foreign government which provides lethal military equip-
20 ment to a country the government of which the Secretary
21 of State has determined is a terrorist government for pur-
22 poses of section 6(j) of the Export Administration Act of
23 1979. The prohibition under this section with respect to
24 a foreign government shall terminate 12 months after that
25 government ceases to provide such military equipment.
26 This section applies with respect to lethal military equip-

1 ment provided under a contract entered into after October
2 1, 1997.

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

7 (c) Whenever the waiver authority of subsection (b)
8 is exercised, the President shall submit to the appropriate
9 congressional committees a report with respect to the fur-
10 nishing of such assistance. Any such report shall include
11 a detailed explanation of the assistance to be provided, in-
12 cluding the estimated dollar amount of such assistance,
13 and an explanation of how the assistance furthers United
14 States national interests.

15 WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND
16 REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

17 SEC. 543. (a) Subject to subsection (c), of the funds
18 appropriated by this Act that are made available for as-
19 sistance for a foreign country, an amount equal to 110
20 percent of the total amount of the unpaid fully adjudicated
21 parking fines and penalties and unpaid property taxes
22 owed by the central government of such country shall be
23 withheld from obligation for assistance for the central gov-
24 ernment of such country until the Secretary of State sub-
25 mits a certification to the appropriate congressional com-

1 mittees stating that such parking fines and penalties and
2 unpaid property taxes are fully paid.

3 (b) Funds withheld from obligation pursuant to sub-
4 section (a) may be made available for other programs or
5 activities funded by this Act, after consultation with and
6 subject to the regular notification procedures of the appro-
7 priate congressional committees, provided that no such
8 funds shall be made available for assistance for the central
9 government of a foreign country that has not paid the
10 total amount of the fully adjudicated parking fines and
11 penalties and unpaid property taxes owed by such country.

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

14 (d)(1) The Secretary of State may waive the require-
15 ments set forth in subsection (a) with respect to parking
16 fines and penalties no sooner than 60 days from the date
17 of enactment of this Act, or at any time with respect to
18 a particular country, if the Secretary determines that it
19 is in the national interests of the United States to do so.

20 (2) The Secretary of State may waive the require-
21 ments set forth in subsection (a) with respect to the un-
22 paid property taxes if the Secretary of State determines
23 that it is in the national interests of the United States
24 to do so.

1 (e) Not later than 6 months after the initial exercise
2 of the waiver authority in subsection (d), the Secretary
3 of State, after consultations with the City of New York,
4 shall submit a report to the Committees on Appropriations
5 describing a strategy, including a timetable and steps cur-
6 rently being taken, to collect the parking fines and pen-
7 alties and unpaid property taxes and interest owed by na-
8 tions receiving foreign assistance under this Act.

9 (f) In this section:

10 (1) The term “appropriate congressional com-
11 mittees” means the Committee on Appropriations of
12 the Senate and the Committee on Appropriations of
13 the House of Representatives.

14 (2) The term “fully adjudicated” includes cir-
15 cumstances in which the person to whom the vehicle
16 is registered—

17 (A)(i) has not responded to the parking
18 violation summons; or

19 (ii) has not followed the appropriate adju-
20 dication procedure to challenge the summons;
21 and

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

24 (3) The term “parking fines and penalties”
25 means parking fines and penalties—

1 (A) owed to—

2 (i) the District of Columbia; or

3 (ii) New York, New York; and

4 (B) incurred during the period April 1,
5 1997, through September 30, 2005.

6 (4) The term “unpaid property taxes” means
7 the amount of unpaid taxes and interest determined
8 to be owed by a foreign country on real property in
9 the District of Columbia or New York, New York in
10 a court order or judgment entered against such
11 country by a court of the United States or any State
12 or subdivision thereof.

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

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

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

3 WAR CRIMES TRIBUNALS DRAWDOWN

4 SEC. 545. If the President determines that doing so
5 will contribute to a just resolution of charges regarding
6 genocide or other violations of international humanitarian
7 law, the President may direct a drawdown pursuant to sec-
8 tion 552(c) of the Foreign Assistance Act of 1961 of up
9 to \$30,000,000 of commodities and services for the United
10 Nations War Crimes Tribunal established with regard to
11 the former Yugoslavia by the United Nations Security
12 Council or such other tribunals or commissions as the
13 Council may establish or authorize to deal with such viola-
14 tions, without regard to the ceiling limitation contained
15 in paragraph (2) thereof: *Provided*, That the determina-
16 tion required under this section shall be in lieu of any de-
17 terminations otherwise required under section 552(c): *Pro-*
18 *vided further*, That the drawdown made under this section
19 for any tribunal shall not be construed as an endorsement
20 or precedent for the establishment of any standing or per-
21 manent international criminal tribunal or court: *Provided*
22 *further*, That funds made available for tribunals other
23 than Yugoslavia, Rwanda, or the Special Court for Sierra
24 Leone shall be made available subject to the regular notifi-
25 cation procedures of the Committees on Appropriations.

1 LANDMINES

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

11 RESTRICTIONS CONCERNING THE PALESTINIAN

12 AUTHORITY

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

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

9 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

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

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

24 HAITI

25 SEC. 549. The Government of Haiti shall be eligible
26 to purchase defense articles and services under the Arms

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

3 LIMITATION ON ASSISTANCE TO THE PALESTINIAN
4 AUTHORITY

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

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

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

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

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

3 LIMITATION ON ASSISTANCE TO SECURITY FORCES

4 SEC. 551. None of the funds made available by this
5 Act may be provided to any unit of the security forces
6 of a foreign country if the Secretary of State has credible
7 evidence that such unit has committed gross violations of
8 human rights, unless the Secretary determines and reports
9 to the Committees on Appropriations that the government
10 of such country is taking effective measures to bring the
11 responsible members of the security forces unit to justice:
12 *Provided*, That nothing in this section shall be construed
13 to withhold funds made available by this Act from any
14 unit of the security forces of a foreign country not credibly
15 alleged to be involved in gross violations of human rights:
16 *Provided further*, That in the event that funds are withheld
17 from any unit pursuant to this section, the Secretary of
18 State shall promptly inform the foreign government of the
19 basis for such action and shall, to the maximum extent
20 practicable, assist the foreign government in taking effective
21 measures to bring the responsible members of the security
22 forces to justice.

23 FOREIGN MILITARY TRAINING REPORT

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

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

4 AUTHORIZATION REQUIREMENT

5 SEC. 553. Funds appropriated by this Act, except
6 funds appropriated under the headings “Trade and Devel-
7 opment Agency”, “Overseas Private Investment Corpora-
8 tion”, and “Global HIV/AIDS Initiative”, may be obli-
9 gated 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 CAMBODIA

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

19 PALESTINIAN STATEHOOD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 COLOMBIA

5 SEC. 556. (a) DETERMINATION AND CERTIFICATION
6 REQUIRED.—Funds appropriated by this Act that are
7 available for assistance for the Colombian Armed Forces,
8 may be made available as follows:

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

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

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

25 (B) The Colombian Government is vigor-
26 ously investigating and prosecuting those mem-

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

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

20 (D) The Colombian Armed Forces have
21 made substantial progress in severing links (in-
22 cluding denying access to military intelligence,
23 vehicles, and other equipment or supplies, and
24 ceasing other forms of active or tacit coopera-
25 tion) at the command, battalion, and brigade

1 levels, with paramilitary organizations, espe-
2 cially in regions where these organizations have
3 a significant presence.

4 (E) The Colombian Government is disman-
5 tling paramilitary leadership and financial net-
6 works by arresting commanders and financial
7 backers, especially in regions where these net-
8 works have a significant presence.

9 (3) The balance of such funds may be obligated
10 after July 31, 2006, if the Secretary of State cer-
11 tifies and reports to the appropriate congressional
12 committees, after such date, that the Colombian
13 Armed Forces are continuing to meet the conditions
14 contained in paragraph (2) and are conducting vig-
15 orous operations to restore government authority
16 and respect for human rights in areas under the ef-
17 fective control of paramilitary and guerrilla organi-
18 zations.

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

23 (c) CONSULTATIVE PROCESS.—Not later than 60
24 days after the date of enactment of this Act, and every
25 90 days thereafter until September 30, 2007, the Sec-

1 retary of State shall consult with internationally recog-
2 nized human rights organizations regarding progress in
3 meeting the conditions contained in that subsection.

4 (d) DEFINITIONS.—In this section:

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

10 (2) PARAMILITARY GROUPS.—The term “para-
11 military groups” means illegal self-defense groups
12 and illegal security cooperatives.

13 ILLEGAL ARMED GROUPS

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

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

11 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
12 BROADCASTING CORPORATION

18 WEST BANK AND GAZA PROGRAM

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1 gram funded under the heading “Economic Support
2 Fund” for the West Bank and Gaza.

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

17 (c) PROHIBITION.—None of the funds appropriated
18 by this Act for assistance under the West Bank and Gaza
19 program may be made available for the purpose of recog-
20 nizing or otherwise honoring individuals who commit, or
21 have committed, acts of terrorism.

22 (d) AUDITS.—

23 (1) The Administrator of the United States
24 Agency for International Development shall ensure
25 that Federal or non-Federal audits of all contractors

1 and grantees, and significant subcontractors and
2 subgrantees, under the West Bank and Gaza Pro-
3 gram, are conducted at least on an annual basis to
4 ensure, among other things, compliance with this
5 section.

6 (2) Of the funds appropriated by this Act under
7 the heading “Economic Support Fund” that are
8 made available for assistance for the West Bank and
9 Gaza, up to \$1,000,000 may be used by the Office
10 of the Inspector General of the United States Agen-
11 cy for International Development for audits, inspec-
12 tions, and other activities in furtherance of the re-
13 quirements of this subsection. Such funds are in ad-
14 dition to funds otherwise available for such pur-
15 poses.

16 (e) Subsequent to the certification specified in sub-
17 section (a), the Comptroller General of the United States
18 shall conduct an audit and an investigation of the treat-
19 ment, handling, and uses of all funds for the bilateral
20 West Bank and Gaza Program in fiscal year 2006 under
21 the heading “Economic Support Fund”. The audit shall
22 address—

23 (1) the extent to which such Program complies
24 with the requirements of subsections (b) and (c),
25 and

1 (2) an examination of all programs, projects,
2 and activities carried out under such Program, in-
3 cluding both obligations and expenditures.

4 CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

5 SEC. 560. (a) LIMITATIONS ON AMOUNT OF CON-
6 TRIBUTION.—Of the amounts made available under
7 “International Organizations and Programs” and “Child
8 Survival and Health Programs Fund” for fiscal year
9 2006, \$34,000,000 shall be made available for the United
10 Nations Population Fund (hereafter in this section re-
11 ferred to as the “UNFPA”): *Provided*, That of this
12 amount, not less than \$25,000,000 shall be derived from
13 funds appropriated under the heading “International Or-
14 ganizations and Programs”.

15 (b) AVAILABILITY OF FUNDS.—Funds appropriated
16 under the heading “International Organizations and Pro-
17 grams” in this Act that are available for UNFPA, that
18 are not made available for UNFPA because of the oper-
19 ation of any provision of law, shall be transferred to
20 “Child Survival and Health Programs Fund” and shall
21 be made available for family planning, maternal, and re-
22 productive health activities, subject to the regular notifica-
23 tion procedures of the Committees on Appropriations.

24 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
25 None of the funds made available under “International
26 Organizations and Programs” may be made available for

1 the UNFPA for a country program in the People's Repub-
2 lic of China.

3 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
4 Amounts made available under “International Organiza-
5 tions and Programs” for fiscal year 2006 for the UNFPA
6 may not be made available to UNFPA unless—

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

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

13 (3) the UNFPA does not fund abortions.

14 WAR CRIMINALS

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

1 Yugoslavia (the “Tribunal”) all persons in their territory
2 who have been indicted by the Tribunal and to otherwise
3 cooperate with the Tribunal.

4 (2) The provisions of this subsection shall not apply
5 to humanitarian assistance or assistance for democratiza-
6 tion.

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

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

16 (2) are acting consistently with the Dayton Ac-
17 cords.

18 (c) Not less than 10 days before any vote in an inter-
19 national financial institution regarding the extension of
20 any new project involving financial or technical assistance
21 or grants to any country or entity described in subsection
22 (a), the Secretary of the Treasury, in consultation with
23 the Secretary of State, shall provide to the Committees
24 on Appropriations a written justification for the proposed
25 assistance, including an explanation of the United States

1 position regarding any such vote, as well as a description
2 of the location of the proposed assistance by municipality,
3 its purpose, and its intended beneficiaries.

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

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

18 (f) DEFINITIONS.—As used in this section:

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

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

9 USER FEES

21 FUNDING FOR SERBIA

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1 (b) After May 31, 2006, the Secretary of the Treas-
2 ury should instruct the United States executive directors
3 to the international financial institutions to support loans
4 and assistance to the Government of Serbia and Monte-
5 negro subject to the conditions in subsection (c): *Provided*,
6 That section 576 of the Foreign Operations, Export Fi-
7 nancing, and Related Programs Appropriations Act, 1997,
8 as amended, shall not apply to the provision of loans and
9 assistance to the Government of Serbia and Montenegro
10 through international financial institutions.

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

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

22 (2) taking steps that are consistent with the
23 Dayton Accords to end Serbian financial, political,
24 security and other support which has served to

1 maintain separate Republika Srpska institutions;
2 and

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

6 (d) This section shall not apply to Montenegro,
7 Kosovo, humanitarian assistance or assistance to promote
8 democracy.

9 COMMUNITY-BASED POLICE ASSISTANCE

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

22 (b) NOTIFICATION.—Assistance provided under sub-
23 section (a) shall be subject to prior consultation with, and
24 the regular notification procedures of, the Committees on
25 Appropriations.

1 SPECIAL DEBT RELIEF FOR THE POOREST

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

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

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

10 (b) LIMITATIONS.—

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

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

19 (3) The authority provided by subsection (a)
20 may be exercised only with respect to countries with
21 heavy debt burdens that are eligible to borrow from
22 the International Development Association, but not
23 from the International Bank for Reconstruction and
24 Development, commonly referred to as “IDA-only”
25 countries.

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

4 (1) does not have an excessive level of military
5 expenditures;

6 (2) has not repeatedly provided support for acts
7 of international terrorism;

8 (3) is not failing to cooperate on international
9 narcotics control matters;

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

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

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

21 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
22 duction of debt pursuant to subsection (a) shall not be
23 considered assistance for the purposes of any provision of
24 law limiting assistance to a country. The authority pro-
25 vided by subsection (a) may be exercised notwithstanding

1 section 620(r) of the Foreign Assistance Act of 1961 or
2 section 321 of the International Development and Food
3 Assistance Act of 1975.

4 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

7 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
8 CERTAIN LOANS.—Notwithstanding any other provi-
9 sion of law that restricts assistance to foreign coun-
10 tries, the President may, in accordance with this sec-
11 tion, sell to any eligible purchaser any concessional
12 loan or portion thereof made before January 1,
13 1995, pursuant to the Foreign Assistance Act of
14 1961, to the government of any eligible country as
15 defined in section 702(6) of that Act or on receipt
16 of payment from an eligible purchaser, reduce or
17 cancel such loan or portion thereof, only for the pur-
18 pose of facilitating—

19 (A) debt-for-equity swaps, debt-for-develop-
20 ment swaps, or debt-for-nature swaps; or

21 (B) a debt buyback by an eligible country
22 of its own qualified debt, only if the eligible
23 country uses an additional amount of the local
24 currency of the eligible country, equal to not
25 less than 40 percent of the price paid for such
26 debt by such eligible country, or the difference

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

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

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

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

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

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

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

23 (e) AVAILABILITY OF FUNDS.—The authority pro-
24 vided by subsection (a) may be used only with regard to

1 funds appropriated by this Act under the heading “Debt
2 Restructuring”.

3 BASIC EDUCATION

4 SEC. 567. Of the funds appropriated by title II of
5 this Act, not less than \$465,000,000 shall be made avail-
6 able for basic education, of which not less than \$250,000
7 shall be provided to the Comptroller General of the United
8 States to prepare an analysis of United States funded
9 international basic education programs: *Provided*, That
10 the analysis, which should be submitted to the Committee
11 within nine months of enactment of this Act, shall include,
12 but not be limited to—

13 (1) the amount of funds provided for basic edu-
14 cation by all United States Government agencies in
15 fiscal years 2001, 2002, 2003, 2004, and 2005;

16 (2) a country-by-country and project-by-project
17 breakdown of such funds;

18 (3) an analysis of host country contributions to
19 education at the local, provincial, and federal level;

20 (4) the amount of funds, including loans, pro-
21 vided for basic education by other major bilateral
22 donors and multilateral institutions, including
23 United Nations agencies and the World Bank
24 Group, including a historical view of such levels;

1 (5) an analysis of United States efforts to in-
2 crease the commitment of other major bilateral do-
3 nors and multilateral institutions to basic education;

4 (6) an analysis of how various United States
5 Government agencies coordinate in the provision of
6 such assistance, including how such coordination
7 contributes to achievement of the Millennium Devel-
8 opment Goals with respect to basic education;

9 (7) an analysis of the effect of the quadrupling
10 of United States assistance for basic education since
11 fiscal year 2001 on education programs in the devel-
12 oping world; and

13 (8) recommendations on the content and struc-
14 ture of United States assistance that would increase
15 its effectiveness in promoting literacy and numeracy.

16 RECONCILIATION PROGRAMS

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

23 SUDAN

24 SEC. 569. (a) AVAILABILITY OF FUNDS.—Of the
25 funds appropriated by title II of this Act, not less than

1 \$367,000,000 should be made available for assistance for
2 Sudan.

3 (b) LIMITATION ON ASSISTANCE.—Subject to sub-
4 section (c):

5 (1) Notwithstanding section 501(a) of the
6 International Malaria Control Act of 2000 (Public
7 Law 106–570) or any other provision of law that re-
8 stricts funds for foreign countries, none of the funds
9 appropriated by this Act may be made available for
10 assistance for the Government of Sudan.

11 (2) None of the funds appropriated by this Act
12 may be made available for the cost, as defined in
13 section 502, of the Congressional Budget Act of
14 1974, of modifying loans and loan guarantees held
15 by the Government of Sudan, including the cost of
16 selling, reducing, or canceling amounts owed to the
17 United States, and modifying concessional loans,
18 guarantees, and credit agreements.

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

22 (1) the Government of Sudan has taken signifi-
23 cant steps to disarm and disband government-sup-
24 ported militia groups in the Darfur region;

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

5 (3) the Government of Sudan is allowing
6 unimpeded access to Darfur to humanitarian aid or-
7 ganizations, the human rights investigation and hu-
8 manitarian teams of the United Nations, including
9 protection officers, and an international monitoring
10 team that is based in Darfur and that has the sup-
11 port of the United States.

12 (d) EXCEPTIONS.—The provisions of subsection (b)
13 shall not apply to—

14 (1) humanitarian assistance;

15 (2) assistance for Darfur and for areas outside
16 the control of the Government of Sudan; and

17 (3) assistance to support implementation of the
18 Comprehensive Peace Agreement.

19 (e) DEFINITIONS.—For the purposes of this Act and
20 section 501 of Public Law 106–570, the terms “Govern-
21 ment of Sudan”, “areas outside of control of the Govern-
22 ment of Sudan”, and “area in Sudan outside of control
23 of the Government of Sudan” shall have the same meaning
24 and application as was the case immediately prior to June
25 5, 2004, and, Southern Kordofan/Nuba Mountains State,

1 Blue Nile State and Abyei shall be deemed “areas outside
2 of control of the Government of Sudan”.

3 TRADE CAPACITY BUILDING

4 SEC. 570. Of the funds appropriated by this Act,
5 under the headings “Trade and Development Agency”,
6 “Development Assistance”, “Transition Initiatives”,
7 “Economic Support Fund”, “International Affairs Tech-
8 nical Assistance”, and “International Organizations and
9 Programs”, not less than \$522,000,000 should be made
10 available for trade capacity building assistance: *Provided*,
11 That \$20,000,000 of the funds appropriated in this Act
12 under the heading “Economic Support Fund” shall be
13 made available for labor and environmental capacity build-
14 ing activities relating to the free trade agreement with the
15 countries of Central America and the Dominican Republic.

16 EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH
17 EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

18 SEC. 571. Notwithstanding section 516(e) of the For-
19 eign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during
20 fiscal year 2006, funds available to the Department of De-
21 fense may be expended for crating, packing, handling, and
22 transportation of excess defense articles transferred under
23 the authority of section 516 of such Act to Albania, Af-
24 ghanistan, Bulgaria, Croatia, Estonia, Former Yugo-
25 slavian Republic of Macedonia, Georgia, India, Iraq,
26 Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova,

1 Mongolia, Pakistan, Romania, Slovakia, Tajikistan,
2 Turkmenistan, Ukraine, and Uzbekistan.

3 CUBA

4 SEC. 572. None of the funds appropriated by this Act
5 under the heading “International Narcotics Control and
6 Law Enforcement” may be made available for assistance
7 to the Government of Cuba.

8 GENDER-BASED VIOLENCE TRAINING

9 SEC. 573. Programs funded under titles II and III
10 of this Act that provide training for foreign police, judicial,
11 and military officials, shall include instruction on how to
12 address incidences and victims of gender-based violence:
13 *Provided*, That the Secretary of State, in consultation with
14 the Secretary of Defense, shall report to the Committee
15 on Appropriations, no later than 180 days after enactment
16 of this Act, how such instruction is being incorporated into
17 programs funded under titles II and III of this Act.

18 LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE
19 FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE
20 PARTIES TO THE INTERNATIONAL CRIMINAL COURT

21 SEC. 574. (a) None of the funds made available in
22 this Act in title II under the heading “Economic Support
23 Fund” may be used to provide assistance to the govern-
24 ment of a country that is a party to the International
25 Criminal Court and has not entered into an agreement
26 with the United States pursuant to Article 98 of the Rome

1 Statute preventing the International Criminal Court from
2 proceeding against United States personnel present in
3 such country.

4 (b) The President may, with prior notice to Congress,
5 waive the prohibition of subsection (a) with respect to a
6 North Atlantic Treaty Organization (“NATO”) member
7 country, a major non-NATO ally (including Australia,
8 Egypt, Israel, Japan, Jordan, Argentina, the Republic of
9 Korea, and New Zealand), Taiwan, or such other country
10 as he may determine if he determines and reports to the
11 appropriate congressional committees that it is important
12 to the national interests of the United States to waive such
13 prohibition.

14 (c) The President may, with prior notice to Congress,
15 waive the prohibition of subsection (a) with respect to a
16 particular country if he determines and reports to the ap-
17 propriate congressional committees that such country has
18 entered into an agreement with the United States pursu-
19 ant to Article 98 of the Rome Statute preventing the
20 International Criminal Court from proceeding against
21 United States personnel present in such country.

22 (d) The prohibition of this section shall not apply to
23 countries otherwise eligible for assistance under the Mil-
24 lennium Challenge Act of 2003, notwithstanding section
25 606(a)(2)(B) of such Act.

TIBET

1
2 SEC. 575. (a) The Secretary of the Treasury should
3 instruct the United States executive director to each inter-
4 national financial institution to use the voice and vote of
5 the United States to support projects in Tibet if such
6 projects do not provide incentives for the migration and
7 settlement of non-Tibetans into Tibet or facilitate the
8 transfer of ownership of Tibetan land and natural re-
9 sources to non-Tibetans; are based on a thorough needs-
10 assessment; foster self-sufficiency of the Tibetan people
11 and respect Tibetan culture and traditions; and are sub-
12 ject to effective monitoring.

13 (b) Notwithstanding any other provision of law that
14 restricts assistance to foreign countries, not less than
15 \$4,000,000 of the funds appropriated by this Act under
16 the heading “Economic Support Fund” should be made
17 available to nongovernmental organizations to support ac-
18 tivities which preserve cultural traditions and promote
19 sustainable development and environmental conservation
20 in Tibetan communities in the Tibetan Autonomous Re-
21 gion and in other Tibetan communities in China.

CENTRAL AMERICA

22
23 SEC. 576. Of the funds appropriated by this Act
24 under the headings “Child Survival and Health Programs
25 Fund” and “Development Assistance”, not less than the
26 amount of funds initially allocated pursuant to section

1 653(a) of the Foreign Assistance Act of 1961 for fiscal
2 year 2005 should be made available for El Salvador, Gua-
3 temala, Nicaragua and Honduras.

4 UNITED STATES AGENCY FOR INTERNATIONAL
5 DEVELOPMENT MANAGEMENT

6 SEC. 577. (a) AUTHORITY.—Up to \$75,000,000 of
7 the funds made available in this Act to carry out the provi-
8 sions of part I of the Foreign Assistance Act of 1961, in-
9 cluding funds appropriated under the heading “Assistance
10 for Eastern Europe and the Baltic States”, may be used
11 by the United States Agency for International Develop-
12 ment (USAID) to hire and employ individuals in the
13 United States and overseas on a limited appointment basis
14 pursuant to the authority of sections 308 and 309 of the
15 Foreign Service Act of 1980.

16 (b) RESTRICTIONS.—

17 (1) The number of individuals hired in any fis-
18 cal year pursuant to the authority contained in sub-
19 section (a) may not exceed 175.

20 (2) The authority to hire individuals contained
21 in subsection (a) shall expire on September 30,
22 2008.

23 (c) CONDITIONS.—The authority of this section may
24 only be used to the extent that an equivalent number of
25 positions that are filled by personal services contractors
26 or other nondirect-hire employees of USAID, who are

1 compensated with funds appropriated to carry out part I
2 of the Foreign Assistance Act of 1961, including funds
3 appropriated under the heading “Assistance for Eastern
4 Europe and the Baltic States”, are eliminated.

5 (d) PRIORITY SECTORS.—In exercising the authority
6 of this section, primary emphasis shall be placed on ena-
7 bling USAID to meet personnel positions in technical skill
8 areas currently encumbered by contractor or other non-
9 direct-hire personnel.

10 (e) CONSULTATIONS.—The USAID Administrator
11 shall consult with the Committees on Appropriations at
12 least on a quarterly basis concerning the implementation
13 of this section.

14 (f) PROGRAM ACCOUNT CHARGED.—The account
15 charged for the cost of an individual hired and employed
16 under the authority of this section shall be the account
17 to which such individual’s responsibilities primarily relate.
18 Funds made available to carry out this section may be
19 transferred to and merged and consolidated with funds ap-
20 propriated for “Operating Expenses of the United States
21 Agency for International Development”.

22 (g) DISASTER SURGE CAPACITY.—Funds appro-
23 priated by this Act to carry out part I of the Foreign As-
24 sistance Act of 1961, including funds appropriated under
25 the heading “Assistance for Eastern Europe and the Bal-

1 tie States”, may be used, in addition to funds otherwise
 2 available for such purposes, for the cost (including the
 3 support costs) of individuals detailed to or employed by
 4 the United States Agency for International Development
 5 whose primary responsibility is to carry out programs in
 6 response to natural disasters.

7 HIPC DEBT REDUCTION

8 SEC. 578. Section 501(b) of H.R. 3425, as enacted
 9 into law by section 1000(a)(5) of division B of Public Law
 10 106–113 (113 Stat. 1501A–311), is amended by adding
 11 at the end the following new paragraph:

12 “(5) The Act of March 11, 1941 (chapter 11;
 13 55 Stat. 31; 22 U.S.C. 411 et seq.; commonly known
 14 as the ‘Lend-Lease Act’).”.

15 OPIC TRANSFER AUTHORITY

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 579. Whenever the President determines that
 18 it is in furtherance of the purposes of the Foreign Assist-
 19 ance Act of 1961, up to a total of \$20,000,000 of the
 20 funds appropriated under title II of this Act may be trans-
 21 ferred to and merged with funds appropriated by this Act
 22 for the Overseas Private Investment Corporation Program
 23 Account, to be subject to the terms and conditions of that
 24 account: *Provided*, That such funds shall not be available
 25 for administrative expenses of the Overseas Private In-
 26 vestment Corporation: *Provided further*, That funds ear-

1 marked by this Act shall not be transferred pursuant to
2 this section: *Provided further*, That the exercise of such
3 authority shall be subject to the regular notification proce-
4 dures of the Committees on Appropriations.

5 CONFLICT RESPONSE

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 580. Whenever the Secretary of State deter-
8 mines that it is in the national interest of the United
9 States, the Secretary is authorized to furnish reconstruc-
10 tion and stabilization assistance, on such terms and condi-
11 tions as the Secretary may determine, for the purpose of
12 preventing, responding to, or enabling transition from con-
13 flict or civil strife in foreign countries or regions: *Provided*,
14 That the Secretary may transfer up to \$100,000,000
15 among accounts of the Department of State and to other
16 Federal agencies as necessary to carry out these authori-
17 ties: *Provided further*, That pursuant to a determination
18 by the Secretary of State that it is in the national interest
19 of the United States to prevent or respond to conflict or
20 civil strife in foreign countries or regions, or to enable
21 transition from such strife assistance provided under this
22 paragraph, as well as assistance provided with funds ap-
23 propriated under titles II and III of this Act for countries
24 subject to a determination made under this paragraph,
25 may be used: *Provided further*, That the exercise of such

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

3 RESCISSION

4 SEC. 581. Of the funds provided in title II of Public
5 Law 108–447, under the heading “Other Bilateral Eco-
6 nomic Assistance, Economic Support Fund”, \$64,000,000
7 is hereby rescinded.

8 ANTICORRUPTION PROVISIONS

9 SEC. 582. Twenty-five percent of the funds appro-
10 priated by this Act under the headings “International De-
11 velopment Association”, shall be withheld from obligation
12 until the Secretary of the Treasury certifies to the appro-
13 priate congressional committees that—

14 (a) World Bank procurement guidelines are ap-
15 plied to all procurement financed in whole or in part
16 by a loan from the International Bank for Recon-
17 struction and Development (IBRD) or a credit
18 agreement or grant from the International Develop-
19 ment Association (IDA);

20 (b) the World Bank proposal “Increasing the
21 Use of Country Systems in Procurement” dated
22 March 2005 has been withdrawn;

23 (c) the World Bank is maintaining a strong
24 central procurement office staffed with senior ex-
25 perts who are designated to address commercial con-
26 cerns, questions, and complaints regarding procure-

1 ment procedures and payments under IDA and
2 IBRD projects;

3 (d) thresholds for international competitive bid-
4 ding are established to maximize international com-
5 petitive bidding in accordance with sound procure-
6 ment practices, including transparency, competition,
7 and cost-effective results for the Borrowers;

8 (e) all tenders under the World Bank's national
9 competitive bidding provisions are subject to the
10 same advertisement requirements as tenders under
11 international competitive bidding; and

12 (f) loan agreements are made public between
13 the World Bank and the Borrowers.

14 PROHIBITION ON CERTAIN INTERNATIONAL NARCOTICS
15 CONTROL AND LAW ENFORCEMENT ASSISTANCE TO
16 THE GOVERNMENT OF HAITI

17 SEC. 583. None of the funds made available in this
18 Act under the heading "INTERNATIONAL NARCOTICS CON-
19 TROL AND LAW ENFORCEMENT" may be used to transfer
20 excess property of an agency of the United States Govern-
21 ment to the Government of Haiti.

22 LIMITATION ON ASSISTANCE TO ROMANIA UNDER THE
23 SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED)
24 ACT OF 1989

25 SEC. 584. None of the funds appropriated in this Act
26 under the heading "ASSISTANCE FOR EASTERN EUROPE

1 AND THE BALTIC STATES” may be obligated or expended
2 for assistance to Romania under the Support for East Eu-
3 ropean Democracy (SEED) Act of 1989.

4 LIMITATION ON FUNDS RELATING TO ATTENDANCE OF
5 FEDERAL EMPLOYEES AT CONFERENCES OCCURRING
6 OUTSIDE THE UNITED STATES

7 SEC. 585. None of the funds made available in this
8 Act may be used to send or otherwise pay for the attend-
9 ance of more than 50 employees of a Federal department
10 or agency at any single conference occurring outside the
11 United States.

12 LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT
13 BANK OF THE UNITED STATES

14 SEC. 586. Of the amounts provided in title I, under
15 the heading “EXPORT-IMPORT BANK OF THE UNITED
16 STATES—ADMINISTRATIVE EXPENSES”, not more than
17 \$66,200,000 may be expended while there is a vacancy
18 in position of the head of the Office of Inspector General
19 in the Export-Import Bank of the United States.

20 LIMITATION ON ASSISTANCE TO FOREIGN COUNTRIES
21 THAT REFUSE TO EXTRADITE TO THE UNITED
22 STATES ANY INDIVIDUAL ACCUSED IN THE UNITED
23 STATES OF KILLING A LAW ENFORCEMENT OFFICER

24 SEC. 587. None of the funds made available in this
25 Act for the Department of State may be used to provide
26 assistance to any country the government of which has

1 notified the Department of State of its refusal to extradite
2 to the United States any individual accused in the United
3 States of killing a law enforcement officer, as specified in
4 a United States extradition request.

5 PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI
6 ARABIA

7 SEC. 588. None of the funds appropriated or other-
8 wise made available pursuant to this Act shall be obligated
9 or expended to finance any assistance to Saudi Arabia.
10 PROHIBITION ON USE OF FUNDS BY THE EXPORT-IMPORT
11 BANK OF THE UNITED STATES TO APPROVE AN AP-
12 PPLICATION FOR A LONG-TERM LOAN OR LOAN GUAR-
13 ANTEE WITH RESPECT TO A NUCLEAR PROJECT IN
14 THE PEOPLE'S REPUBLIC OF CHINA

15 SEC. 589. None of the funds made available in this
16 Act may be used by the Export-Import Bank of the United
17 States to approve an application for a long-term loan or
18 loan guarantee with respect to a nuclear project in the
19 People's Republic of China.

20 GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN
21 EXTRADITIONS

22 SEC. 590. None of the funds made available in this
23 Act for the Department of State, other than funds pro-
24 vided under the heading "INTERNATIONAL NARCOTICS
25 CONTROL AND LAW ENFORCEMENT", may be used to pro-
26 vide assistance to any country with whom the United

1 States has an extradition treaty and whose government
2 has notified the Department of State of its refusal to ex-
3 tradite to the United States any individual accused of
4 committing a criminal offense for which the maximum
5 penalty is life imprisonment without the possibility of pa-
6 role, or a lesser term of imprisonment.

7 This Act may be cited as the “Foreign Operations,
8 Export Financing, and Related Programs Appropriations
9 Act, 2006”.

Passed the House of Representatives June 28, 2005.

Attest:

JEFF TRANDAHL,

Clerk.