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109TH CONGRESS
1ST SESSION

H. R. 3057

[Report No. 109-152]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2005

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

A BILL

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 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,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2006, and for other pur-
6 poses, namely:

1 TITLE I—EXPORT AND INVESTMENT
2 ASSISTANCE

3 EXPORT-IMPORT BANK OF THE UNITED STATES

4 The Export-Import Bank of the United States is au-
5 thorized to make such expenditures within the limits of
6 funds and borrowing authority available to such corpora-
7 tion, and in accordance with law, and to make such con-
8 tracts and commitments without regard to fiscal year limi-
9 tations, as provided by section 104 of the Government
10 Corporation Control Act, as may be necessary in carrying
11 out the program for the current fiscal year for such cor-
12 poration: *Provided*, That none of the funds available dur-
13 ing the current fiscal year may be used to make expendi-
14 tures, contracts, or commitments for the export of nuclear
15 equipment, fuel, or technology to any country, other than
16 a nuclear-weapon state as defined in Article IX of the
17 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
18 ble to receive economic or military assistance under this
19 Act, that has detonated a nuclear explosive after the date
20 of the enactment of this Act: *Provided further*, That not-
21 withstanding section 1(c) of Public Law 103–428, as
22 amended, sections 1(a) and (b) of Public Law 103–428
23 shall remain in effect through October 1, 2006.

24 SUBSIDY APPROPRIATION

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

1 the Export-Import Bank Act of 1945, as amended,
2 \$125,000,000, to remain available until September 30,
3 2009: *Provided*, That such costs, including the cost of
4 modifying such loans, shall be as defined in section 502
5 of the Congressional Budget Act of 1974: *Provided fur-*
6 *ther*, That such sums shall remain available until Sep-
7 tember 30, 2024, for the disbursement of direct loans,
8 loan guarantees, insurance and tied-aid grants obligated
9 in fiscal years 2006, 2007, 2008, and 2009: *Provided fur-*
10 *ther*, That none of the funds appropriated by this Act or
11 any prior Act appropriating funds for foreign operations,
12 export financing, and related programs for tied-aid credits
13 or grants may be used for any other purpose except
14 through the regular notification procedures of the Com-
15 mittees on Appropriations: *Provided further*, That funds
16 appropriated by this paragraph are made available not-
17 withstanding section 2(b)(2) of the Export-Import Bank
18 Act of 1945, in connection with the purchase or lease of
19 any product by any Eastern European country, any Baltic
20 State or any agency or national thereof.

21 ADMINISTRATIVE EXPENSES

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

1 Board of Directors, \$73,200,000: *Provided*, That the Ex-
2 port-Import Bank may accept, and use, payment or serv-
3 ices provided by transaction participants for legal, finan-
4 cial, or technical services in connection with any trans-
5 action for which an application for a loan, guarantee or
6 insurance commitment has been made: *Provided further*,
7 That, notwithstanding subsection (b) of section 117 of the
8 Export Enhancement Act of 1992, subsection (a) thereof
9 shall remain in effect until October 1, 2006.

10 OVERSEAS PRIVATE INVESTMENT CORPORATION

11 NONCREDIT ACCOUNT

12 The Overseas Private Investment Corporation is au-
13 thorized to make, without regard to fiscal year limitations,
14 as provided by 31 U.S.C. 9104, such expenditures and
15 commitments within the limits of funds available to it and
16 in accordance with law as may be necessary: *Provided*,
17 That the amount available for administrative expenses to
18 carry out the credit and insurance programs (including an
19 amount for official reception and representation expenses
20 which shall not exceed \$35,000) shall not exceed
21 \$42,274,000: *Provided further*, That project-specific trans-
22 action costs, including direct and indirect costs incurred
23 in claims settlements, and other direct costs associated
24 with services provided to specific investors or potential in-
25 vestors pursuant to section 234 of the Foreign Assistance

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

3 PROGRAM ACCOUNT

4 For the cost of direct and guaranteed loans,
5 \$20,276,000, as authorized by section 234 of the Foreign
6 Assistance Act of 1961, to be derived by transfer from
7 the Overseas Private Investment Corporation Non-Credit
8 Account: *Provided*, That such costs, including the cost of
9 modifying such loans, shall be as defined in section 502
10 of the Congressional Budget Act of 1974: *Provided fur-*
11 *ther*, That such sums shall be available for direct loan obli-
12 gations and loan guaranty commitments incurred or made
13 during fiscal years 2006 and 2007: *Provided further*, That
14 such sums shall remain available through fiscal year 2014
15 for the disbursement of direct and guaranteed loans obli-
16 gated in fiscal year 2006, and through fiscal year 2015
17 for the disbursement of direct and guaranteed loans obli-
18 gated in fiscal year 2007: *Provided further*, That notwith-
19 standing any provision of the Foreign Assistance Act of
20 1961, the Overseas Private Investment Corporation is au-
21 thorized to undertake any program authorized by title IV
22 of the Foreign Assistance Act of 1961 in Iraq: *Provided*
23 *further*, That funds made available pursuant to the author-
24 ity of the previous proviso shall be subject to the regular
25 notification procedures of the Committees on Appropria-
26 tions.

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

7 FUNDS APPROPRIATED TO THE PRESIDENT

8 TRADE AND DEVELOPMENT AGENCY

9 For necessary expenses to carry out the provisions
10 of section 661 of the Foreign Assistance Act of 1961,
11 \$50,900,000, to remain available until September 30,
12 2007.

13 TITLE II—BILATERAL ECONOMIC ASSISTANCE

14 FUNDS APPROPRIATED TO THE PRESIDENT

15 For expenses necessary to enable the President to
16 carry out the provisions of the Foreign Assistance Act of
17 1961, and for other purposes, to remain available until
18 September 30, 2006, unless otherwise specified herein, as
19 follows:

20 UNITED STATES AGENCY FOR INTERNATIONAL

21 DEVELOPMENT

22 CHILD SURVIVAL AND HEALTH PROGRAMS FUND

23 (INCLUDING TRANSFER OF FUNDS)

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

1 ning/reproductive health activities, in addition to funds
2 otherwise available for such purposes, \$1,497,000,000, to
3 remain available until September 30, 2007: *Provided*,
4 That this amount shall be made available for such activi-
5 ties as: (1) immunization programs; (2) oral rehydration
6 programs; (3) health, nutrition, water and sanitation pro-
7 grams which directly address the needs of mothers and
8 children, and related education programs; (4) assistance
9 for children displaced or orphaned by causes other than
10 AIDS; (5) programs for the prevention, treatment, control
11 of, and research on HIV/AIDS, tuberculosis, polio, ma-
12 laria, and other infectious diseases, and for assistance to
13 communities severely affected by HIV/AIDS, including
14 children displaced or orphaned by AIDS; and (6) family
15 planning/reproductive health: *Provided further*, That none
16 of the funds appropriated under this heading may be made
17 available for nonproject assistance, except that funds may
18 be made available for such assistance for ongoing health
19 activities: *Provided further*, That of the funds appropriated
20 under this heading, not to exceed \$250,000, in addition
21 to funds otherwise available for such purposes, may be
22 used to monitor and provide oversight of child survival,
23 maternal and family planning/reproductive health, and in-
24 fectionous disease programs: *Provided further*, That the fol-
25 lowing amounts should be allocated as follows:

1 \$347,000,000 for child survival and maternal health;
2 \$25,000,000 for vulnerable children; \$350,000,000 for
3 HIV/AIDS; \$200,000,000 for other infectious diseases;
4 and \$375,000,000 for family planning/reproductive health,
5 including in areas where population growth threatens bio-
6 diversity or endangered species: *Provided further*, That of
7 the funds appropriated under this heading, and in addition
8 to funds allocated under the previous proviso, not less
9 than \$200,000,000 shall be made available for a United
10 States contribution to the Global Fund to Fight AIDS,
11 Tuberculosis and Malaria (the “Global Fund”), and shall
12 be expended at the minimum rate necessary to make time-
13 ly payment for projects and activities: *Provided further*,
14 That up to 5 percent of the aggregate amount of funds
15 made available to the Global Fund in fiscal year 2006 may
16 be made available to the United States Agency for Inter-
17 national Development for technical assistance related to
18 the activities of the Global Fund: *Provided further*, That
19 of the funds appropriated under this heading,
20 \$65,000,000 should be made available for a United States
21 contribution to The Vaccine Fund, and up to \$6,000,000
22 may be transferred to and merged with funds appropriated
23 by this Act under the heading “Operating Expenses of the
24 United States Agency for International Development” for
25 costs directly related to international health, but funds

1 made available for such costs may not be derived from
2 amounts made available for contribution under this and
3 preceding provisos: *Provided further*, That none of the
4 funds made available in this Act nor any unobligated bal-
5 ances from prior appropriations may be made available to
6 any organization or program which, as determined by the
7 President of the United States, supports or participates
8 in the management of a program of coercive abortion or
9 involuntary sterilization: *Provided further*, That none of
10 the funds made available under this Act may be used to
11 pay for the performance of abortion as a method of family
12 planning or to motivate or coerce any person to practice
13 abortions: *Provided further*, That nothing in this para-
14 graph shall be construed to alter any existing statutory
15 prohibitions against abortion under section 104 of the
16 Foreign Assistance Act of 1961: *Provided further*, That
17 none of the funds made available under this Act may be
18 used to lobby for or against abortion: *Provided further*,
19 That in order to reduce reliance on abortion in developing
20 nations, funds shall be available only to voluntary family
21 planning projects which offer, either directly or through
22 referral to, or information about access to, a broad range
23 of family planning methods and services, and that any
24 such voluntary family planning project shall meet the fol-
25 lowing requirements: (1) service providers or referral

1 agents in the project shall not implement or be subject
2 to quotas, or other numerical targets, of total number of
3 births, number of family planning acceptors, or acceptors
4 of a particular method of family planning (this provision
5 shall not be construed to include the use of quantitative
6 estimates or indicators for budgeting and planning pur-
7 poses); (2) the project shall not include payment of incen-
8 tives, bribes, gratuities, or financial reward to: (A) an indi-
9 vidual in exchange for becoming a family planning accep-
10 tor; or (B) program personnel for achieving a numerical
11 target or quota of total number of births, number of fam-
12 ily planning acceptors, or acceptors of a particular method
13 of family planning; (3) the project shall not deny any right
14 or benefit, including the right of access to participate in
15 any program of general welfare or the right of access to
16 health care, as a consequence of any individual's decision
17 not to accept family planning services; (4) the project shall
18 provide family planning acceptors comprehensible infor-
19 mation on the health benefits and risks of the method cho-
20 sen, including those conditions that might render the use
21 of the method inadvisable and those adverse side effects
22 known to be consequent to the use of the method; and
23 (5) the project shall ensure that experimental contracep-
24 tive drugs and devices and medical procedures are pro-
25 vided only in the context of a scientific study in which

1 participants are advised of potential risks and benefits;
2 and, not less than 60 days after the date on which the
3 Administrator of the United States Agency for Inter-
4 national Development determines that there has been a
5 violation of the requirements contained in paragraph (1),
6 (2), (3), or (5) of this proviso, or a pattern or practice
7 of violations of the requirements contained in paragraph
8 (4) of this proviso, the Administrator shall submit to the
9 Committees on Appropriations a report containing a de-
10 scription of such violation and the corrective action taken
11 by the Agency: *Provided further*, That in awarding grants
12 for natural family planning under section 104 of the For-
13 eign Assistance Act of 1961 no applicant shall be discrimi-
14 nated against because of such applicant's religious or con-
15 scientious commitment to offer only natural family plan-
16 ning; and, additionally, all such applicants shall comply
17 with the requirements of the previous proviso: *Provided*
18 *further*, That for purposes of this or any other Act author-
19 izing or appropriating funds for foreign operations, export
20 financing, and related programs, the term "motivate", as
21 it relates to family planning assistance, shall not be con-
22 strued to prohibit the provision, consistent with local law,
23 of information or counseling about all pregnancy options:
24 *Provided further*, That to the maximum extent feasible,
25 taking into consideration cost, timely availability, and best

1 health practices, funds appropriated in this Act or prior
2 appropriations Acts that are made available for condom
3 procurement shall be made available only for the procure-
4 ment of condoms manufactured in the United States: *Pro-*
5 *vided further*, That information provided about the use of
6 condoms as part of projects or activities that are funded
7 from amounts appropriated by this Act shall be medically
8 accurate and shall include the public health benefits and
9 failure rates of such use.

10 DEVELOPMENT ASSISTANCE

11 For necessary expenses of the United States Agency
12 for International Development to carry out the provisions
13 of sections 103, 105, 106, and subtitle A of title VI of
14 chapter II, and chapter 10 of part I of the Foreign Assist-
15 ance Act of 1961, \$1,460,000,000, to remain available
16 until September 30, 2007: *Provided*, That \$214,000,000
17 should be allocated for trade capacity building, of which
18 at least \$20,000,000 shall be made available for labor and
19 environmental capacity building activities relating to the
20 free trade agreement with the countries of Central Amer-
21 ica and the Dominican Republic: *Provided further*, That
22 \$365,000,000 should be allocated for basic education: *Pro-*
23 *vided further*, That of the funds appropriated under this
24 heading and managed by the United States Agency for
25 International Development Bureau of Democracy, Con-
26 flict, and Humanitarian Assistance, not less than

1 \$15,000,000 shall be made available only for programs to
2 improve women's leadership capacity in recipient coun-
3 tries: *Provided further*, That such funds may not be made
4 available for construction: *Provided further*, That of the
5 funds appropriated under this heading that are made
6 available for assistance programs for displaced and or-
7 phaned children and victims of war, not to exceed
8 \$37,500, in addition to funds otherwise available for such
9 purposes, may be used to monitor and provide oversight
10 of such programs: *Provided further*, That funds appro-
11 priated under this heading should be made available for
12 programs in sub-Saharan Africa to address sexual and
13 gender-based violence: *Provided further*, That up to
14 \$15,000,000 should be made available for drinking water
15 supply projects in east Africa.

16 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

17 For necessary expenses of the United States Agency
18 for International Development to carry out the provisions
19 of section 491 of the Foreign Assistance Act of 1961 for
20 international disaster relief, rehabilitation, and recon-
21 struction assistance, \$356,000,000, to remain available
22 until expended of which \$20,000,000 should be for famine
23 prevention and relief.

24 TRANSITION INITIATIVES

25 For necessary expenses for international disaster re-
26 habilitation and reconstruction assistance pursuant to sec-

1 tion 491 of the Foreign Assistance Act of 1961,
2 \$50,000,000, to remain available until expended, to sup-
3 port transition to democracy and to long-term develop-
4 ment of countries in crisis: *Provided*, That such support
5 may include assistance to develop, strengthen, or preserve
6 democratic institutions and processes, revitalize basic in-
7 frastructure, and foster the peaceful resolution of conflict:
8 *Provided further*, That the United States Agency for Inter-
9 national Development shall submit a report to the Com-
10 mittees on Appropriations at least 5 days prior to begin-
11 ning a new program of assistance: *Provided further*, That
12 if the President determines that is important to the na-
13 tional interests of the United States to provide transition
14 assistance in excess of the amount appropriated under this
15 heading, up to \$15,000,000 of the funds appropriated by
16 this Act to carry out the provisions of part I of the For-
17 eign Assistance Act of 1961 may be used for purposes of
18 this heading and under the authorities applicable to funds
19 appropriated under this heading: *Provided further*, That
20 funds made available pursuant to the previous proviso
21 shall be made available subject to prior consultation with
22 the Committees on Appropriations.

23 DEVELOPMENT CREDIT AUTHORITY

24 (INCLUDING TRANSFER OF FUNDS)

25 For the cost of direct loans and loan guarantees pro-
26 vided by the United States Agency for International De-

1 velopment, as authorized by sections 256 and 635 of the
2 Foreign Assistance Act of 1961, up to \$21,000,000, to
3 remain available until September 30, 2008, may be de-
4 rived by transfer from funds appropriated by this Act to
5 carry out part I of such Act and under the heading “As-
6 sistance for Eastern Europe and the Baltic States”: *Pro-*
7 *vided*, That such funds shall be made available only for
8 micro and small enterprise programs, urban programs,
9 and other programs which further the purposes of part
10 I of the Act: *Provided further*, That such costs, including
11 the cost of modifying such direct and guaranteed loans,
12 shall be as defined in section 502 of the Congressional
13 Budget Act of 1974, as amended: *Provided further*, That
14 funds made available by this paragraph may be used for
15 the cost of modifying any such guaranteed loans under
16 this Act or prior Acts, and funds used for such costs shall
17 be subject to the regular notification procedures of the
18 Committees on Appropriations: *Provided further*, That the
19 provisions of section 107A(d) (relating to general provi-
20 sions applicable to the Development Credit Authority) of
21 the Foreign Assistance Act of 1961, as contained in sec-
22 tion 306 of H.R. 1486 as reported by the House Com-
23 mittee on International Relations on May 9, 1997, shall
24 be applicable to direct loans and loan guarantees provided
25 under this heading: *Provided further*, That these funds are

1 available to subsidize total loan principal, any portion of
2 which is to be guaranteed, of up to \$700,000,000.

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

11 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
12 DISABILITY FUND

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

16 OPERATING EXPENSES OF THE UNITED STATES AGENCY
17 FOR INTERNATIONAL DEVELOPMENT

18 For necessary expenses to carry out the provisions
19 of section 667 of the Foreign Assistance Act of 1961,
20 \$630,000,000, of which up to \$25,000,000 may remain
21 available until September 30, 2007: *Provided*, That none
22 of the funds appropriated under this heading and under
23 the heading “Capital Investment Fund” may be made
24 available to finance the construction (including architect
25 and engineering services), purchase, or long-term lease of
26 offices for use by the United States Agency for Inter-

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

1 CAPITAL INVESTMENT FUND

2 For necessary expenses for overseas construction and
3 related costs, and for the procurement and enhancement
4 of information technology and related capital investments,
5 pursuant to section 667 of the Foreign Assistance Act of
6 1961, \$77,700,000, to remain available until expended:
7 *Provided*, That this amount is in addition to funds other-
8 wise available for such purposes: *Provided further*, That
9 funds appropriated under this heading shall be available
10 for obligation only pursuant to the regular notification
11 procedures of the Committees on Appropriations: *Provided*
12 *further*, That of the amounts appropriated under this
13 heading, not to exceed \$55,800,000 may be made available
14 for the purposes of implementing the Capital Security
15 Cost Sharing Program: *Provided further*, That the Admin-
16 istrator of the United States Agency for International De-
17 velopment shall assess fair and reasonable rental pay-
18 ments for the use of space by employees of other United
19 States Government agencies in buildings constructed
20 using funds appropriated under this heading, and such
21 rental payments shall be deposited into this account as
22 an offsetting collection: *Provided further*, That the rental
23 payments collected pursuant to the previous proviso and
24 deposited as an offsetting collection shall be available for
25 obligation only pursuant to the regular notification proce-

1 dures of the Committees on Appropriations: *Provided fur-*
2 *ther*, That the assignment of United States Government
3 employees or contractors to space in buildings constructed
4 using funds appropriated under this heading shall be sub-
5 ject to the concurrence of the Administrator of the United
6 States Agency for International Development.

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

10 For necessary expenses to carry out the provisions
11 of section 667 of the Foreign Assistance Act of 1961,
12 \$36,000,000, to remain available until September 30,
13 2007, which sum shall be available for the Office of the
14 Inspector General of the United States Agency for Inter-
15 national Development.

16 OTHER BILATERAL ECONOMIC ASSISTANCE
17 ECONOMIC SUPPORT FUND
18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses to carry out the provisions
20 of chapter 4 of part II, \$2,558,525,000, to remain avail-
21 able until September 30, 2007: *Provided*, That of the
22 funds appropriated under this heading, not less than
23 \$240,000,000 shall be available only for Israel, which sum
24 shall be available on a grant basis as a cash transfer and
25 shall be disbursed within 30 days of the enactment of this
26 Act: *Provided further*, That not less than \$495,000,000

1 shall be available only for Egypt, which sum shall be pro-
2 vided on a grant basis, and of which sum cash transfer
3 assistance shall be provided with the understanding that
4 Egypt will undertake significant economic reforms which
5 are additional to those which were undertaken in previous
6 fiscal years: *Provided further*, That of the funds made
7 available under this heading for Egypt, not less than
8 \$50,000,000 shall be used for programs to improve and
9 promote democracy, governance, and human rights and
10 not less than \$50,000,000 shall be used for education pro-
11 grams: *Provided further*, That with respect to the provision
12 of assistance for Egypt for democracy and governance ac-
13 tivities, the organizations implementing such assistance
14 and the specific nature of that assistance shall not be sub-
15 ject to the prior approval by the Government of Egypt:
16 *Provided further*, That in exercising the authority to pro-
17 vide cash transfer assistance for Israel, the President shall
18 ensure that the level of such assistance does not cause an
19 adverse impact on the total level of nonmilitary exports
20 from the United States to such country and that Israel
21 enters into a side letter agreement in an amount propor-
22 tional to the fiscal year 1999 agreement: *Provided further*,
23 That of the funds appropriated under this heading, not
24 less than \$250,000,000 should be made available only for
25 assistance for Jordan: *Provided further*, That \$20,000,000

1 of the funds appropriated under this heading should be
2 made available for Cyprus to be used only for scholarships,
3 administrative support of the scholarship program,
4 bicommunal projects, and measures aimed at reunification
5 of the island and designed to reduce tensions and promote
6 peace and cooperation between the two communities on
7 Cyprus: *Provided further*, That \$40,000,000 of the funds
8 appropriated under this heading should be made available
9 for assistance for Lebanon, of which not less than
10 \$6,000,000 should be made available for scholarships and
11 direct support of American educational institutions in
12 Lebanon: *Provided further*, That funds appropriated under
13 this heading that are made available for a Middle East
14 Financing Facility, Middle East Enterprise Fund, or any
15 other similar entity in the Middle East shall be subject
16 to the regular notification procedures of the Committees
17 on Appropriations: *Provided further*, That not more than
18 \$225,000,000 of the funds made available for assistance
19 for Afghanistan under this heading may be obligated for
20 such assistance until the Secretary of State certifies to the
21 Committees on Appropriations, that the Government of
22 Afghanistan at both the national and local level, is cooper-
23 ating fully with United States funded poppy eradication
24 and interdiction efforts in Afghanistan: *Provided further*,
25 That with respect to funds appropriated under this head-

1 ing in this Act or prior Acts making appropriations for
2 foreign operations, export financing, and related pro-
3 grams, the responsibility for policy decisions and justifica-
4 tions for the use of such funds, including whether there
5 will be a program for a country that uses those funds and
6 the amount of each such program, shall be the responsi-
7 bility of the Secretary of State and the Deputy Secretary
8 of State and this responsibility shall not be delegated.

9 INTERNATIONAL FUND FOR IRELAND

10 For necessary expenses to carry out the provisions
11 of chapter 4 of part II of the Foreign Assistance Act of
12 1961, \$13,500,000, which shall be available for the United
13 States contribution to the International Fund for Ireland
14 and shall be made available in accordance with the provi-
15 sions of the Anglo-Irish Agreement Support Act of 1986
16 (Public Law 99–415): *Provided*, That such amount shall
17 be expended at the minimum rate necessary to make time-
18 ly payment for projects and activities: *Provided further*,
19 That funds made available under this heading shall re-
20 main available until September 30, 2007.

21 ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC
22 STATES

23 (a) For necessary expenses to carry out the provisions
24 of the Foreign Assistance Act of 1961 and the Support
25 for East European Democracy (SEED) Act of 1989,
26 \$357,000,000, to remain available until September 30,

1 2007, which shall be available, notwithstanding any other
2 provision of law that restricts assistance to foreign coun-
3 tries and section 660 of the Foreign Assistance Act of
4 1961, for assistance and for related programs for Eastern
5 Europe and the Baltic States.

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

11 (c) The provisions of section 529 of this Act shall
12 apply to funds appropriated under this heading: *Provided*,
13 That local currencies generated by, or converted from,
14 funds appropriated by this Act and by previous appropria-
15 tions Acts and made available for the economic revitaliza-
16 tion program in Bosnia may be used in Eastern Europe
17 and the Baltic States to carry out the provisions of the
18 Foreign Assistance Act of 1961 and the Support for East
19 European Democracy (SEED) Act of 1989.

20 (d) The President is authorized to withhold funds ap-
21 propriated under this heading made available for economic
22 revitalization programs in Bosnia and Herzegovina, if he
23 determines and certifies to the Committees on Appropria-
24 tions that the Federation of Bosnia and Herzegovina has
25 not complied with article III of annex 1–A of the General

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

7 ASSISTANCE FOR THE INDEPENDENT STATES OF THE
8 FORMER SOVIET UNION

9 (a) For necessary expenses to carry out the provisions
10 of chapters 11 and 12 of part I of the Foreign Assistance
11 Act of 1961 and the FREEDOM Support Act, for assist-
12 ance for the Independent States of the former Soviet
13 Union and for related programs, \$477,000,000, to remain
14 available until September 30, 2007: *Provided*, That the
15 provisions of such chapters shall apply to funds appro-
16 priated by this paragraph: *Provided further*, That, not-
17 withstanding any provision of the Freedom Support Act
18 of 1992, funds appropriated under this heading in this Act
19 or prior Acts making appropriations for foreign oper-
20 ations, export financing, and related programs, that are
21 made available pursuant to the provisions of section 807
22 of Public Law 102–511 shall be subject to a 6 percent
23 ceiling on administrative expenses.

24 (b) Of the funds appropriated under this heading, not
25 less than \$52,000,000 should be made available, in addi-
26 tion to funds otherwise available for such purposes, for

1 assistance for child survival, environmental and reproduc-
2 tive health, and to combat HIV/AIDS, tuberculosis and
3 other infectious diseases, and for related activities.

4 (c)(1) Of the funds appropriated under this heading
5 that are allocated for assistance for the Government of
6 the Russian Federation, 60 percent shall be withheld from
7 obligation until the President determines and certifies in
8 writing to the Committees on Appropriations that the Gov-
9 ernment of the Russian Federation—

10 (A) has terminated implementation of arrange-
11 ments to provide Iran with technical expertise, train-
12 ing, technology, or equipment necessary to develop a
13 nuclear reactor, related nuclear research facilities or
14 programs, or ballistic missile capability; and

15 (B) is providing full access to international non-
16 government organizations providing humanitarian
17 relief to refugees and internally displaced persons in
18 Chechnya.

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

20 (A) assistance to combat infectious diseases,
21 child survival activities, or assistance for victims of
22 trafficking in persons; and

23 (B) activities authorized under title V (Non-
24 proliferation and Disarmament Programs and Ac-
25 tivities) of the FREEDOM Support Act.

1 (d) Section 907 of the FREEDOM Support Act shall
2 not apply to—

3 (1) activities to support democracy or assist-
4 ance under title V of the FREEDOM Support Act
5 and section 1424 of Public Law 104–201 or non-
6 proliferation assistance;

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

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

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

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

20 (6) humanitarian assistance.

21 INDEPENDENT AGENCIES

22 INTER-AMERICAN FOUNDATION

23 For necessary expenses to carry out the functions of
24 the Inter-American Foundation in accordance with the
25 provisions of section 401 of the Foreign Assistance Act

1 of 1969, \$19,500,000, to remain available until September
2 30, 2007.

3 AFRICAN DEVELOPMENT FOUNDATION

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

20 PEACE CORPS

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out the provisions
23 of the Peace Corps Act (75 Stat. 612), including the pur-
24 chase of not to exceed five passenger motor vehicles for
25 administrative purposes for use outside of the United
26 States, \$325,000,000, to remain available until September

1 30, 2007: *Provided*, That none of the funds appropriated
2 under this heading shall be used to pay for abortions: *Pro-*
3 *vided further*, That the Director may transfer to the For-
4 eign Currency Fluctuations Account, as authorized by 22
5 U.S.C. 2515, an amount not to exceed \$2,000,000: *Pro-*
6 *vided further*, That funds transferred pursuant to the pre-
7 vious proviso may not be derived from amounts made
8 available for Peace Corps overseas operations.

9 MILLENNIUM CHALLENGE CORPORATION

10 For necessary expenses for the “Millennium Chal-
11 lenge Corporation”, \$1,750,000,000 to remain available
12 until expended: *Provided*, That of the funds appropriated
13 under this heading, up to \$75,000,000 may be available
14 for administrative expenses of the Millennium Challenge
15 Corporation: *Provided further*, That up to 10 percent of
16 the funds appropriated under this heading may be made
17 available to carry out the purposes of section 616 of the
18 Millennium Challenge Act of 2003: *Provided further*, That
19 none of the funds available to carry out section 616 of
20 such Act may be made available until the Chief Executive
21 Officer of the Millennium Challenge Corporation provides
22 a report to the Committees on Appropriations listing the
23 candidate countries that will be receiving assistance under
24 section 616 of such Act, the level of assistance proposed
25 for each such country, a description of the proposed pro-
26 grams, projects and activities, and the implementing agen-

1 cy or agencies of the United States Government: *Provided*
2 *further*, That section 605(e)(4) of the Millennium Chal-
3 lenge Act of 2003 shall apply to funds appropriated under
4 this heading: *Provided further*, That funds appropriated
5 under this heading may be made available for a Millen-
6 nium Challenge Compact entered into pursuant to section
7 609 of the Millennium Challenge Act of 2003 only if such
8 Compact obligates, or contains a commitment to obligate
9 subject to the availability of funds and the mutual agree-
10 ment of the parties to the Compact to proceed, the entire
11 amount of the United States Government funding antici-
12 pated for the duration of the Compact.

13 DEPARTMENT OF STATE

14 GLOBAL HIV/AIDS INITIATIVE

15 For necessary expenses to carry out the provisions
16 of the Foreign Assistance Act of 1961 for the prevention,
17 treatment, and control of, and research on, HIV/AIDS,
18 \$1,920,000,000, to remain available until expended: *Pro-*
19 *vided*, That of the funds appropriated under this heading,
20 not less than \$200,000,000 shall be made available for
21 a United States Contribution to the Global Fund to Fight
22 AIDS, Tuberculosis and Malaria (the “Global Fund”),
23 and shall be expended at the minimum rate necessary to
24 make timely payment for projects and activities: *Provided*
25 *further*, That not more than \$12,000,000 of the funds ap-

1 appropriated under this heading may be made available for
2 administrative expenses of the Office of the Coordinator
3 of United States Government Activities to Combat HIV/
4 AIDS Globally of the Department of State.

5 INTERNATIONAL NARCOTICS CONTROL AND LAW
6 ENFORCEMENT

7 For necessary expenses to carry out section 481 of
8 the Foreign Assistance Act of 1961, \$437,400,000, to re-
9 main available until September 30, 2008: *Provided*, That
10 during fiscal year 2006, the Department of State may also
11 use the authority of section 608 of the Foreign Assistance
12 Act of 1961, without regard to its restrictions, to receive
13 excess property from an agency of the United States Gov-
14 ernment for the purpose of providing it to a foreign coun-
15 try under chapter 8 of part I of that Act subject to the
16 regular notification procedures of the Committees on Ap-
17 propriations: *Provided further*, That the Secretary of State
18 shall provide to the Committees on Appropriations not
19 later than 45 days after the date of the enactment of this
20 Act and prior to the initial obligation of funds appro-
21 priated under this heading, a report on the proposed uses
22 of all funds under this heading on a country-by-country
23 basis for each proposed program, project, or activity: *Pro-*
24 *vided further*, That \$10,000,000 of the funds appropriated
25 under this heading should be made available for demand
26 reduction programs: *Provided further*, That of the funds

1 appropriated under this heading, not more than
2 \$33,484,000 may be available for administrative expenses.

3 ANDEAN COUNTERDRUG INITIATIVE

4 For necessary expenses to carry out section 481 of
5 the Foreign Assistance Act of 1961 to support
6 counterdrug activities in the Andean region of South
7 America, \$734,500,000, to remain available until Sep-
8 tember 30, 2008: *Provided*, That in fiscal year 2006,
9 funds available to the Department of State for assistance
10 to the Government of Colombia shall be available to sup-
11 port a unified campaign against narcotics trafficking,
12 against activities by organizations designated as terrorist
13 organizations such as the Revolutionary Armed Forces of
14 Colombia (FARC), the National Liberation Army (ELN),
15 and the United Self-Defense Forces of Colombia (AUC),
16 and to take actions to protect human health and welfare
17 in emergency circumstances, including undertaking rescue
18 operations: *Provided further*, That this authority shall
19 cease to be effective if the Secretary of State has credible
20 evidence that the Colombian Armed Forces are not con-
21 ducting vigorous operations to restore government author-
22 ity and respect for human rights in areas under the effec-
23 tive control of paramilitary and guerrilla organizations:
24 *Provided further*, That the President shall ensure that if
25 any helicopter procured with funds under this heading is
26 used to aid or abet the operations of any illegal self-de-

1 fense group or illegal security cooperative, such helicopter
2 shall be immediately returned to the United States: *Pro-*
3 *vided further*, That the Secretary of State, in consultation
4 with the Administrator of the United States Agency for
5 International Development, shall provide to the Commit-
6 tees on Appropriations not later than 45 days after the
7 date of the enactment of this Act and prior to the initial
8 obligation of funds appropriated under this heading, a re-
9 port on the proposed uses of all funds under this heading
10 on a country-by-country basis for each proposed program,
11 project, or activity: *Provided further*, That funds made
12 available in this Act for demobilization/reintegration of
13 members of foreign terrorist organizations in Colombia
14 shall be subject to prior consultation with, and the regular
15 notification procedures of, the Committees on Appropria-
16 tions: *Provided further*, That section 482(b) of the Foreign
17 Assistance Act of 1961 shall not apply to funds appro-
18 priated under this heading: *Provided further*, That assist-
19 ance provided with funds appropriated under this heading
20 that is made available notwithstanding section 482(b) of
21 the Foreign Assistance Act of 1961 shall be made avail-
22 able subject to the regular notification procedures of the
23 Committees on Appropriations: *Provided further*, That no
24 United States Armed Forces personnel or United States
25 civilian contractor employed by the United States will par-

1 ticipate in any combat operation in connection with assist-
2 ance made available by this Act for Colombia: *Provided*
3 *further*, That of the funds appropriated under this head-
4 ing, not more than \$19,015,000 may be available for ad-
5 ministrative expenses of the Department of State, and not
6 more than \$7,800,000 may be available, in addition to
7 amounts otherwise available for such purposes, for admin-
8 istrative expenses of the United States Agency for Inter-
9 national Development.

10 MIGRATION AND REFUGEE ASSISTANCE

11 For expenses, not otherwise provided for, necessary
12 to enable the Secretary of State to provide, as authorized
13 by law, a contribution to the International Committee of
14 the Red Cross, assistance to refugees, including contribu-
15 tions to the International Organization for Migration and
16 the United Nations High Commissioner for Refugees, and
17 other activities to meet refugee and migration needs; sala-
18 ries and expenses of personnel and dependents as author-
19 ized by the Foreign Service Act of 1980; allowances as
20 authorized by sections 5921 through 5925 of title 5,
21 United States Code; purchase and hire of passenger motor
22 vehicles; and services as authorized by section 3109 of title
23 5, United States Code, \$790,720,000, which shall remain
24 available until expended: *Provided*, That not more than
25 \$22,000,000 may be available for administrative expenses:
26 *Provided further*, That funds appropriated under this

1 heading may be made available for a headquarters con-
2 tribution to the International Committee of the Red Cross
3 only if the Secretary of State determines (and so reports
4 to the appropriate committees of Congress) that the
5 Magen David Adom Society of Israel is not being denied
6 participation in the activities of the International Red
7 Cross and Red Crescent Movement.

8 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
9 ASSISTANCE FUND

10 For necessary expenses to carry out the provisions
11 of section 2(c) of the Migration and Refugee Assistance
12 Act of 1962, as amended (22 U.S.C. 2601(c)),
13 \$30,000,000, to remain available until expended.

14 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
15 RELATED PROGRAMS

16 For necessary expenses for nonproliferation, anti-ter-
17 rorism, demining and related programs and activities,
18 \$400,350,000, to carry out the provisions of chapter 8 of
19 part II of the Foreign Assistance Act of 1961 for anti-
20 terrorism assistance, chapter 9 of part II of the Foreign
21 Assistance Act of 1961, section 504 of the FREEDOM
22 Support Act, section 23 of the Arms Export Control Act
23 or the Foreign Assistance Act of 1961 for demining activi-
24 ties, the clearance of unexploded ordnance, the destruction
25 of small arms, and related activities, notwithstanding any
26 other provision of law that restricts assistance to foreign

1 countries, including activities implemented through non-
2 governmental and international organizations, and section
3 301 of the Foreign Assistance Act of 1961 for a voluntary
4 contribution to the International Atomic Energy Agency
5 (IAEA), and for a United States contribution to the Com-
6 prehensive Nuclear Test Ban Treaty Preparatory Com-
7 mission: *Provided*, That of this amount not to exceed
8 \$37,500,000, to remain available until expended, may be
9 made available for the Nonproliferation and Disarmament
10 Fund, notwithstanding any other provision of law that re-
11 stricts assistance to foreign countries, to promote bilateral
12 and multilateral activities relating to nonproliferation and
13 disarmament: *Provided further*, That such funds may also
14 be used for such countries other than the Independent
15 States of the former Soviet Union and international orga-
16 nizations when it is in the national security interest of the
17 United States to do so: *Provided further*, That funds ap-
18 propriated under this heading may be made available for
19 the International Atomic Energy Agency only if the Sec-
20 retary of State determines (and so reports to the Con-
21 gress) that Israel is not being denied its right to partici-
22 pate in the activities of that Agency: *Provided further*,
23 That of the funds made available for demining and related
24 activities, not to exceed \$705,000, in addition to funds
25 otherwise available for such purposes, may be used for ad-

1 ministrative expenses related to the operation and man-
2 agement of the demining program: *Provided further*, That
3 funds appropriated under this heading that are available
4 for “Anti-terrorism Assistance” and “Export Control and
5 Border Security” shall remain available until September
6 30, 2007: *Provided further*, That funds appropriated
7 under this heading shall be made available for programs
8 and countries in the amounts contained in the table in-
9 cluded in the report accompanying this Act: *Provided fur-*
10 *ther*, That any proposed increases or decreases to the
11 amounts contained in such table shall be subject to the
12 regular notification procedures of the Committee on Ap-
13 propriations and section 634A of the Foreign Assistance
14 Act of 1961 and notifications shall be transmitted at least
15 15 days in advance of the obligation of funds.

16 DEPARTMENT OF THE TREASURY

17 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

18 For necessary expenses to carry out the provisions
19 of section 129 of the Foreign Assistance Act of 1961,
20 \$20,000,000, to remain available until September 30,
21 2009, which shall be available notwithstanding any other
22 provision of law that restricts assistance to foreign coun-
23 tries.

24 DEBT RESTRUCTURING

25 For the cost, as defined in section 502 of the Con-
26 gressional Budget Act of 1974, of modifying loans and

1 loan guarantees, as the President may determine, for
2 which funds have been appropriated or otherwise made
3 available for programs within the International Affairs
4 Budget Function 150, including the cost of selling, reduc-
5 ing, or canceling amounts owed to the United States as
6 a result of concessional loans made to eligible countries,
7 pursuant to parts IV and V of the Foreign Assistance Act
8 of 1961, of modifying concessional credit agreements with
9 least developed countries, as authorized under section 411
10 of the Agricultural Trade Development and Assistance Act
11 of 1954, as amended, of concessional loans, guarantees
12 and credit agreements, as authorized under section 572
13 of the Foreign Operations, Export Financing, and Related
14 Programs Appropriations Act, 1989 (Public Law 100–
15 461), and of canceling amounts owed, as a result of loans
16 or guarantees made pursuant to the Export-Import Bank
17 Act of 1945, by countries that are eligible for debt reduc-
18 tion pursuant to title V of H.R. 3425 as enacted into law
19 by section 1000(a)(5) of Public Law 106–113,
20 \$65,000,000, to remain available until September 30,
21 2008: *Provided*, That not less than \$20,000,000 of the
22 funds appropriated under this heading shall be made avail-
23 able to carry out the provisions of part V of the Foreign
24 Assistance Act of 1961: *Provided further*, That up to
25 \$45,000,000 of the funds appropriated under this heading

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

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

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

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

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

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

1 *Provided further*, That none of the funds made available
2 under this heading in this or any other appropriations Act
3 shall be made available for Sudan or Burma unless the
4 Secretary of the Treasury determines and notifies the
5 Committees on Appropriations that a democratically elect-
6 ed government has taken office.

7 TITLE III—MILITARY ASSISTANCE

8 FUNDS APPROPRIATED TO THE PRESIDENT

9 INTERNATIONAL MILITARY EDUCATION AND TRAINING

10 For necessary expenses to carry out the provisions
11 of section 541 of the Foreign Assistance Act of 1961,
12 \$86,744,000, of which up to \$3,000,000 may remain
13 available until expended: *Provided*, That the civilian per-
14 sonnel for whom military education and training may be
15 provided under this heading may include civilians who are
16 not members of a government whose participation would
17 contribute to improved civil-military relations, civilian con-
18 trol of the military, or respect for human rights: *Provided*
19 *further*, That funds appropriated under this heading for
20 military education and training for Nigeria may only be
21 provided through the regular notification procedures of the
22 Committees on Appropriations.

23 FOREIGN MILITARY FINANCING PROGRAM

24 (INCLUDING TRANSFER OF FUNDS)

25 For expenses necessary for grants to enable the
26 President to carry out the provisions of section 23 of the

1 Arms Export Control Act, \$4,442,300,000: *Provided*,
2 That of the funds appropriated under this heading, not
3 less than \$2,280,000,000 shall be available for grants only
4 for Israel, and not less than \$1,300,000,000 shall be made
5 available for grants only for Egypt: *Provided further*, That
6 the funds appropriated by this paragraph for Israel shall
7 be disbursed within 30 days of the enactment of this Act:
8 *Provided further*, That to the extent that the Government
9 of Israel requests that funds be used for such purposes,
10 grants made available for Israel by this paragraph shall,
11 as agreed by Israel and the United States, be available
12 for advanced weapons systems, of which not less than
13 \$595,000,000 shall be available for the procurement in
14 Israel of defense articles and defense services, including
15 research and development: *Provided further*, That of the
16 funds appropriated by this paragraph, \$206,000,000
17 should be made available for assistance for Jordan: *Pro-*
18 *vided further*, That funds appropriated or otherwise made
19 available by this paragraph shall be nonrepayable notwith-
20 standing any requirement in section 23 of the Arms Ex-
21 port Control Act: *Provided further*, That funds made avail-
22 able under this paragraph shall be obligated upon appor-
23 tionment in accordance with paragraph (5)(C) of title 31,
24 United States Code, section 1501(a).

1 None of the funds made available under this heading
2 shall be available to finance the procurement of defense
3 articles, defense services, or design and construction serv-
4 ices that are not sold by the United States Government
5 under the Arms Export Control Act unless the foreign
6 country proposing to make such procurements has first
7 signed an agreement with the United States Government
8 specifying the conditions under which such procurements
9 may be financed with such funds: *Provided*, That all coun-
10 try and funding level increases in allocations shall be sub-
11 mitted through the regular notification procedures of sec-
12 tion 515 of this Act: *Provided further*, That none of the
13 funds appropriated under this heading shall be available
14 for assistance for Sudan and Guatemala: *Provided further*,
15 That funds made available under this heading may be
16 used, notwithstanding any other provision of law that re-
17 stricts assistance to foreign countries, for demining, the
18 clearance of unexploded ordnance, and related activities,
19 and may include activities implemented through non-
20 governmental and international organizations: *Provided*
21 *further*, That only those countries for which assistance was
22 justified for the “Foreign Military Sales Financing Pro-
23 gram” in the fiscal year 1989 congressional presentation
24 for security assistance programs may utilize funds made
25 available under this heading for procurement of defense

1 articles, defense services or design and construction serv-
2 ices that are not sold by the United States Government
3 under the Arms Export Control Act: *Provided further,*
4 That funds appropriated under this heading shall be ex-
5 pended at the minimum rate necessary to make timely
6 payment for defense articles and services: *Provided fur-*
7 *ther,* That not more than \$41,600,000 of the funds appro-
8 priated under this heading may be obligated for necessary
9 expenses, including the purchase of passenger motor vehi-
10 cles for replacement only for use outside of the United
11 States, for the general costs of administering military as-
12 sistance and sales: *Provided further,* That not more than
13 \$373,000,000 of funds realized pursuant to section
14 21(e)(1)(A) of the Arms Export Control Act may be obli-
15 gated for expenses incurred by the Department of Defense
16 during fiscal year 2006 pursuant to section 43(b) of the
17 Arms Export Control Act, except that this limitation may
18 be exceeded only through the regular notification proce-
19 dures of the Committees on Appropriations: *Provided fur-*
20 *ther,* That foreign military financing program funds esti-
21 mated to be outlaid for Egypt during fiscal year 2006
22 shall be transferred to an interest bearing account for
23 Egypt in the Federal Reserve Bank of New York within
24 30 days of enactment of this Act.

1 PEACEKEEPING OPERATIONS

2 For necessary expenses to carry out the provisions
3 of section 551 of the Foreign Assistance Act of 1961,
4 \$177,800,000: *Provided*, That none of the funds appro-
5 priated under this heading shall be obligated or expended
6 except as provided through the regular notification proce-
7 dures of the Committees on Appropriations.

8 TITLE IV—MULTILATERAL ECONOMIC
9 ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 INTERNATIONAL FINANCIAL INSTITUTIONS

12 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT

13 ASSOCIATION

14 For payment to the International Development Asso-
15 ciation by the Secretary of the Treasury, \$950,000,000,
16 to remain available until expended.

17 CONTRIBUTION TO THE MULTILATERAL INVESTMENT

18 GUARANTEE AGENCY

19 For payment to the Multilateral Investment Guar-
20 antee Agency by the Secretary of the Treasury,
21 \$1,741,515, to remain available until expended.

22 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

23 The United States Governor of the Multilateral In-
24 vestment Guarantee Agency may subscribe without fiscal
25 year limitation to the callable capital portion of the United

1 States share of such capital in an amount not to exceed
2 \$8,126,527.

3 CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT
4 CORPORATION

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

8 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
9 MULTILATERAL INVESTMENT FUND

10 For payment to the Enterprise for the Americas Mul-
11 tilateral Investment Fund by the Secretary of the Treas-
12 ury, for the United States contribution to the fund,
13 \$1,741,515, to remain available until expended.

14 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

15 For the United States contribution by the Secretary
16 of the Treasury to the increase in resources of the Asian
17 Development Fund, as authorized by the Asian Develop-
18 ment Bank Act, as amended, \$115,250,000, to remain
19 available until expended.

20 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

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

1 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

2 The United States Governor of the African Develop-
3 ment Bank may subscribe without fiscal year limitation
4 for the callable capital portion of the United States share
5 of such capital stock in an amount not to exceed
6 \$88,333,855.

7 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

8 For the United States contribution by the Secretary
9 of the Treasury to the increase in resources of the African
10 Development Fund, \$135,700,000, to remain available
11 until expended.

12 CONTRIBUTION TO THE EUROPEAN BANK FOR

13 RECONSTRUCTION AND DEVELOPMENT

14 For payment to the European Bank for Reconstruc-
15 tion and Development by the Secretary of the Treasury,
16 \$1,015,677 for the United States share of the paid-in por-
17 tion of the increase in capital stock, to remain available
18 until expended.

19 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

1 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
2 AGRICULTURAL DEVELOPMENT

3 For the United States contribution by the Secretary
4 of the Treasury to increase the resources of the Inter-
5 national Fund for Agricultural Development,
6 \$15,000,000, to remain available until expended.

7 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

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

15 TITLE V—GENERAL PROVISIONS

16 COMPENSATION FOR UNITED STATES EXECUTIVE

17 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

18 SEC. 501. (a) No funds appropriated by this Act may
19 be made as payment to any international financial institu-
20 tion while the United States Executive Director to such
21 institution is compensated by the institution at a rate
22 which, together with whatever compensation such Director
23 receives from the United States, is in excess of the rate
24 provided for an individual occupying a position at level IV
25 of the Executive Schedule under section 5315 of title 5,
26 United States Code, or while any alternate United States

1 Director to such institution is compensated by the institu-
2 tion at a rate in excess of the rate provided for an indi-
3 vidual occupying a position at level V of the Executive
4 Schedule under section 5316 of title 5, United States
5 Code.

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

14 RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO
15 UNITED NATIONS AGENCIES

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

22 LIMITATION ON RESIDENCE EXPENSES

23 SEC. 503. Of the funds appropriated or made avail-
24 able pursuant to this Act, not to exceed \$100,500 shall
25 be for official residence expenses of the United States
26 Agency for International Development during the current

1 fiscal year: *Provided*, That appropriate steps shall be
 2 taken to assure that, to the maximum extent possible,
 3 United States-owned foreign currencies are utilized in lieu
 4 of dollars.

5 LIMITATION ON EXPENSES

6 SEC. 504. Of the funds appropriated or made avail-
 7 able pursuant to this Act, not to exceed \$5,000 shall be
 8 for entertainment expenses of the United States Agency
 9 for International Development during the current fiscal
 10 year.

11 LIMITATION ON REPRESENTATIONAL ALLOWANCES

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

1 and Training”, not to exceed \$55,000 shall be available
2 for entertainment allowances: *Provided further*, That of
3 the funds made available by this Act for the Inter-Amer-
4 ican Foundation, not to exceed \$2,000 shall be available
5 for entertainment and representation allowances: *Provided*
6 *further*, That of the funds made available by this Act for
7 the Peace Corps, not to exceed a total of \$4,000 shall be
8 available for entertainment expenses: *Provided further*,
9 That of the funds made available by this Act under the
10 heading “Trade and Development Agency”, not to exceed
11 \$4,000 shall be available for representation and entertain-
12 ment allowances: *Provided further*, That of the funds made
13 available by this Act under the heading “Millennium Chal-
14 lenge Corporation”, not to exceed \$115,000 shall be avail-
15 able for representation and entertainment allowances.

16 PROHIBITION ON TAXATION OF UNITED STATES

17 ASSISTANCE

18 SEC. 506. (a) PROHIBITION ON TAXATION.—None of
19 the funds appropriated by this Act may be made available
20 to provide assistance for a foreign country under a new
21 bilateral agreement governing the terms and conditions
22 under which such assistance is to be provided unless such
23 agreement includes a provision stating that assistance pro-
24 vided by the United States shall be exempt from taxation,
25 or reimbursed, by the foreign government, and the Sec-
26 retary of State shall expeditiously seek to negotiate

1 amendments to existing bilateral agreements, as nec-
2 essary, to conform with this requirement.

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

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

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

1 (e) DETERMINATIONS.—

2 (1) The provisions of this section shall not
3 apply to any country or entity the Secretary of State
4 determines—

5 (A) does not assess taxes on United States
6 assistance or which has an effective arrange-
7 ment that is providing substantial reimburse-
8 ment of such taxes; or

9 (B) the foreign policy interests of the
10 United States outweigh the policy of this sec-
11 tion to ensure that United States assistance is
12 not subject to taxation.

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

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

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

22 (1) the terms “taxes” and “taxation” refer to
23 value added taxes and customs duties imposed on
24 commodities financed with United States assistance

1 for programs for which funds are appropriated by
2 this Act; and

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

14 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
15 COUNTRIES

16 SEC. 507. None of the funds appropriated or other-
17 wise made available pursuant to this Act shall be obligated
18 or expended to finance directly any assistance or repara-
19 tions to Cuba, Libya, North Korea, Iran, or Syria: *Pro-*
20 *vided*, That for purposes of this section, except with re-
21 spect to Libya, the prohibition on obligations or expendi-
22 tures shall include direct loans, credits, insurance and
23 guarantees of the Export-Import Bank or its agents.

24 MILITARY COUPS

25 SEC. 508. None of the funds appropriated or other-
26 wise made available pursuant to this Act shall be obligated

1 or expended to finance directly any assistance to the gov-
2 ernment of any country whose duly elected head of govern-
3 ment is deposed by military coup or decree: *Provided*, That
4 assistance may be resumed to such government if the
5 President determines and certifies to the Committees on
6 Appropriations that subsequent to the termination of as-
7 sistance a democratically elected government has taken of-
8 fice: *Provided further*, That the provisions of this section
9 shall not apply to assistance to promote democratic elec-
10 tions or public participation in democratic processes: *Pro-*
11 *vided further*, That funds made available pursuant to the
12 previous provisos shall be subject to the regular notifica-
13 tion procedures of the Committees on Appropriations.

14 TRANSFERS

15 SEC. 509. (a)(1) LIMITATION ON TRANSFERS BE-
16 TWEEN AGENCIES.—None of the funds made available by
17 this Act may be transferred to any department, agency,
18 or instrumentality of the United States Government, ex-
19 cept pursuant to a transfer made by, or transfer authority
20 provided in, this Act or any other appropriation Act.

21 (2) Notwithstanding paragraph (1), in addition to
22 transfers made by, or authorized elsewhere in, this Act,
23 funds appropriated by this Act to carry out the purposes
24 of the Foreign Assistance Act of 1961 may be allocated
25 or transferred to agencies of the United States Govern-

1 ment pursuant to the provisions of sections 109, 610, and
2 632 of the Foreign Assistance Act of 1961.

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

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

1 COMMERCIAL LEASING OF DEFENSE ARTICLES

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

17 AVAILABILITY OF FUNDS

18 SEC. 511. No part of any appropriation contained in
19 this Act shall remain available for obligation after the ex-
20 piration of the current fiscal year unless expressly so pro-
21 vided in this Act: *Provided*, That funds appropriated for
22 the purposes of chapters 1, 8, 11, and 12 of part I, section
23 667, chapters 4, 6, 8, and 9 of part II of the Foreign
24 Assistance Act of 1961, section 23 of the Arms Export
25 Control Act, and funds provided under the heading “As-
26 sistance for Eastern Europe and the Baltic States”, shall

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

12 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

13 SEC. 512. No part of any appropriation contained in
14 this Act shall be used to furnish assistance to the govern-
15 ment of any country which is in default during a period
16 in excess of 1 calendar year in payment to the United
17 States of principal or interest on any loan made to the
18 government of such country by the United States pursuant
19 to a program for which funds are appropriated under this
20 Act unless the President determines, following consulta-
21 tions with the Committees on Appropriations, that assist-
22 ance to such country is in the national interest of the
23 United States.

24 COMMERCE AND TRADE

25 SEC. 513. (a) None of the funds appropriated or
26 made available pursuant to this Act for direct assistance

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

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

1 would compete with a similar commodity grown or pro-
 2 duced in the United States: *Provided*, That this subsection
 3 shall not prohibit—

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

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

10 SURPLUS COMMODITIES

11 SEC. 514. The Secretary of the Treasury shall in-
 12 struct the United States Executive Directors of the Inter-
 13 national Bank for Reconstruction and Development, the
 14 International Development Association, the International
 15 Finance Corporation, the Inter-American Development
 16 Bank, the International Monetary Fund, the Asian Devel-
 17 opment Bank, the Inter-American Investment Corpora-
 18 tion, the North American Development Bank, the Euro-
 19 pean Bank for Reconstruction and Development, the Afri-
 20 can Development Bank, and the African Development
 21 Fund to use the voice and vote of the United States to
 22 oppose any assistance by these institutions, using funds
 23 appropriated or made available pursuant to this Act, for
 24 the production or extraction of any commodity or mineral
 25 for export, if it is in surplus on world markets and if the

1 assistance will cause substantial injury to United States
2 producers of the same, similar, or competing commodity.

3 NOTIFICATION REQUIREMENTS

4 SEC. 515. For the purposes of providing the executive
5 branch with the necessary administrative flexibility, none
6 of the funds made available under this Act for “Child Sur-
7 vival and Health Programs Fund”, “Development Assist-
8 ance”, “International Organizations and Programs”,
9 “Trade and Development Agency”, “International Nar-
10 cotics Control and Law Enforcement”, “Andean
11 Counterdrug Initiative”, “Assistance for Eastern Europe
12 and the Baltic States”, “Assistance for the Independent
13 States of the Former Soviet Union”, “Economic Support
14 Fund”, “Global HIV/AIDS Initiative”, “Peacekeeping
15 Operations”, “Capital Investment Fund”, “Operating Ex-
16 penses of the United States Agency for International De-
17 velopment”, “Operating Expenses of the United States
18 Agency for International Development Office of Inspector
19 General”, “Nonproliferation, Anti-terrorism, Demining
20 and Related Programs”, “Millennium Challenge Corpora-
21 tion” (by country only), “Foreign Military Financing Pro-
22 gram”, “International Military Education and Training”,
23 “Peace Corps”, and “Migration and Refugee Assistance”,
24 shall be available for obligation for activities, programs,
25 projects, type of materiel assistance, countries, or other
26 operations not justified or in excess of the amount justi-

1 fied to the Committees on Appropriations for obligation
2 under any of these specific headings unless the Commit-
3 tees on Appropriations of both Houses of Congress are
4 previously notified 15 days in advance: *Provided*, That the
5 President shall not enter into any commitment of funds
6 appropriated for the purposes of section 23 of the Arms
7 Export Control Act for the provision of major defense
8 equipment, other than conventional ammunition, or other
9 major defense items defined to be aircraft, ships, missiles,
10 or combat vehicles, not previously justified to Congress or
11 20 percent in excess of the quantities justified to Congress
12 unless the Committees on Appropriations are notified 15
13 days in advance of such commitment: *Provided further*,
14 That this section shall not apply to any reprogramming
15 for an activity, program, or project for which funds are
16 appropriated under title II of this Act of less than 10 per-
17 cent of the amount previously justified to the Congress
18 for obligation for such activity, program, or project for the
19 current fiscal year: *Provided further*, That the require-
20 ments of this section or any similar provision of this Act
21 or any other Act, including any prior Act requiring notifi-
22 cation in accordance with the regular notification proce-
23 dures of the Committees on Appropriations, may be
24 waived if failure to do so would pose a substantial risk
25 to human health or welfare: *Provided further*, That in case

1 of any such waiver, notification to the Congress, or the
2 appropriate congressional committees, shall be provided as
3 early as practicable, but in no event later than 3 days after
4 taking the action to which such notification requirement
5 was applicable, in the context of the circumstances neces-
6 sitating such waiver: *Provided further*, That any notifica-
7 tion provided pursuant to such a waiver shall contain an
8 explanation of the emergency circumstances.

9 LIMITATION ON AVAILABILITY OF FUNDS FOR
10 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

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

20 INDEPENDENT STATES OF THE FORMER SOVIET UNION

21 SEC. 517. (a) None of the funds appropriated under
22 the heading “Assistance for the Independent States of the
23 Former Soviet Union” shall be made available for assist-
24 ance for a government of an Independent State of the
25 former Soviet Union—

1 (1) unless that government is making progress
2 in implementing comprehensive economic reforms
3 based on market principles, private ownership, re-
4 spect for commercial contracts, and equitable treat-
5 ment of foreign private investments; and

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

10 Assistance may be furnished without regard to this sub-
11 section if the President determines that to do so is in the
12 national interest.

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

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

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

13 (e) Funds made available in this Act for assistance
14 for the Independent States of the former Soviet Union
15 shall be subject to the provisions of section 117 (relating
16 to environment and natural resources) of the Foreign As-
17 sistance Act of 1961.

18 (f) In issuing new task orders, entering into con-
19 tracts, or making grants, with funds appropriated in this
20 Act or prior appropriations Acts under the heading “As-
21 sistance for the Independent States of the Former Soviet
22 Union” and under comparable headings in prior appro-
23 priations Acts, for projects or activities that have as one
24 of their primary purposes the fostering of private sector
25 development, the Coordinator for United States Assistance

1 to Europe and Eurasia and the implementing agency shall
2 encourage the participation of and give significant weight
3 to contractors and grantees who propose investing a sig-
4 nificant amount of their own resources (including volun-
5 teer services and in-kind contributions) in such projects
6 and activities.

7 PROHIBITION ON FUNDING FOR ABORTIONS AND
8 INVOLUNTARY STERILIZATION

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

1 the President certifies that the use of these funds by any
2 such country or organization would violate any of the
3 above provisions related to abortions and involuntary steri-
4 lizations.

5 EXPORT FINANCING TRANSFER AUTHORITIES

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

17 SPECIAL NOTIFICATION REQUIREMENTS

18 SEC. 520. None of the funds appropriated by this Act
19 shall be obligated or expended for Serbia, Sudan,
20 Zimbabwe, or Pakistan, except as provided through the
21 regular notification procedures of the Committees on Ap-
22 propriations.

23 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

24 SEC. 521. For the purpose of this Act “program,
25 project, and activity” shall be defined at the appropria-
26 tions Act account level and shall include all appropriations

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

16 CHILD SURVIVAL AND HEALTH ACTIVITIES

17 SEC. 522. Up to \$13,500,000 of the funds made
18 available by this Act for assistance under the heading
19 “Child Survival and Health Programs Fund”, may be
20 used to reimburse United States Government agencies,
21 agencies of State governments, institutions of higher
22 learning, and private and voluntary organizations for the
23 full cost of individuals (including for the personal services
24 of such individuals) detailed or assigned to, or contracted
25 by, as the case may be, the United States Agency for
26 International Development for the purpose of carrying out

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

19 AFGHANISTAN

20 SEC. 523. Of the funds appropriated by titles II and
21 III of this Act, not less than \$954,000,000 should be made
22 available for humanitarian, reconstruction, and related as-
23 sistance for Afghanistan: *Provided*, That of the funds allo-
24 cated for assistance for Afghanistan from this Act and
25 other Acts making appropriations for foreign operations,
26 export financing, and related programs for fiscal year

1 2006, not less than \$50,000,000 should be made available
2 to support programs that directly address the needs of Af-
3 ghan women and girls.

4 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

5 SEC. 524. Prior to providing excess Department of
6 Defense articles in accordance with section 516(a) of the
7 Foreign Assistance Act of 1961, the Department of De-
8 fense shall notify the Committees on Appropriations to the
9 same extent and under the same conditions as are other
10 committees pursuant to subsection (f) of that section: *Pro-*
11 *vided*, That before issuing a letter of offer to sell excess
12 defense articles under the Arms Export Control Act, the
13 Department of Defense shall notify the Committees on
14 Appropriations in accordance with the regular notification
15 procedures of such Committees if such defense articles are
16 significant military equipment (as defined in section 47(9)
17 of the Arms Export Control Act) or are valued (in terms
18 of original acquisition cost) at \$7,000,000 or more, or if
19 notification is required elsewhere in this Act for the use
20 of appropriated funds for specific countries that would re-
21 ceive such excess defense articles: *Provided further*, That
22 such Committees shall also be informed of the original ac-
23 quisition cost of such defense articles.

24 HIV/AIDS

25 SEC. 525. (a) Notwithstanding any other provision
26 of this Act, 25 percent of the funds that are appropriated

1 by this Act for a contribution to support the Global Fund
2 to Fight AIDS, Tuberculosis and Malaria (the “Global
3 Fund”) shall be withheld from obligation to the Global
4 Fund until the Secretary of State certifies to the Commit-
5 tees on Appropriations that the Global Fund—

6 (1) has established clear progress indicators
7 upon which to determine the release of incremental
8 disbursements;

9 (2) is releasing such incremental disbursements
10 only if positive results have been attained based on
11 those indicators; and

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

16 (b) The Secretary of State may waive paragraph (1)
17 of this subsection if she determines and reports to the
18 Committees on Appropriations that such waiver is impor-
19 tant to the national interest of the United States.

20 DEMOCRACY PROGRAMS

21 SEC. 526. (a) Not less than \$27,000,000 of the funds
22 appropriated by this Act under the heading “Economic
23 Support Fund” should be allocated for the Human Rights
24 and Democracy Fund: *Provided*, That up to \$1,200,000
25 may be used for the Reagan/Fascell Democracy Fellows
26 program.

1 (b) Notwithstanding any other provision of law that
2 restricts assistance to foreign countries, up to \$1,500,000
3 of the funds appropriated by this Act under the heading
4 “Economic Support Fund” may be provided to make
5 grants to educational, humanitarian, and nongovern-
6 mental organizations and individuals inside Iran and Syria
7 to support the advancement of democracy and human
8 rights in Iran and Syria, and such funds may be provided
9 through the National Endowment for Democracy.

10 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
11 COUNTRIES

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

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

20 (2) otherwise supports international terrorism.

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

1 tions of the waiver (including the justification for the waiv-
2 er) in accordance with the regular notification procedures
3 of the Committees on Appropriations.

4 DEBT-FOR-DEVELOPMENT

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

17 SEPARATE ACCOUNTS

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

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

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

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

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

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

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

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

23 (i) project and sector assistance activities;

24 or

25 (ii) debt and deficit financing; or

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

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

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

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

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

3 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

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

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

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

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

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

7 ENTERPRISE FUND RESTRICTIONS

8 SEC. 530. (a) Prior to the distribution of any assets
9 resulting from any liquidation, dissolution, or winding up
10 of an Enterprise Fund, in whole or in part, the President
11 shall submit to the Committees on Appropriations, in ac-
12 cordance with the regular notification procedures of the
13 Committees on Appropriations, a plan for the distribution
14 of the assets of the Enterprise Fund.

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

18 FINANCIAL MARKET ASSISTANCE IN TRANSITION

19 COUNTRIES

20 SEC. 531. Of the funds appropriated by this Act
21 under the headings “Trade and Development Agency”,
22 “Development Assistance”, “Transition Initiatives”,
23 “Economic Support Fund”, “International Affairs Tech-
24 nical Assistance”, “Assistance for the Independent States
25 of the Former Soviet Union”, “Nonproliferation, Anti-ter-
26 rorism, Demining and Related Programs”, and “Assist-

1 ance for Eastern Europe and Baltic States”, not less than
2 \$40,000,000 should be made available for building capital
3 markets and financial systems in countries in transition.

4 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
5 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

6 SEC. 532. Unless expressly provided to the contrary,
7 provisions of this Act, and provisions contained in prior
8 Acts authorizing or making appropriations for foreign op-
9 erations, export financing, and related programs, shall not
10 be construed to prohibit activities authorized by or con-
11 ducted under the Peace Corps Act, the Inter-American
12 Foundation Act or the African Development Foundation
13 Act. The agency shall promptly report to the Committees
14 on Appropriations whenever it is conducting activities or
15 is proposing to conduct activities in a country for which
16 assistance is prohibited.

17 IMPACT ON JOBS IN THE UNITED STATES

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

20 (1) any financial incentive to a business enter-
21 prise currently located in the United States for the
22 purpose of inducing such an enterprise to relocate
23 outside the United States if such incentive or in-
24 ducement is likely to reduce the number of employ-
25 ees of such business enterprise in the United States

1 because United States production is being replaced
2 by such enterprise outside the United States; or

3 (2) assistance for any program, project, or ac-
4 tivity that contributes to the violation of internation-
5 ally recognized workers rights, as defined in section
6 507(4) of the Trade Act of 1974, of workers in the
7 recipient country, including any designated zone or
8 area in that country: *Provided*, That the application
9 of section 507(4)(D) and (E) of such Act should be
10 commensurate with the level of development of the
11 recipient country and sector, and shall not preclude
12 assistance for the informal sector in such country,
13 micro and small-scale enterprise, and smallholder
14 agriculture.

15 SPECIAL AUTHORITIES

16 SEC. 534. (a) AFGHANISTAN, PAKISTAN, LEBANON,
17 MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN,
18 AND DISPLACED BURMESE.—Funds appropriated by this
19 Act that are made available for assistance for Afghanistan
20 may be made available notwithstanding section 512 of this
21 Act or any similar provision of law and section 660 of the
22 Foreign Assistance Act of 1961, and funds appropriated
23 in titles I and II of this Act that are made available for
24 Lebanon, Montenegro, Pakistan, and for victims of war,
25 displaced children, and displaced Burmese, and to assist
26 victims of trafficking in persons and, subject to the regular

1 notification procedures of the Committees on Appropria-
2 tions, to combat such trafficking, may be made available
3 notwithstanding any other provision of law that restricts
4 assistance to foreign countries and section 660 of the For-
5 eign Assistance Act of 1961.

6 (b) TROPICAL FORESTRY AND BIODIVERSITY CON-
7 SERVATION ACTIVITIES.—Funds appropriated by this Act
8 to carry out the provisions of sections 103 through 106,
9 and chapter 4 of part II, of the Foreign Assistance Act
10 of 1961 may be used, notwithstanding any other provision
11 of law that restricts assistance to foreign countries and
12 section 660 of the Foreign Assistance Act of 1961, for
13 the purpose of supporting tropical forestry and biodiver-
14 sity conservation activities and energy programs aimed at
15 reducing greenhouse gas emissions: *Provided*, That such
16 assistance shall be subject to sections 116, 502B, and
17 620A of the Foreign Assistance Act of 1961.

18 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-
19 propriated by this Act to carry out chapter 1 of part I,
20 chapter 4 of part II, and section 667 of the Foreign As-
21 sistance Act of 1961, and title II of the Agricultural Trade
22 Development and Assistance Act of 1954, may be used
23 by the United States Agency for International Develop-
24 ment to employ up to 25 personal services contractors in
25 the United States, for the purpose of providing direct, in-

1 terim support for new or expanded overseas programs and
2 activities managed by the agency until permanent direct
3 hire personnel are hired and trained: *Provided*, That not
4 more than 10 of such contractors shall be assigned to any
5 bureau or office: *Provided further*, That such funds appro-
6 priated to carry out title II of the Agricultural Trade De-
7 velopment and Assistance Act of 1954, may be made avail-
8 able only for personal services contractors assigned to the
9 Office of Food for Peace.

10 (d)(1) WAIVER.—The President may waive the provi-
11 sions of section 1003 of Public Law 100–204 if the Presi-
12 dent determines and certifies in writing to the Speaker
13 of the House of Representatives and the President pro
14 tempore of the Senate that it is important to the national
15 security interests of the United States.

16 (2) PERIOD OF APPLICATION OF WAIVER.—Any
17 waiver pursuant to paragraph (1) 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 (e) SMALL BUSINESS.—In entering into multiple
21 award indefinite-quantity contracts with funds appro-
22 priated by this Act, the United States Agency for Inter-
23 national Development may provide an exception to the fair
24 opportunity process for placing task orders under such

1 contracts when the order is placed with any category of
2 small or small disadvantaged business.

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

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

15 (h) WORLD FOOD PROGRAM.—Of the funds managed
16 by the Bureau for Democracy, Conflict, and Humanitarian
17 Assistance of the United States Agency for International
18 Development, from this or any other Act, not less than
19 \$6,000,000 shall be made available as a general contribu-
20 tion to the World Food Program, notwithstanding any
21 other provision of law that restricts assistance to foreign
22 countries.

23 (i) NATIONAL ENDOWMENT FOR DEMOCRACY.—
24 Funds appropriated by this Act that are provided to the
25 National Endowment for Democracy may be provided not-

1 withstanding any other provision of law or regulation that
2 restricts assistance to foreign countries.

3 ARAB LEAGUE BOYCOTT OF ISRAEL

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

5 (1) the Arab League boycott of Israel, and the
6 secondary boycott of American firms that have com-
7 mercial ties with Israel, is an impediment to peace
8 in the region and to United States investment and
9 trade in the Middle East and North Africa;

10 (2) the Arab League boycott, which was regret-
11 tably reinstated in 1997, should be immediately and
12 publicly terminated, and the Central Office for the
13 Boycott of Israel immediately disbanded;

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

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

23 (5) the President should report to Congress an-
24 nually on specific steps being taken by the United
25 States to encourage Arab League states to normalize
26 their relations with Israel to bring about the termi-

1 nation of the Arab League boycott of Israel, includ-
2 ing those to encourage allies and trading partners of
3 the United States to enact laws prohibiting busi-
4 nesses from complying with the boycott and penal-
5 izing businesses that do comply.

6 ELIGIBILITY FOR ASSISTANCE

7 SEC. 536. (a) ASSISTANCE THROUGH NONGOVERN-
8 MENTAL ORGANIZATIONS.—Restrictions on assistance for
9 foreign countries contained in this or any other Act shall
10 not be construed to restrict assistance in support of pro-
11 grams of nongovernmental organizations from funds ap-
12 propriated by this Act to carry out the provisions of chap-
13 ters 1, 10, 11, and 12 of part I and chapter 4 of part
14 II of the Foreign Assistance Act of 1961, and from funds
15 appropriated under the heading “Assistance for Eastern
16 Europe and the Baltic States”: *Provided*, That before
17 using the authority of this subsection to furnish assistance
18 in support of programs of nongovernmental organizations,
19 the President shall notify the Committees on Appropria-
20 tions under the regular notification procedures of those
21 committees, including a description of the program to be
22 assisted, the assistance to be provided, and the reasons
23 for furnishing such assistance: *Provided further*, That
24 nothing in this subsection shall be construed to alter any
25 existing statutory prohibitions against abortion or involun-
26 tary sterilizations contained in this or any other Act.

1 (b) PUBLIC LAW 480.—During fiscal year 2006, re-
2 strictions on assistance to foreign countries contained in
3 this or any other Act shall not be construed to restrict
4 assistance under the Agricultural Trade Development and
5 Assistance Act of 1954: *Provided*, That none of the funds
6 appropriated to carry out title I of such Act and made
7 available pursuant to this subsection may be obligated or
8 expended except as provided through the regular notifica-
9 tion procedures of the Committees on Appropriations.

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

11 (1) with respect to section 620A of the Foreign
12 Assistance Act of 1961 or any comparable provision
13 of law prohibiting assistance to countries that sup-
14 port international terrorism; or

15 (2) with respect to section 116 of the Foreign
16 Assistance Act of 1961 or any comparable provision
17 of law prohibiting assistance to the government of a
18 country that violates internationally recognized
19 human rights.

20 RESERVATIONS OF FUNDS

21 SEC. 537. (a) Funds appropriated by this Act which
22 are earmarked may be reprogrammed for other programs
23 within the same account notwithstanding the earmark if
24 compliance with the earmark is made impossible by oper-
25 ation of any provision of this Act or any other provision
26 contained in prior Acts authorizing or making appropria-

1 tions for foreign operations, export financing, and related
2 programs: *Provided*, That any such reprogramming shall
3 be subject to the regular notification procedures of the
4 Committees on Appropriations: *Provided further*, That as-
5 sistance that is reprogrammed pursuant to this subsection
6 shall be made available under the same terms and condi-
7 tions as originally provided.

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

22 CEILINGS AND EARMARKS

23 SEC. 538. Ceilings and earmarks contained in this
24 Act shall not be applicable to funds or authorities appro-
25 priated or otherwise made available by any subsequent Act
26 unless such Act specifically so directs. Earmarks or min-

1 imum funding requirements contained in any other Act
2 shall not be applicable to funds appropriated by this Act.

3 PROHIBITION ON PUBLICITY OR PROPAGANDA

4 SEC. 539. No part of any appropriation contained in
5 this Act shall be used for publicity or propaganda purposes
6 within the United States not authorized before the date
7 of the enactment of this Act by the Congress.

8 PROHIBITION OF PAYMENTS TO UNITED NATIONS

9 MEMBERS

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

20 NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

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

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

5 SEC. 542. (a) None of the funds appropriated or oth-
6 erwise made available by this Act may be available to any
7 foreign government which provides lethal military equip-
8 ment to a country the government of which the Secretary
9 of State has determined is a terrorist government for pur-
10 poses of section 6(j) of the Export Administration Act of
11 1979. The prohibition under this section with respect to
12 a foreign government shall terminate 12 months after that
13 government ceases to provide such military equipment.
14 This section applies with respect to lethal military equip-
15 ment provided under a contract entered into after October
16 1, 1997.

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

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

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

4 WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND
5 REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

6 SEC. 543. (a) Subject to subsection (c), of the funds
7 appropriated by this Act that are made available for as-
8 sistance for a foreign country, an amount equal to 110
9 percent of the total amount of the unpaid fully adjudicated
10 parking fines and penalties and unpaid property taxes
11 owed by the central government of such country shall be
12 withheld from obligation for assistance for the central gov-
13 ernment of such country until the Secretary of State sub-
14 mits a certification to the appropriate congressional com-
15 mittees stating that such parking fines and penalties and
16 unpaid property taxes are fully paid.

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

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

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

9 (2) The Secretary of State may waive the require-
10 ments set forth in subsection (a) with respect to the un-
11 paid property taxes if the Secretary of State determines
12 that it is in the national interests of the United States
13 to do so.

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

22 (f) In this section:

23 (1) The term “appropriate congressional com-
24 mittees” means the Committee on Appropriations of

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

3 (2) The term “fully adjudicated” includes cir-
4 cumstances in which the person to whom the vehicle
5 is registered—

6 (A)(i) has not responded to the parking
7 violation summons; or

8 (ii) has not followed the appropriate adju-
9 dication procedure to challenge the summons;
10 and

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

13 (3) The term “parking fines and penalties”
14 means parking fines and penalties—

15 (A) owed to—

16 (i) the District of Columbia; or

17 (ii) New York, New York; and

18 (B) incurred during the period April 1,
19 1997, through September 30, 2005.

20 (4) The term “unpaid property taxes” means
21 the amount of unpaid taxes and interest determined
22 to be owed by a foreign country on real property in
23 the District of Columbia or New York, New York in
24 a court order or judgment entered against such

1 country by a court of the United States or any State
2 or subdivision thereof.

3 LIMITATION ON ASSISTANCE FOR THE PLO FOR THE
4 WEST BANK AND GAZA

5 SEC. 544. None of the funds appropriated by this Act
6 may be obligated for assistance for the Palestine Libera-
7 tion Organization for the West Bank and Gaza unless the
8 President has exercised the authority under section 604(a)
9 of the Middle East Peace Facilitation Act of 1995 (title
10 VI of Public Law 104–107) or any other legislation to sus-
11 pend or make inapplicable section 307 of the Foreign As-
12 sistance Act of 1961 and that suspension is still in effect:
13 *Provided*, That if the President fails to make the certifi-
14 cation under section 604(b)(2) of the Middle East Peace
15 Facilitation Act of 1995 or to suspend the prohibition
16 under other legislation, funds appropriated by this Act
17 may not be obligated for assistance for the Palestine Lib-
18 eration Organization for the West Bank and Gaza.

19 WAR CRIMES TRIBUNALS DRAWDOWN

20 SEC. 545. If the President determines that doing so
21 will contribute to a just resolution of charges regarding
22 genocide or other violations of international humanitarian
23 law, the President may direct a drawdown pursuant to sec-
24 tion 552(c) of the Foreign Assistance Act of 1961 of up
25 to \$30,000,000 of commodities and services for the United
26 Nations War Crimes Tribunal established with regard to

1 the former Yugoslavia by the United Nations Security
2 Council or such other tribunals or commissions as the
3 Council may establish or authorize to deal with such viola-
4 tions, without regard to the ceiling limitation contained
5 in paragraph (2) thereof: *Provided*, That the determina-
6 tion required under this section shall be in lieu of any de-
7 terminations otherwise required under section 552(c): *Pro-*
8 *vided further*, That the drawdown made under this section
9 for any tribunal shall not be construed as an endorsement
10 or precedent for the establishment of any standing or per-
11 manent international criminal tribunal or court: *Provided*
12 *further*, That funds made available for tribunals other
13 than Yugoslavia, Rwanda, or the Special Court for Sierra
14 Leone shall be made available subject to the regular notifi-
15 cation procedures of the Committees on Appropriations.

16 LANDMINES

17 SEC. 546. Notwithstanding any other provision of law
18 that restricts assistance to foreign countries, demining
19 equipment available to the United States Agency for Inter-
20 national Development and the Department of State and
21 used in support of the clearance of landmines and
22 unexploded ordnance for humanitarian purposes may be
23 disposed of on a grant basis in foreign countries, subject
24 to such terms and conditions as the President may pre-
25 scribe.

1 RESTRICTIONS CONCERNING THE PALESTINIAN
2 AUTHORITY

3 SEC. 547. None of the funds appropriated by this Act
4 may be obligated or expended to create in any part of Je-
5 rusalem a new office of any department or agency of the
6 United States Government for the purpose of conducting
7 official United States Government business with the Pal-
8 estinian Authority over Gaza and Jericho or any successor
9 Palestinian governing entity provided for in the Israel-
10 PLO Declaration of Principles: *Provided*, That this re-
11 striction shall not apply to the acquisition of additional
12 space for the existing Consulate General in Jerusalem:
13 *Provided further*, That meetings between officers and em-
14 ployees of the United States and officials of the Pales-
15 tinian Authority, or any successor Palestinian governing
16 entity provided for in the Israel-PLO Declaration of Prin-
17 ciples, for the purpose of conducting official United States
18 Government business with such authority should continue
19 to take place in locations other than Jerusalem. As has
20 been true in the past, officers and employees of the United
21 States Government may continue to meet in Jerusalem on
22 other subjects with Palestinians (including those who now
23 occupy positions in the Palestinian Authority), have social
24 contacts, and have incidental discussions.

1 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

2 SEC. 548. None of the funds appropriated or other-
3 wise made available by this Act under the heading “Inter-
4 national Military Education and Training” or “Foreign
5 Military Financing Program” for Informational Program
6 activities or under the headings “Child Survival and
7 Health Programs Fund”, “Development Assistance”, and
8 “Economic Support Fund” may be obligated or expended
9 to pay for—

10 (1) alcoholic beverages; or

11 (2) entertainment expenses for activities that
12 are substantially of a recreational character, includ-
13 ing but not limited to entrance fees at sporting
14 events, theatrical and musical productions, and
15 amusement parks.

16 HAITI

17 SEC. 549. The Government of Haiti shall be eligible
18 to purchase defense articles and services under the Arms
19 Export Control Act (22 U.S.C. 2751 et seq.), for the Coast
20 Guard.

21 LIMITATION ON ASSISTANCE TO THE PALESTINIAN

22 AUTHORITY

23 SEC. 550. (a) PROHIBITION OF FUNDS.—None of the
24 funds appropriated by this Act to carry out the provisions
25 of chapter 4 of part II of the Foreign Assistance Act of

1 1961 may be obligated or expended with respect to pro-
2 viding funds to the Palestinian Authority.

3 (b) WAIVER.—The prohibition included in subsection
4 (a) shall not apply if the President certifies in writing to
5 the Speaker of the House of Representatives and the
6 President pro tempore of the Senate that waiving such
7 prohibition is important to the national security interests
8 of the United States.

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

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

21 LIMITATION ON ASSISTANCE TO SECURITY FORCES

22 SEC. 551. None of the funds made available by this
23 Act may be provided to any unit of the security forces
24 of a foreign country if the Secretary of State has credible
25 evidence that such unit has committed gross violations of
26 human rights, unless the Secretary determines and reports

1 to the Committees on Appropriations that the government
2 of such country is taking effective measures to bring the
3 responsible members of the security forces unit to justice:
4 *Provided*, That nothing in this section shall be construed
5 to withhold funds made available by this Act from any
6 unit of the security forces of a foreign country not credibly
7 alleged to be involved in gross violations of human rights:
8 *Provided further*, That in the event that funds are withheld
9 from any unit pursuant to this section, the Secretary of
10 State shall promptly inform the foreign government of the
11 basis for such action and shall, to the maximum extent
12 practicable, assist the foreign government in taking effec-
13 tive measures to bring the responsible members of the se-
14 curity forces to justice.

15 FOREIGN MILITARY TRAINING REPORT

16 SEC. 552. The annual foreign military training report
17 required by section 656 of the Foreign Assistance Act of
18 1961 shall be submitted by the Secretary of Defense and
19 the Secretary of State to the Committees on Appropria-
20 tions of the House of Representatives and the Senate by
21 the date specified in that section.

22 AUTHORIZATION REQUIREMENT

23 SEC. 553. Funds appropriated by this Act, except
24 funds appropriated under the headings “Trade and Devel-
25 opment Agency”, “Overseas Private Investment Corpora-
26 tion”, and “Global HIV/AIDS Initiative”, may be obli-

1 gated and expended notwithstanding section 10 of Public
2 Law 91–672 and section 15 of the State Department
3 Basic Authorities Act of 1956.

4 CAMBODIA

5 SEC. 554. The Secretary of the Treasury should in-
6 struct the United States executive directors of the inter-
7 national financial institutions to use the voice and vote
8 of the United States to oppose loans to the Central Gov-
9 ernment of Cambodia, except loans to meet basic human
10 needs.

11 PALESTINIAN STATEHOOD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 COLOMBIA

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

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

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

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

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

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

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

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

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

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

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

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

17 (c) CONSULTATIVE PROCESS.—Not later than 60
18 days after the date of enactment of this Act, and every
19 90 days thereafter until September 30, 2007, the Sec-
20 retary of State shall consult with internationally recog-
21 nized human rights organizations regarding progress in
22 meeting the conditions contained in that subsection.

23 (d) DEFINITIONS.—In this section:

24 (1) AIDED OR ABETTED.—The term “aided or
25 abetted” means to provide any support to para-

1 military groups, including taking actions which
2 allow, facilitate, or otherwise foster the activities of
3 such groups.

4 (2) PARAMILITARY GROUPS.—The term “para-
5 military groups” means illegal self-defense groups
6 and illegal security cooperatives.

7 ILLEGAL ARMED GROUPS

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

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

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

24 (b) WAIVER.—Subsection (a) shall not apply if the
25 Secretary of State determines and certifies to the appro-
26 priate congressional committees, on a case-by-case basis,

1 that the issuance of a visa to the alien is necessary to
2 support the peace process in Colombia or for urgent hu-
3 manitarian reasons.

4 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN

5 BROADCASTING CORPORATION

6 SEC. 558. None of the funds appropriated or other-
7 wise made available by this Act may be used to provide
8 equipment, technical support, consulting services, or any
9 other form of assistance to the Palestinian Broadcasting
10 Corporation.

11 WEST BANK AND GAZA PROGRAM

12 SEC. 559. (a) OVERSIGHT.—For fiscal year 2006, 30
13 days prior to the initial obligation of funds for the bilateral
14 West Bank and Gaza Program, the Secretary of State
15 shall certify to the appropriate committees of Congress
16 that procedures have been established to assure the Comp-
17 troller General of the United States will have access to
18 appropriate United States financial information in order
19 to review the uses of United States assistance for the Pro-
20 gram funded under the heading “Economic Support
21 Fund” for the West Bank and Gaza.

22 (b) VETTING.—Prior to the obligation of funds ap-
23 propriated by this Act under the heading “Economic Sup-
24 port Fund” for assistance for the West Bank and Gaza,
25 the Secretary of State shall take all appropriate steps to
26 ensure that such assistance is not provided to or through

1 any individual, private or government entity, or edu-
2 cational institution that the Secretary knows or has reason
3 to believe advocates, plans, sponsors, engages in, or has
4 engaged in, terrorist activity. The Secretary of State shall,
5 as appropriate, establish procedures specifying the steps
6 to be taken in carrying out this subsection and shall termi-
7 nate assistance to any individual, entity, or educational in-
8 stitution which he has determined to be involved in or ad-
9 vocating terrorist activity.

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

15 (d) AUDITS.—

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

24 (2) Of the funds appropriated by this Act under
25 the heading “Economic Support Fund” that are

1 made available for assistance for the West Bank and
2 Gaza, up to \$1,000,000 may be used by the Office
3 of the Inspector General of the United States Agen-
4 cy for International Development for audits, inspec-
5 tions, and other activities in furtherance of the re-
6 quirements of this subsection. Such funds are in ad-
7 dition to funds otherwise available for such pur-
8 poses.

9 (e) Subsequent to the certification specified in sub-
10 section (a), the Comptroller General of the United States
11 shall conduct an audit and an investigation of the treat-
12 ment, handling, and uses of all funds for the bilateral
13 West Bank and Gaza Program in fiscal year 2006 under
14 the heading “Economic Support Fund”. The audit shall
15 address—

16 (1) the extent to which such Program complies
17 with the requirements of subsections (b) and (c),
18 and

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

22 CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

23 SEC. 560. (a) LIMITATIONS ON AMOUNT OF CON-
24 TRIBUTION.—Of the amounts made available under
25 “International Organizations and Programs” and “Child
26 Survival and Health Programs Fund” for fiscal year

1 2006, \$34,000,000 shall be made available for the United
2 Nations Population Fund (hereafter in this section re-
3 ferred to as the “UNFPA”): *Provided*, That of this
4 amount, not less than \$25,000,000 shall be derived from
5 funds appropriated under the heading “International Or-
6 ganizations and Programs”.

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

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

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

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

4 (2) the UNFPA does not commingle amounts
5 made available to the UNFPA under this section
6 with other sums; and

7 (3) the UNFPA does not fund abortions.

8 WAR CRIMINALS

9 SEC. 561. (a)(1) None of the funds appropriated or
10 otherwise made available pursuant to this Act may be
11 made available for assistance, and the Secretary of the
12 Treasury shall instruct the United States executive direc-
13 tors to the international financial institutions to vote
14 against any new project involving the extension by such
15 institutions of any financial or technical assistance, to any
16 country, entity, or municipality whose competent authori-
17 ties have failed, as determined by the Secretary of State,
18 to take necessary and significant steps to implement its
19 international legal obligations to apprehend and transfer
20 to the International Criminal Tribunal for the former
21 Yugoslavia (the “Tribunal”) all persons in their territory
22 who have been indicted by the Tribunal and to otherwise
23 cooperate with the Tribunal.

24 (2) The provisions of this subsection shall not apply
25 to humanitarian assistance or assistance for democratiza-
26 tion.

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

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

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

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

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

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

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

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

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

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

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

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

1 USER FEES

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

13 FUNDING FOR SERBIA

14 SEC. 563. (a) Funds appropriated by this Act may
15 be made available for assistance for the central Govern-
16 ment of Serbia after May 31, 2006, if the President has
17 made the determination and certification contained in sub-
18 section (c).

19 (b) After May 31, 2006, the Secretary of the Treas-
20 ury should instruct the United States executive directors
21 to the international financial institutions to support loans
22 and assistance to the Government of Serbia and Monte-
23 negro subject to the conditions in subsection (c): *Provided*,
24 That section 576 of the Foreign Operations, Export Fi-
25 nancing, and Related Programs Appropriations Act, 1997,
26 as amended, shall not apply to the provision of loans and

1 assistance to the Government of Serbia and Montenegro
2 through international financial institutions.

3 (c) The determination and certification referred to in
4 subsection (a) is a determination by the President and a
5 certification to the Committees on Appropriations that the
6 Government of Serbia and Montenegro is—

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

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

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

22 (d) This section shall not apply to Montenegro,
23 Kosovo, humanitarian assistance or assistance to promote
24 democracy.

1 COMMUNITY-BASED POLICE ASSISTANCE

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

14 (b) NOTIFICATION.—Assistance provided under sub-
15 section (a) shall be subject to prior consultation with, and
16 the regular notification procedures of, the Committees on
17 Appropriations.

18 SPECIAL DEBT RELIEF FOR THE POOREST

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

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

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

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

11 (b) LIMITATIONS.—

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

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

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

1 Development, commonly referred to as “IDA-only”
2 countries.

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

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

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

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

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

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

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

23 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
24 duction of debt pursuant to subsection (a) shall not be
25 considered assistance for the purposes of any provision of

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

6 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

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

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

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

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

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

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

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

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

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

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

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

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

5 BASIC EDUCATION

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

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

18 (2) a country-by-country and project-by-project
19 breakdown of such funds;

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

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

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.

1 TIBET

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.

22 CENTRAL AMERICA

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

Union Calendar No. 92

109TH CONGRESS
1ST Session

H. R. 3057

[Report No. 109-152]

A BILL

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

JUNE 24, 2005

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