

In the Senate of the United States,

September 23, 2004.

Resolved, That the bill from the House of Representatives (H.R. 4818) entitled “An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *fiscal year ending September 30, 2005, and for other pur-*
- 4 *poses, namely:*

1 *TITLE I—EXPORT AND INVESTMENT ASSISTANCE*2 *EXPORT-IMPORT BANK OF THE UNITED STATES*3 *INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK*

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

7 *EXPORT-IMPORT BANK LOANS PROGRAM ACCOUNT*

8 *The Export-Import Bank of the United States is au-*
9 *thorized to make such expenditures within the limits of*
10 *funds and borrowing authority available to such corpora-*
11 *tion, and in accordance with law, and to make such con-*
12 *tracts and commitments without regard to fiscal year limi-*
13 *tations, as provided by section 104 of the Government Cor-*
14 *poration Control Act, as may be necessary in carrying out*
15 *the program for the current fiscal year for such corporation:*
16 *Provided, That none of the funds available during the cur-*
17 *rent fiscal year may be used to make expenditures, con-*
18 *tracts, or commitments for the export of nuclear equipment,*
19 *fuel, or technology to any country, other than a nuclear-*
20 *weapon state as defined in Article IX of the Treaty on the*
21 *Non-Proliferation of Nuclear Weapons eligible to receive*
22 *economic or military assistance under this Act, that has*
23 *detonated a nuclear explosive after the date of the enactment*
24 *of this Act: Provided further, That notwithstanding section*
25 *1(c) of Public Law 103-428, as amended, sections 1(a) and*

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

3 *SUBSIDY APPROPRIATION*

4 *For the cost of direct loans, loan guarantees, insurance,*
5 *and tied-aid grants as authorized by section 10 of the Ex-*
6 *port-Import Bank Act of 1945, as amended, \$115,700,000,*
7 *to remain available until September 30, 2008: Provided,*
8 *That such costs, including the cost of modifying such loans,*
9 *shall be as defined in section 502 of the Congressional Budg-*
10 *et Act of 1974: Provided further, That such sums shall re-*
11 *main available until September 30, 2023 for the disburse-*
12 *ment of direct loans, loan guarantees, insurance and tied-*
13 *aid grants obligated in fiscal years 2005, 2006, 2007, and*
14 *2008: Provided further, That none of the funds appro-*
15 *priated by this Act or any prior Act appropriating funds*
16 *for foreign operations, export financing, and related pro-*
17 *grams for tied-aid credits or grants may be used for any*
18 *other purpose except through the regular notification proce-*
19 *dures of the Committees on Appropriations: Provided fur-*
20 *ther, That funds appropriated by this paragraph are made*
21 *available notwithstanding section 2(b)(2) of the Export-Im-*
22 *port Bank Act of 1945, in connection with the purchase*
23 *or lease of any product by any Eastern European country,*
24 *any Baltic State or any agency or national thereof: Pro-*
25 *vided further, That not later than 30 days after the date*
26 *of enactment of this Act, the Export-Import Bank shall sub-*

1 *mit a report to the Committees on Appropriations of the*
2 *House of Representatives and the Senate, containing an*
3 *analysis of the economic impact on United States producers*
4 *of ethanol of the extension of credit and financial guaran-*
5 *tees for the development of an ethanol dehydration plant*
6 *in Trinidad and Tobago, including a determination of*
7 *whether such extension will cause substantial injury to such*
8 *producers, as defined in section 2(e)(4) of the Export-Im-*
9 *port Bank Act of 1945 (12 U.S.C. 635(e)(4)): Provided fur-*
10 *ther, That the Export-Import Bank shall consult with the*
11 *Committees on Appropriations and the Senate Committee*
12 *on Finance prior to extending direct credit or financial*
13 *guarantee to establish or expand the production of indige-*
14 *nous products for export by a beneficiary country pursuant*
15 *to section 423 of the Tax Reform Act of 1986 (19 U.S.C.*
16 *2703 note).*

17 *ADMINISTRATIVE EXPENSES*

18 *For administrative expenses to carry out the direct*
19 *and guaranteed loan and insurance programs, including*
20 *hire of passenger motor vehicles and services as authorized*
21 *by 5 U.S.C. 3109, and not to exceed \$30,000 for official*
22 *reception and representation expenses for members of the*
23 *Board of Directors, \$73,200,000: Provided, That the Ex-*
24 *port-Import Bank may accept, and use, payment or services*
25 *provided by transaction participants for legal, financial,*
26 *or technical services in connection with any transaction for*

1 *which an application for a loan, guarantee or insurance*
2 *commitment has been made: Provided further, That, not-*
3 *withstanding subsection (b) of section 117 of the Export En-*
4 *hancement Act of 1992, subsection (a) thereof shall remain*
5 *in effect until October 1, 2005.*

6 *OVERSEAS PRIVATE INVESTMENT CORPORATION*

7 *NONCREDIT ACCOUNT*

8 *The Overseas Private Investment Corporation is au-*
9 *thorized to make, without regard to fiscal year limitations,*
10 *as provided by 31 U.S.C. 9104, such expenditures and com-*
11 *mitments within the limits of funds available to it and in*
12 *accordance with law as may be necessary: Provided, That*
13 *the amount available for administrative expenses to carry*
14 *out the credit and insurance programs (including an*
15 *amount for official reception and representation expenses*
16 *which shall not exceed \$35,000) shall not exceed*
17 *\$42,885,000: Provided further, That project-specific trans-*
18 *action costs, including direct and indirect costs incurred*
19 *in claims settlements, and other direct costs associated with*
20 *services provided to specific investors or potential investors*
21 *pursuant to section 234 of the Foreign Assistance Act of*
22 *1961, shall not be considered administrative expenses for*
23 *the purposes of this heading.*

24 *PROGRAM ACCOUNT*

25 *For the cost of direct and guaranteed loans,*
26 *\$24,000,000, as authorized by section 234 of the Foreign*

1 *Assistance Act of 1961, to be derived by transfer from the*
2 *Overseas Private Investment Corporation Non-Credit Ac-*
3 *count: Provided, That such costs, including the cost of modi-*
4 *fying such loans, shall be as defined in section 502 of the*
5 *Congressional Budget Act of 1974: Provided further, That*
6 *such sums shall be available for direct loan obligations and*
7 *loan guaranty commitments incurred or made during fiscal*
8 *years 2005 and 2006: Provided further, That such sums*
9 *shall remain available through fiscal year 2013 for the dis-*
10 *bursement of direct and guaranteed loans obligated in fiscal*
11 *year 2005, and through fiscal year 2014 for the disburse-*
12 *ment of direct and guaranteed loans obligated in fiscal year*
13 *2006.*

14 *In addition, such sums as may be necessary for admin-*
15 *istrative expenses to carry out the credit program may be*
16 *derived from amounts available for administrative expenses*
17 *to carry out the credit and insurance programs in the Over-*
18 *seas Private Investment Corporation Noncredit Account*
19 *and merged with said account.*

20 *FUNDS APPROPRIATED TO THE PRESIDENT*

21 *TRADE AND DEVELOPMENT AGENCY*

22 *For necessary expenses to carry out the provisions of*
23 *section 661 of the Foreign Assistance Act of 1961,*
24 *\$49,000,000, to remain available until September 30, 2006.*

1 *TITLE II—BILATERAL ECONOMIC ASSISTANCE*

2 *FUNDS APPROPRIATED TO THE PRESIDENT*

3 *For expenses necessary to enable the President to carry*
4 *out the provisions of the Foreign Assistance Act of 1961,*
5 *and for other purposes, to remain available until September*
6 *30, 2005, unless otherwise specified herein, as follows:*

7 *UNITED STATES AGENCY FOR INTERNATIONAL*

8 *DEVELOPMENT*

9 *CHILD SURVIVAL AND HEALTH PROGRAMS FUND*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For necessary expenses to carry out the provisions of*
12 *chapters 1 and 10 of part I of the Foreign Assistance Act*
13 *of 1961, for child survival, health, and family planning/*
14 *reproductive health activities, in addition to funds other-*
15 *wise available for such purposes, \$1,550,000,000, to remain*
16 *available until September 30, 2007: Provided, That this*
17 *amount shall be made available for such activities as: (1)*
18 *immunization programs; (2) oral rehydration programs;*
19 *(3) health, nutrition, water and sanitation programs which*
20 *directly address the needs of mothers and children, and re-*
21 *lated education programs; (4) assistance for children dis-*
22 *placed or orphaned by causes other than AIDS; (5) pro-*
23 *grams for the prevention, treatment, control of, and research*
24 *on HIV/AIDS, tuberculosis, polio, malaria, and other infec-*
25 *tious diseases, and for assistance to communities severely*
26 *affected by HIV/AIDS, including children displaced or or-*

1 *phaned by AIDS; and (6) family planning/reproductive*
2 *health: Provided further, That none of the funds appro-*
3 *priated under this heading may be made available for non-*
4 *project assistance, except that funds may be made available*
5 *for such assistance for ongoing health activities: Provided*
6 *further, That of the funds appropriated under this heading,*
7 *not to exceed \$250,000, in addition to funds otherwise*
8 *available for such purposes, may be used to monitor and*
9 *provide oversight of child survival, maternal and family*
10 *planning/reproductive health, and infectious disease pro-*
11 *grams: Provided further, That the following amounts should*
12 *be allocated as follows: \$345,000,000 for child survival and*
13 *maternal health; \$30,000,000 for vulnerable children;*
14 *\$600,000,000 for HIV/AIDS including not less than*
15 *\$32,000,000 to support the development of microbicides as*
16 *a means for combating HIV/AIDS; \$200,000,000 for other*
17 *infectious diseases; and \$375,000,000 for family planning/*
18 *reproductive health, including in areas where population*
19 *growth threatens biodiversity or endangered species: Pro-*
20 *vided further, That of the funds appropriated under this*
21 *heading, not less than \$250,000,000 shall be made available,*
22 *notwithstanding any other provision of law, except for the*
23 *United States Leadership Against HIV/AIDS, Tuberculosis*
24 *and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 1701*
25 *et seq.) as amended, for a United States contribution to the*

1 *Global Fund to Fight AIDS, Tuberculosis and Malaria (the*
2 *“Global Fund”), and shall be expended at the minimum*
3 *rate necessary to make timely payment for projects and ac-*
4 *tivities: Provided further, That of the funds appropriated*
5 *under this heading that are available for HIV/AIDS pro-*
6 *grams and activities, not less than \$28,000,000 should be*
7 *made available for the International AIDS Vaccine Initia-*
8 *tive and not less than \$28,000,000 should be made available*
9 *for a United States contribution to UNAIDS: Provided fur-*
10 *ther, That of the funds appropriated under this heading,*
11 *\$65,000,000 should be made available for a United States*
12 *contribution to The Vaccine Fund, and up to \$6,000,000*
13 *may be transferred to and merged with funds appropriated*
14 *by this Act under the heading “Operating Expenses of the*
15 *United States Agency for International Development” for*
16 *costs directly related to international health, but funds*
17 *made available for such costs may not be derived from*
18 *amounts made available for contribution under this and*
19 *preceding provisos: Provided further, That restrictions with*
20 *respect to assistance provided with funds appropriated by*
21 *this Act for HIV/AIDS, family planning, or child survival*
22 *and health activities shall not be construed to restrict assist-*
23 *ance in support of programs to expand the availability and*
24 *use of condoms for HIV/AIDS prevention and of contracep-*
25 *tives to reduce the incidence of abortion: Provided further,*

1 *That nothing in this paragraph shall be construed to alter*
2 *any existing statutory prohibitions against abortion under*
3 *section 104 of the Foreign Assistance Act of 1961: Provided*
4 *further, That none of the funds made available in this Act*
5 *nor any unobligated balances from prior appropriations*
6 *may be made available to any organization or program*
7 *which, as determined by the President of the United States,*
8 *directly supports coercive abortion or involuntary steriliza-*
9 *tion: Provided further, That the previous proviso shall not*
10 *be construed to deny funding to any organization or pro-*
11 *gram solely because the government of a country engages*
12 *in coercive abortion or involuntary sterilization: Provided*
13 *further, That none of the funds made available under this*
14 *Act may be used to pay for the performance of abortion*
15 *as a method of family planning or to motivate or coerce*
16 *any person to practice abortions: 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, That*
19 *in order to reduce reliance on abortion in developing na-*
20 *tions, funds shall be available only to voluntary family*
21 *planning projects which offer, either directly or through re-*
22 *ferred to, or information about access to, a broad range of*
23 *family planning methods and services, and that any such*
24 *voluntary family planning project shall meet the following*
25 *requirements: (1) service providers or referral agents in the*

1 *project shall not implement or be subject to quotas, or other*
2 *numerical targets, of total number of births, number of fam-*
3 *ily planning acceptors, or acceptors of a particular method*
4 *of family planning (this provision shall not be construed*
5 *to include the use of quantitative estimates or indicators*
6 *for budgeting and planning purposes); (2) the project shall*
7 *not include payment of incentives, bribes, gratuities, or fi-*
8 *nancial reward to: (A) an individual in exchange for be-*
9 *coming a family planning acceptor; or (B) program per-*
10 *sonnel for achieving a numerical target or quota of total*
11 *number of births, number of family planning acceptors, or*
12 *acceptors of a particular method of family planning; (3)*
13 *the project shall not deny any right or benefit, including*
14 *the right of access to participate in any program of general*
15 *welfare or the right of access to health care, as a consequence*
16 *of any individual's decision not to accept family planning*
17 *services; (4) the project shall provide family planning ac-*
18 *ceptors comprehensible information on the health benefits*
19 *and risks of the method chosen, including those conditions*
20 *that might render the use of the method inadvisable and*
21 *those adverse side effects known to be consequent to the use*
22 *of the method; and (5) the project shall ensure that experi-*
23 *mental contraceptive drugs and devices and medical proce-*
24 *dures are provided only in the context of a scientific study*
25 *in which participants are advised of potential risks and*

1 *benefits; and, not less than 60 days after the date on which*
2 *the Administrator of the United States Agency for Inter-*
3 *national Development determines that there has been a vio-*
4 *lation of the requirements contained in paragraph (1), (2),*
5 *(3), or (5) of this proviso, or a pattern or practice of viola-*
6 *tions of the requirements contained in paragraph (4) of this*
7 *proviso, the Administrator shall submit to the Committees*
8 *on Appropriations a report containing a description of such*
9 *violation and the corrective action taken by the Agency:*
10 *Provided further, That in awarding grants for natural fam-*
11 *ily planning under section 104 of the Foreign Assistance*
12 *Act of 1961 no applicant shall be discriminated against be-*
13 *cause of such applicant's religious or conscientious commit-*
14 *ment to offer only natural family planning; and, addition-*
15 *ally, all such applicants shall comply with the requirements*
16 *of the previous proviso: Provided further, That for purposes*
17 *of this or any other Act authorizing or appropriating funds*
18 *for foreign operations, export financing, and related pro-*
19 *grams, the term "motivate", as it relates to family planning*
20 *assistance, shall not be construed to prohibit the provision,*
21 *consistent with local law, of information or counseling*
22 *about all pregnancy options: Provided further, That infor-*
23 *mation provided about the use of condoms as part of*
24 *projects or activities that are funded from amounts appro-*
25 *priated by this Act shall be medically accurate and shall*

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

3 *DEVELOPMENT ASSISTANCE*

4 *For necessary expenses of the United States Agency for*
5 *International Development to carry out the provisions of*
6 *sections 103, 105, 106, and 131, and chapter 10 of part*
7 *I of the Foreign Assistance Act of 1961, \$1,460,000,000, to*
8 *remain available until September 30, 2006: Provided, That*
9 *none of the funds appropriated under title II of this Act*
10 *that are managed by or allocated to the United States Agen-*
11 *cy for International Development's Global Development*
12 *Secretariat, may be made available except through the reg-*
13 *ular notification procedures of the Committees on Appro-*
14 *priations: Provided further, That of the funds appropriated*
15 *under this heading that are made available for assistance*
16 *programs for displaced and orphaned children and victims*
17 *of war, not to exceed \$37,500, in addition to funds otherwise*
18 *available for such purposes, may be used to monitor and*
19 *provide oversight of such programs: Provided further, That*
20 *of the aggregate amount of the funds appropriated by this*
21 *Act that are made available for agriculture and rural devel-*
22 *opment programs, \$40,000,000 shall be made available for*
23 *plant biotechnology research and development: Provided*
24 *further, That not less than \$2,300,000 shall be made avail-*
25 *able for core support for the International Fertilizer Devel-*
26 *opment Center: Provided further, That of the funds appro-*

1 *priated under this heading, not less than \$22,000,000*
2 *should be made available for the American Schools and*
3 *Hospitals Abroad program: Provided further, That of the*
4 *funds appropriated under this heading, not less than*
5 *\$1,000,000 shall be made available for support of the United*
6 *States Telecommunications Training Institute: Provided*
7 *further, That of the funds appropriated under this heading,*
8 *not less than \$2,000,000 shall be made available for support*
9 *of the International Real Property Foundation: Provided*
10 *further, That of the funds appropriated under this heading,*
11 *not less than \$5,000,000 should be made available for pilot*
12 *programs in the Democratic Republic of the Congo, Ugan-*
13 *da, Burundi, and Liberia to address sexual and gender-*
14 *based violence: Provided further, That of the funds appro-*
15 *priated under this heading, in addition to funds made*
16 *available pursuant to the previous proviso, not less than*
17 *\$8,000,000 should be made available for assistance for Libe-*
18 *ria: Provided further, That of the funds appropriated under*
19 *this heading, \$2,000,000 shall be made available for Water*
20 *Missions International to develop clean water treatment*
21 *projects in developing countries: Provided further, That of*
22 *the funds appropriated by this Act, \$100,000,000 shall be*
23 *made available for drinking water supply projects and re-*
24 *lated activities.*

1 *INTERNATIONAL DISASTER AND FAMINE ASSISTANCE*

2 *For necessary expenses of the United States Agency for*
3 *International Development to carry out the provisions of*
4 *section 491 of the Foreign Assistance Act of 1961 for inter-*
5 *national disaster relief, rehabilitation, and reconstruction*
6 *assistance, \$335,500,000, to remain available until ex-*
7 *pended.*

8 *In addition, for necessary expenses for assistance for*
9 *famine prevention and relief, including for mitigation of*
10 *the effects of famine, \$50,000,000, to remain available until*
11 *expended: Provided, That such funds shall be made avail-*
12 *able utilizing the general authorities of section 491 of the*
13 *Foreign Assistance Act of 1961, and shall be in addition*
14 *to amounts otherwise available for such purposes: Provided*
15 *further, That funds appropriated by this paragraph shall*
16 *be available for obligation subject to prior consultation with*
17 *the Committees on Appropriations.*

18 *TRANSITION INITIATIVES*

19 *For necessary expenses for international disaster reha-*
20 *bilitation and reconstruction assistance pursuant to section*
21 *491 of the Foreign Assistance Act of 1961, \$50,000,000, to*
22 *remain available until expended, to support transition to*
23 *democracy and to long-term development of countries in cri-*
24 *sis: Provided, That such support may include assistance to*
25 *develop, strengthen, or preserve democratic institutions and*
26 *processes, revitalize basic infrastructure, and foster the*

1 *peaceful resolution of conflict: Provided further, That the*
2 *United States Agency for International Development shall*
3 *submit a report to the Committees on Appropriations at*
4 *least 5 days prior to beginning a new program of assist-*
5 *ance: Provided further, That if the President determines*
6 *that is important to the national interests of the United*
7 *States to provide transition assistance in excess of the*
8 *amount appropriated under this heading, up to*
9 *\$15,000,000 of the funds appropriated by this Act to carry*
10 *out the provisions of part I of the Foreign Assistance Act*
11 *of 1961 may be used for purposes of this heading and under*
12 *the authorities applicable to funds appropriated under this*
13 *heading: Provided further, That funds made available pur-*
14 *suant to the previous proviso shall be made available subject*
15 *to prior consultation with the Committees on Appropria-*
16 *tions.*

17 *DEVELOPMENT CREDIT AUTHORITY*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For the cost of direct loans and loan guarantees pro-*
20 *vided by the United States Agency for International Devel-*
21 *opment, as authorized by sections 108 and 635 of the For-*
22 *oreign Assistance Act of 1961, funds may be derived by trans-*
23 *fer from funds appropriated by this Act to carry out part*
24 *I of such Act and under the heading “Assistance for Eastern*
25 *Europe and the Baltic States”:* *Provided, That such funds*
26 *shall not exceed \$21,000,000, which shall be made available*

1 *only for micro and small enterprise programs, urban pro-*
2 *grams, and other programs which further the purposes of*
3 *part I of the Act: Provided further, That such costs, includ-*
4 *ing the cost of modifying such direct and guaranteed loans,*
5 *shall be as defined in section 502 of the Congressional Budg-*
6 *et Act of 1974, as amended: Provided further, That these*
7 *funds are available to subsidize total loan principal, any*
8 *part of which is to be guaranteed, of up to \$700,000,000:*
9 *Provided further, That the provisions of section 107A(d)*
10 *(relating to general provisions applicable to the Develop-*
11 *ment Credit Authority) of the Foreign Assistance Act of*
12 *1961, as contained in section 306 of H.R. 1486 as reported*
13 *by the House Committee on International Relations on May*
14 *9, 1997, shall be applicable to direct loans and loan guaran-*
15 *tees provided under this heading: Provided further, That*
16 *funds made available by this paragraph may be used for*
17 *the cost of modifying any such guaranteed loans under this*
18 *Act or prior Acts, and funds used for such costs shall be*
19 *subject to the regular notification procedures of the Commit-*
20 *tees on Appropriations.*

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

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

4 *PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND*
5 *DISABILITY FUND*

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

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

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

1 *engineering services), purchase, or long-term lease of offices*
2 *does not exceed \$1,000,000: Provided further, That contracts*
3 *or agreements entered into with funds appropriated under*
4 *this heading may entail commitments for the expenditure*
5 *of such funds through fiscal year 2006: Provided further,*
6 *That none of the funds in this Act may be used to open*
7 *a new overseas mission of the United States Agency for*
8 *International Development without the prior written notifi-*
9 *cation of the Committees on Appropriations: Provided fur-*
10 *ther, That the authority of sections 610 and 109 of the For-*
11 *ign Assistance Act of 1961 may be exercised by the Sec-*
12 *retary of State to transfer funds appropriated to carry out*
13 *chapter 1 of part I of such Act to “Operating Expenses of*
14 *the United States Agency for International Development”*
15 *in accordance with the provisions of those sections.*

16 *CAPITAL INVESTMENT FUND*

17 *For necessary expenses for overseas construction and*
18 *related costs, and for the procurement and enhancement of*
19 *information technology and related capital investments,*
20 *pursuant to section 667 of the Foreign Assistance Act of*
21 *1961, \$59,000,000, to remain available until expended: Pro-*
22 *vided, That this amount is in addition to funds otherwise*
23 *available for such purposes: Provided further, That the Ad-*
24 *ministrator of the United States Agency for International*
25 *Development shall assess fair and reasonable rental pay-*
26 *ments for the use of space by employees of other United*

1 *States Government agencies in buildings constructed using*
2 *funds appropriated under this heading, and such rental*
3 *payments shall be deposited into this account as an offset-*
4 *ting collection: Provided further, That the rental payments*
5 *collected pursuant to the previous proviso and deposited as*
6 *an offsetting collection shall be available for obligation only*
7 *pursuant to the regular notification procedures of the Com-*
8 *mittees on Appropriations: Provided further, That the as-*
9 *signment of United States Government employees or con-*
10 *tractors to space in buildings constructed using funds ap-*
11 *propriated under this heading shall be subject to the concur-*
12 *rence of the Administrator of the United States Agency for*
13 *International Development: Provided further, That funds*
14 *appropriated under this heading shall be available for obli-*
15 *gation only pursuant to the regular notification procedures*
16 *of the Committees on Appropriations.*

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

20 *For necessary expenses to carry out the provisions of*
21 *section 667 of the Foreign Assistance Act of 1961,*
22 *\$35,000,000, to remain available until September 30, 2006,*
23 *which sum shall be available for the Office of the Inspector*
24 *General of the United States Agency for International De-*
25 *velopment.*

1 *OTHER BILATERAL ECONOMIC ASSISTANCE*2 *ECONOMIC SUPPORT FUND*

3 *For necessary expenses to carry out the provisions of*
4 *chapter 4 of part II, \$2,470,000,000, to remain available*
5 *until September 30, 2006: Provided, That of the funds ap-*
6 *propriated under this heading, not less than \$360,000,000*
7 *shall be available only for Israel, which sum shall be avail-*
8 *able on a grant basis as a cash transfer and shall be dis-*
9 *bursed within 30 days of the enactment of this Act or by*
10 *October 31, 2004, whichever is later: Provided further, That*
11 *not less than \$535,000,000 shall be available only for*
12 *Egypt, which sum shall be provided on a grant basis, and*
13 *of which sum cash transfer assistance shall be provided with*
14 *the understanding that Egypt will undertake significant*
15 *economic and political reforms which are additional to*
16 *those which were undertaken in previous fiscal years, and*
17 *of which not more than \$200,000,000 shall be provided as*
18 *Commodity Import Program assistance: Provided further,*
19 *That with respect to the provision of assistance for Egypt*
20 *for democracy and governance activities, the organizations*
21 *implementing such assistance and the specific nature of*
22 *that assistance shall not be subject to the prior approval*
23 *by the Government of Egypt: Provided further, That in ex-*
24 *ercising the authority to provide cash transfer assistance*
25 *for Israel, the President shall ensure that the level of such*

1 assistance does not cause an adverse impact on the total
2 level of nonmilitary exports from the United States to such
3 country and that Israel enters into a side letter agreement
4 in an amount proportional to the fiscal year 1999 agree-
5 ment: Provided further, That of the funds appropriated
6 under this heading, not less than \$250,000,000 shall be
7 made available only for assistance for Jordan: Provided
8 further, That funds appropriated under this heading shall
9 be made available for administrative costs of the United
10 States Agency for International Development to implement
11 regional programs in Asia and the Near East, including
12 the Middle East Partnership Initiative, in addition to
13 amounts otherwise available for such purposes: Provided
14 further, That \$13,500,000 of the funds appropriated under
15 this heading shall be made available for Cyprus to be used
16 only for scholarships, administrative support of the scholar-
17 ship program, bicomunal projects, and measures aimed
18 at reunification of the island and designed to reduce ten-
19 sions and promote peace and cooperation between the two
20 communities on Cyprus: Provided further, That
21 \$35,000,000 of the funds appropriated under this heading
22 shall be made available for assistance for Lebanon, of which
23 not less than \$4,000,000 should be made available to Amer-
24 ican educational institutions for scholarships and direct
25 support: Provided further, That notwithstanding section

1 5034(a) of this Act, funds appropriated under this heading
2 that are made available for assistance for the Central Gov-
3 ernment of Lebanon shall be subject to the regular notifica-
4 tion procedures of the Committees on Appropriations: Pro-
5 vided further, That not to exceed \$200,000,000 of the funds
6 appropriated under this heading may be used for the costs,
7 as defined in section 502 of the Congressional Budget Act
8 of 1974, of modifying direct loans and guarantees for Paki-
9 stan: Provided further, That amounts that are made avail-
10 able under the previous proviso for the costs of modifying
11 direct loans and guarantees shall not be considered “assist-
12 ance” for the purposes of provisions of law limiting assist-
13 ance to a country: Provided further, That of the funds ap-
14 propriated under this heading, not less than \$22,000,000
15 shall be made available for assistance for the Democratic
16 Republic of Timor-Leste, of which up to \$1,000,000 may
17 be available for administrative expenses of the United
18 States Agency for International Development: Provided fur-
19 ther, That of the funds available under this heading for as-
20 sistance for Indonesia, not less than \$3,000,000 shall be
21 made available to Internews to promote freedom of the
22 media in Indonesia and not less than \$2,000,000 shall be
23 made available for economic development programs con-
24 ducted by Indonesian universities: Provided further, That
25 of the funds available under this heading for assistance for

1 *Jordan, \$5,000,000 should be made available for the Rosary*
2 *Sisters Hospital in Jordan: Provided further, That of the*
3 *funds available under this heading for the “Middle East*
4 *Partnership Initiative”, up to \$4,500,000 may be made*
5 *available for scholarship programs for students from coun-*
6 *tries with significant Muslim populations at American in-*
7 *stitutions of higher education in the Middle East that are*
8 *accredited by an accrediting agency recognized by the*
9 *United States Department of Education: Provided further,*
10 *That of the funds appropriated under this heading, not less*
11 *than \$2,500,000 should be made available for technical as-*
12 *sistance for countries to implement and enforce the Kim-*
13 *berley Process Certification Scheme: Provided further, That*
14 *of the funds appropriated under this heading, not less than*
15 *\$3,750,000 should be made available for East Asia and Pa-*
16 *cific Environment Initiatives: Provided further, That of the*
17 *funds appropriated under this heading, not less than*
18 *\$10,000,000 should be made available for assistance for*
19 *Kenya: Provided further, That of the funds appropriated*
20 *under this heading, not less than \$25,000,000 should be*
21 *made available for assistance for Liberia: Provided further,*
22 *That of the funds appropriated under this heading, not less*
23 *than \$500,000 should be made available to support the*
24 *Commission to Investigate Illegal Groups and Clandestine*
25 *Security Apparatus in Guatemala: Provided further, That*

1 of the funds appropriated under this heading, \$3,000,000
2 shall be made available for the Foundation for Security and
3 Sustainability: Provided further, That of the funds appro-
4 priated under this heading that are made available for as-
5 sistance for Pakistan, not less than \$10,000,000 should be
6 made available to support programs and activities con-
7 ducted by indigenous organizations that seek to further edu-
8 cational, health, employment, and other opportunities for
9 the people of Pakistan, of which up to \$4,000,000 should
10 be made available for the Pakistan Human Development
11 Fund and \$1,000,000 for the Amanut Society: Provided fur-
12 ther, That of the funds appropriated under this heading,
13 \$10,000,000 shall be made available to continue to support
14 the provision of wheelchairs for needy persons in developing
15 countries: Provided further, That funds appropriated under
16 this heading that are made available for a Middle East Fi-
17 nancing Facility, Middle East Enterprise Fund, or any
18 other similar entity in the Middle East shall be subject to
19 the regular notification procedures of the Committees on
20 Appropriations: Provided further, That with respect to
21 funds appropriated under this heading in this Act or prior
22 Acts making appropriations for foreign operations, export
23 financing, and related programs, the responsibility for pol-
24 icy decisions and justifications for the use of such funds,
25 including whether there will be a program for a country

1 *that uses those funds and the amount of each such program,*
2 *shall be the responsibility of the Secretary of State and the*
3 *Deputy Secretary of State and this responsibility shall not*
4 *be delegated.*

5 *ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC*
6 *STATES*

7 *(a) For necessary expenses to carry out the provisions*
8 *of the Foreign Assistance Act of 1961 and the Support for*
9 *East European Democracy (SEED) Act of 1989,*
10 *\$410,000,000, to remain available until September 30,*
11 *2006, which shall be available, notwithstanding any other*
12 *provision of law, for assistance and for related programs*
13 *for Eastern Europe and the Baltic States: Provided, That*
14 *of the funds appropriated under this heading that are made*
15 *available for assistance for Bulgaria, \$2,000,000 shall be*
16 *made available to enhance safety at nuclear power plants:*
17 *Provided further, That of the funds appropriated under this*
18 *heading, not more than \$87,000,000 may be made available*
19 *for assistance for Serbia: Provided further, That the amount*
20 *contained in the previous proviso shall be reduced by an*
21 *amount equal to the amount of financial and other support,*
22 *as determined by the Secretary of State, that Serbia has*
23 *provided to Slobodan Milosevic and other indicted war*
24 *criminals, and their families, during calendar year 2004:*
25 *Provided further, That funds appropriated under this head-*
26 *ing shall be made available for programs and countries in*

1 *the amounts contained in the table included in the report*
2 *accompanying this Act: Provided further, That any pro-*
3 *posed increases or decreases to the amounts contained in*
4 *such table shall be subject to the regular notification proce-*
5 *dures of the Committees on Appropriations and section*
6 *634A of the Foreign Assistance Act of 1961 and notifica-*
7 *tions shall be transmitted at least 15 days in advance of*
8 *the obligation of funds.*

9 *(b) Funds appropriated under this heading shall be*
10 *considered to be economic assistance under the Foreign As-*
11 *sistance Act of 1961 for purposes of making available the*
12 *administrative authorities contained in that Act for the use*
13 *of economic assistance.*

14 *(c) Notwithstanding any provision of this or any other*
15 *Act, local currencies generated by, or converted from, funds*
16 *appropriated by this Act and by previous appropriations*
17 *Acts and made available for the economic revitalization*
18 *program in Bosnia may be used in Eastern Europe and*
19 *the Baltic States to carry out the provisions of the Foreign*
20 *Assistance Act of 1961 and the Support for East European*
21 *Democracy (SEED) Act of 1989.*

22 *ASSISTANCE FOR THE INDEPENDENT STATES OF THE*
23 *FORMER SOVIET UNION*

24 *(a) For necessary expenses to carry out the provisions*
25 *of chapters 11 and 12 of part I of the Foreign Assistance*
26 *Act of 1961 and the FREEDOM Support Act, for assistance*

1 *for the Independent States of the former Soviet Union and*
2 *for related programs, \$560,000,000, to remain available*
3 *until September 30, 2006: Provided, That the provisions of*
4 *such chapters shall apply to funds appropriated by this*
5 *paragraph: Provided further, That funds made available for*
6 *the Southern Caucasus region may be used, notwith-*
7 *standing any other provision of law, for confidence-building*
8 *measures and other activities in furtherance of the peaceful*
9 *resolution of the regional conflicts, especially those in the*
10 *vicinity of Abkhazia and Nagorno-Karabagh: Provided fur-*
11 *ther, That of the funds appropriated under this heading,*
12 *\$8,000,000 should be available only to meet the health and*
13 *other assistance needs of victims of trafficking in persons:*
14 *Provided further, That of the funds appropriated under this*
15 *heading, \$20,000,000 shall be made available solely for as-*
16 *sistance for the Russian Far East: Provided further, That*
17 *of the funds appropriated under this heading, \$6,000,000*
18 *should be made available for an emergency operations cen-*
19 *ter in Kazakhstan: Provided further, That, notwithstanding*
20 *any other provision of law, funds appropriated under this*
21 *heading in this Act or prior Acts making appropriations*
22 *for foreign operations, export financing, and related pro-*
23 *grams, that are made available pursuant to the provisions*
24 *of section 807 of Public Law 102–511 shall be subject to*
25 *a 6 percent ceiling on administrative expenses: Provided*

1 further, That funds appropriated under this heading shall
2 be made available for programs and countries in the
3 amounts contained in the table included in the report ac-
4 companying this Act: Provided further, That any proposed
5 increases or decreases to the amounts contained in such
6 table shall be subject to the regular notification procedures
7 of the Committees on Appropriations and section 634A of
8 the Foreign Assistance Act of 1961 and notifications shall
9 be transmitted at least 15 days in advance of the obligation
10 of funds.

11 (b) Of the funds appropriated under this heading that
12 are made available for assistance for Ukraine, not less than
13 \$5,000,000 shall be made available for nuclear reactor safe-
14 ty initiatives, and not less than \$3,000,000 shall be made
15 available for coal mine safety programs.

16 (c) Of the funds appropriated under this heading, not
17 less than \$93,000,000 shall be made available for assistance
18 for Russia, of which not less than \$4,000,000 shall be made
19 available to the National Endowment for Democracy for de-
20 mocracy, human rights and rule of law programs.

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

1 (e) *Of the funds appropriated under this heading, not*
2 *less than \$6,500,000 shall be made available for democracy,*
3 *human rights, and rule of law programs in Belarus.*

4 (f)(1) *Of the funds appropriated under this heading*
5 *that are allocated for assistance for the Government of the*
6 *Russian Federation, 60 percent shall be withheld from obli-*
7 *gation until the President determines and certifies in writ-*
8 *ing to the Committees on Appropriations that the Govern-*
9 *ment 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, child*
21 *survival activities, or assistance for victims of traf-*
22 *ficking in persons; and*

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

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

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

7 (2) *any assistance provided by the Trade and*
8 *Development Agency under section 661 of the Foreign*
9 *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 In-*
15 *vestment Corporation under title IV of chapter 2 of*
16 *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 pro-*

1 *visions of section 401 of the Foreign Assistance Act of 1969,*
2 *\$19,000,000, to remain available until September 30, 2006.*

3 *AFRICAN DEVELOPMENT FOUNDATION*

4 *For necessary expenses to carry out title V of the Inter-*
5 *national Security and Development Cooperation Act of*
6 *1980, Public Law 96–533, \$20,000,000, to remain available*
7 *until September 30, 2006: Provided, That funds made*
8 *available to grantees may be invested pending expenditure*
9 *for project purposes when authorized by the board of direc-*
10 *tors of the Foundation: Provided further, That interest*
11 *earned shall be used only for the purposes for which the*
12 *grant was made: Provided further, That notwithstanding*
13 *section 505(a)(2) of the African Development Foundation*
14 *Act, in exceptional circumstances the board of directors of*
15 *the Foundation may waive the \$250,000 limitation con-*
16 *tained in that section with respect to a project: Provided*
17 *further, That the Foundation shall provide a report to the*
18 *Committees on Appropriations after each time such waiver*
19 *authority is exercised.*

20 *PEACE CORPS*

21 *For necessary expenses to carry out the provisions of*
22 *the Peace Corps Act (75 Stat. 612), \$310,000,000, including*
23 *the purchase of not to exceed five passenger motor vehicles*
24 *for administrative purposes for use outside of the United*
25 *States: Provided, That none of the funds appropriated*
26 *under this heading shall be used to pay for abortions: Pro-*

1 *vided further, That funds appropriated under this heading*
2 *shall remain available until September 30, 2006.*

3 *MILLENNIUM CHALLENGE CORPORATION*

4 *For necessary expenses for the “Millennium Challenge*
5 *Account”, \$1,120,000,000, to remain available until ex-*
6 *pended.*

7 *DEPARTMENT OF STATE*

8 *GLOBAL HIV/AIDS INITIATIVE*

9 *For necessary expenses to carry out the provisions of*
10 *the Foreign Assistance Act of 1961 for the prevention, treat-*
11 *ment, and control of, and research on, HIV/AIDS,*
12 *\$1,450,000,000, to remain available until expended: Pro-*
13 *vided, That increased emphasis should be given to building*
14 *local capacity of foreign governments and nongovernmental*
15 *organizations to implement sustainable HIV/AIDS preven-*
16 *tion, care and treatment programs as a component of na-*
17 *tional health care delivery systems: Provided further, That*
18 *of the funds appropriated under this heading, \$25,000,000*
19 *shall be made available for HIV/AIDS education and out-*
20 *reach programs that utilize state of the art information*
21 *technology: Provided further, That of the funds appro-*
22 *priated under the headings “Assistance for Eastern Europe*
23 *and the Baltic States”, “Assistance for the Independent*
24 *States of the Former Soviet Union”, “Andean Counterdrug*
25 *Initiative”, “Foreign Military Financing Program”, and*
26 *“Economic Support Fund”, not less than \$42,000,000 shall*

1 *be made available for programs for the prevention, treat-*
2 *ment, and control of, and research on, HIV/AIDS, tuber-*
3 *culosis, and malaria: Provided further, That of the funds*
4 *appropriated under this heading, not more than \$8,818,000*
5 *may be made available for administrative expenses of the*
6 *office of the Coordinator of United States Government Ac-*
7 *tivities to Combat HIV/AIDS Globally of the Department*
8 *of State.*

9 *INTERNATIONAL NARCOTICS CONTROL AND LAW*

10 *ENFORCEMENT*

11 *For necessary expenses to carry out section 481 of the*
12 *Foreign Assistance Act of 1961, \$328,820,000, to remain*
13 *available until September 30, 2007: Provided, That during*
14 *fiscal year 2005, the Department of State may also use the*
15 *authority of section 608 of the Foreign Assistance Act of*
16 *1961, without regard to its restrictions, to receive excess*
17 *property from an agency of the United States Government*
18 *for the purpose of providing it to a foreign country under*
19 *chapter 8 of part I of that Act subject to the regular notifi-*
20 *cation procedures of the Committees on Appropriations:*
21 *Provided further, That of the funds appropriated under this*
22 *heading, \$15,000,000 should be made available for anti-*
23 *trafficking in persons programs, including trafficking pre-*
24 *vention, protection and assistance for victims, and prosecu-*
25 *tion of traffickers: Provided further, That the Secretary of*
26 *State shall provide to the Committees on Appropriations*

1 *not later than 45 days after the date of the enactment of*
2 *this Act and prior to the initial obligation of funds appro-*
3 *priated under this heading, a report on the proposed uses*
4 *of all funds under this heading on a country-by-country*
5 *basis for each proposed program, project, or activity: Pro-*
6 *vided further, That of the funds appropriated under this*
7 *heading, not less than \$17,000,000 should be made available*
8 *for training programs and activities of the International*
9 *Law Enforcement Academies: Provided further, That of the*
10 *funds appropriated under this heading, not less than*
11 *\$12,000,000 shall be made available for assistance for the*
12 *Philippines for police training and other related activities:*
13 *Provided further, That of the funds appropriated under this*
14 *heading, \$3,000,000 shall be made available for assistance*
15 *for the Government of Malta for the purchase of helicopters*
16 *to enhance its ability to control its borders and deter terror-*
17 *ists: Provided further, That of the funds appropriated under*
18 *this heading, \$5,000,000 shall be made available for com-*
19 *bating piracy of United States intellectual property: Pro-*
20 *vided further, That of the funds appropriated under this*
21 *heading, not less than \$1,500,000 should be made available*
22 *to the International Foundation of Hope for alternative*
23 *crop programs in Nangarhar Province, Afghanistan: Pro-*
24 *vided further, That of the funds appropriated under this*
25 *heading, not less than \$1,000,000 should be made available*

1 *for police training in the Democratic Republic of Timor-*
2 *Leste: Provided further, That of the funds appropriated*
3 *under this heading, not more than \$26,117,000 may be*
4 *available for administrative expenses.*

5 *ANDEAN COUNTERDRUG INITIATIVE*

6 *For necessary expenses to carry out section 481 of the*
7 *Foreign Assistance Act of 1961 to support counterdrug ac-*
8 *tivities in the Andean region of South America,*
9 *\$731,000,000, to remain available until September 30,*
10 *2007: Provided, That in fiscal year 2005, funds available*
11 *to the Department of State for assistance to the Government*
12 *of Colombia shall be available to support a unified cam-*
13 *paign against narcotics trafficking, against activities by or-*
14 *ganizations designated as terrorist organizations such as*
15 *the Revolutionary Armed Forces of Colombia (FARC), the*
16 *National Liberation Army (ELN), and the United Self-De-*
17 *fense Forces of Colombia (AUC), and to take actions to pro-*
18 *tect human health and welfare in emergency circumstances,*
19 *including undertaking rescue operations: Provided further,*
20 *That this authority shall cease to be effective if the Secretary*
21 *of State has credible evidence that the Colombian Armed*
22 *Forces are not conducting vigorous operations to restore*
23 *government authority and respect for human rights in areas*
24 *under the effective control of paramilitary and guerrilla or-*
25 *ganizations: Provided further, That the President shall en-*
26 *sure that if any helicopter procured with funds under this*

1 heading is used to aid or abet the operations of any illegal
2 self-defense group or illegal security cooperative, such heli-
3 copter shall be immediately returned to the United States:
4 Provided further, That the Secretary of State, in consulta-
5 tion with the Administrator of the United States Agency
6 for International Development, shall provide to the Com-
7 mittees on Appropriations not later than 45 days after the
8 date of the enactment of this Act and prior to the initial
9 obligation of funds appropriated under this heading, a re-
10 port on the proposed uses of all funds under this heading
11 on a country-by-country basis for each proposed program,
12 project, or activity: Provided further, That of the funds ap-
13 propriated under this heading, not less than \$272,000,000
14 shall be made available for alternative development/institu-
15 tion building, of which \$240,000,000 shall be apportioned
16 directly to the United States Agency for International De-
17 velopment, including \$140,000,000 for assistance for Co-
18 lombia: Provided further, That with respect to funds appor-
19 tioned to the United States Agency for International Devel-
20 opment under the previous proviso, the responsibility for
21 policy decisions for the use of such funds, including what
22 activities will be funded and the amount of funds that will
23 be provided for each of those activities, shall be the responsi-
24 bility of the Administrator of the United States Agency for
25 International Development in consultation with the Assist-

1 *ant Secretary of State for International Narcotics and Law*
2 *Enforcement Affairs: Provided further, That of the funds*
3 *appropriated under this heading, not less than \$6,000,000*
4 *should be made available for judicial reform programs in*
5 *Colombia: Provided further, That of the funds appropriated*
6 *under this heading, in addition to funds made available*
7 *pursuant to the previous proviso, not less than \$6,000,000*
8 *shall be made available to the United States Agency for*
9 *International Development for organizations and programs*
10 *to protect human rights: Provided further, That funds ap-*
11 *propriated by this Act that are otherwise available for such*
12 *purposes may be made available to support the demobiliza-*
13 *tion of illegal armed groups in Colombia only if the Sec-*
14 *retary of State certifies to the Committees on Appropria-*
15 *tions that: (1) the Colombian legal framework governing the*
16 *demobilization of such groups provides for prosecution and*
17 *punishment, in proportion to the crimes committed, of those*
18 *responsible for gross violations of human rights and drug*
19 *trafficking; (2) actions are being taken by the Government*
20 *of Colombia to ensure the dismantling of underlying struc-*
21 *tures of such groups, including the seizure of financial and*
22 *real property assets; (3) actions are being taken by the Gov-*
23 *ernment of Colombia to enable the return of civilians fore-*
24 *ibly displaced by such groups; and (4) the Government of*
25 *Colombia has not enacted legislation inconsistent with its*

1 obligations under the United States-Colombian treaty on
2 extradition, and has committed to the United States that
3 it will continue to extradite Colombian citizens to the
4 United States, including members of such illegal armed
5 groups, in accordance with that treaty: Provided further,
6 That not more than 20 percent of the funds appropriated
7 by this Act that are used for the procurement of chemicals
8 for aerial coca and poppy fumigation programs may be
9 made available for such programs unless the Secretary of
10 State certifies to the Committees on Appropriations that:
11 (1) the herbicide mixture is being used in accordance with
12 EPA label requirements for comparable use in the United
13 States and with Colombian laws; and (2) the herbicide mix-
14 ture, in the manner it is being used, does not pose unreason-
15 able risks or adverse effects to humans or the environment:
16 Provided further, That such funds may not be made avail-
17 able unless the Secretary of State certifies to the Committees
18 on Appropriations that complaints of harm to health or
19 licit crops caused by such fumigation are evaluated and fair
20 compensation is being paid for meritorious claims: Pro-
21 vided further, That such funds may not be made available
22 for such purposes unless programs are being implemented
23 by the United States Agency for International Development,
24 the Government of Colombia, or other organizations, in con-
25 sultation with local communities, to provide alternative

1 *sources of income in areas where security permits for small-*
2 *acreage growers whose illicit crops are targeted for fumiga-*
3 *tion: Provided further, That of the funds appropriated*
4 *under this heading, not less than \$2,000,000 should be made*
5 *available through nongovernmental organizations for pro-*
6 *grams to protect biodiversity and indigenous reserves in Co-*
7 *lombia: Provided further, That funds appropriated by this*
8 *Act may be used for aerial fumigation in Colombia's na-*
9 *tional parks or reserves only if the Secretary of State cer-*
10 *tifies that it is in accordance with Colombian laws and that*
11 *there are no effective alternatives to reduce drug cultivation*
12 *in these areas: Provided further, That section 482(b) of the*
13 *Foreign Assistance Act of 1961 shall not apply to funds*
14 *appropriated under this heading: Provided further, That*
15 *assistance provided with funds appropriated under this*
16 *heading that is made available notwithstanding section*
17 *482(b) of the Foreign Assistance Act of 1961 shall be made*
18 *available subject to the regular notification procedures of*
19 *the Committees on Appropriations: Provided further, That*
20 *no United States Armed Forces personnel or United States*
21 *civilian contractor employed by the United States will par-*
22 *ticipate in any combat operation in connection with assist-*
23 *ance made available by this Act for Colombia: Provided fur-*
24 *ther, That funds appropriated under this heading that are*
25 *available for assistance for the Bolivian military and police*

1 *are subject to the regular notification procedures of the*
2 *Committees on Appropriations and may be made available*
3 *for such purposes only if the Bolivian military and police*
4 *are respecting human rights and cooperating with civilian*
5 *judicial authorities, and the Bolivian Government is pros-*
6 *ecuting and punishing those responsible for violations of*
7 *human rights: Provided further, That of the funds appro-*
8 *priated under this heading, not more than \$16,285,000 may*
9 *be available for administrative expenses of the Department*
10 *of State, and not more than \$4,500,000 may be available,*
11 *in addition to amounts otherwise available for such pur-*
12 *poses, for administrative expenses of the United States*
13 *Agency for International Development.*

14 *MIGRATION AND REFUGEE ASSISTANCE*

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

1 \$775,000,000, which shall remain available until expended:
2 Provided, That not more than \$22,000,000 may be available
3 for administrative expenses: Provided further, That not less
4 than \$50,000,000 of the funds made available under this
5 heading shall be made available for refugees from the former
6 Soviet Union and Eastern Europe and other refugees reset-
7 tling in Israel: Provided further, That funds made available
8 under this heading should be made available to inter-
9 national organizations for assistance for refugees from
10 North Korea: Provided further, That funds made available
11 under this heading and the heading “Emergency Migration
12 and Refugee Assistance Fund” shall be made available to
13 nongovernmental organizations located in Thailand for hu-
14 manitarian assistance inside Burma: Provided further,
15 That funds appropriated under this heading may be made
16 available for a headquarters contribution to the Inter-
17 national Committee of the Red Cross only if the Secretary
18 of State determines (and so reports to the appropriate com-
19 mittees of Congress) that the Magen David Adom Society
20 of Israel is not being denied participation in the activities
21 of the International Red Cross and Red Crescent Movement.

22 UNITED STATES EMERGENCY REFUGEE AND MIGRATION

23 ASSISTANCE FUND

24 For necessary expenses to carry out the provisions of
25 section 2(c) of the Migration and Refugee Assistance Act
26 of 1962, as amended (22 U.S.C. 2601(c)), \$50,000,000, to

1 *remain available until expended: Provided, That funds*
2 *made available under this heading are appropriated not-*
3 *withstanding the provisions contained in section 2(c)(2) of*
4 *such Act which would limit the amount of funds which*
5 *could be appropriated for this purpose.*

6 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*
7 *RELATED PROGRAMS*

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

1 *Fund, notwithstanding any other provision of law, to pro-*
2 *mote bilateral and multilateral activities relating to non-*
3 *proliferation and disarmament: Provided further, That*
4 *such funds may also be used for such countries other than*
5 *the Independent States of the former Soviet Union and*
6 *international organizations when it is in the national secu-*
7 *rity interest of the United States to do so: Provided further,*
8 *That funds appropriated under this heading may be made*
9 *available for the International Atomic Energy Agency only*
10 *if the Secretary of State determines (and so reports to the*
11 *Congress) that Israel is not being denied its right to partici-*
12 *pate in the activities of that Agency: Provided further, That*
13 *funds available during fiscal year 2005 for a contribution*
14 *to the Comprehensive Nuclear Test Ban Treaty Preparatory*
15 *Commission and that are not necessary to make the United*
16 *States contribution to the Commission in the amount as-*
17 *sessed for fiscal year 2005 shall be made available for a*
18 *voluntary contribution to the International Atomic Energy*
19 *Agency and shall remain available until September 30,*
20 *2006: Provided further, That of the funds made available*
21 *for demining and related activities, not to exceed \$690,000,*
22 *in addition to funds otherwise available for such purposes,*
23 *may be used for administrative expenses related to the oper-*
24 *ation and management of the demining program: Provided*
25 *further, That the Secretary of State is authorized to provide,*

1 *from funds appropriated under this heading in this Act and*
2 *each subsequent Act making appropriations for foreign op-*
3 *erations, export financing and related programs, not to ex-*
4 *ceed \$250,000 for public-private partnerships for mine ac-*
5 *tion by grant, cooperative agreement, or contract: Provided*
6 *further, That funds appropriated under this heading that*
7 *are available for “Anti-terrorism Assistance” and “Export*
8 *Control and Border Security” shall remain available until*
9 *September 30, 2006: Provided further, That of the funds ap-*
10 *propriated under this heading, \$10,000,000 should be made*
11 *available for mobile robot systems and radiation detection*
12 *technology to combat international terrorism: Provided fur-*
13 *ther, That funds appropriated under this heading shall be*
14 *made available for programs and countries in the amounts*
15 *contained in the table included in the report accompanying*
16 *this Act: Provided further, That any proposed increases or*
17 *decreases to the amounts contained in such table shall be*
18 *subject to the regular notification procedures of the Commit-*
19 *tees on Appropriations and section 634A of the Foreign As-*
20 *sistance Act of 1961 and notifications shall be transmitted*
21 *at least 15 days in advance of the obligation of funds: Pro-*
22 *vided further, That of the funds appropriated under this*
23 *heading, \$10,000,000 should be made available to reduce*
24 *the threat that man-portable air defense systems*

1 (*‘MANPADS’*) could be acquired by terrorists or by state
2 sponsors of terrorism.

3 *CONFLICT RESPONSE FUND*

4 *For necessary expenses to assist in stabilizing and re-*
5 *constructing a country that is in, or is in transition from,*
6 *conflict or civil strife, \$20,000,000, to remain available*
7 *until expended: Provided, That funds available under this*
8 *paragraph may be used for assistance for a country only*
9 *if the Secretary of State determines and reports to the Com-*
10 *mittees on Appropriations, that it is important to the na-*
11 *tional security interest of the United States to do so and*
12 *consults with the Committees on Appropriations prior to*
13 *making any such determination: Provided further, That the*
14 *responsibility for this determination required by the pre-*
15 *vious proviso and policy decisions and justifications for the*
16 *use of funds made available under the authority of this*
17 *paragraph, including the amount of assistance provided to*
18 *a country under this authority, shall be the responsibility*
19 *of the Secretary of State and the Deputy Secretary of State*
20 *and shall not be delegated: Provided further, That the Presi-*
21 *dent may exercise the authority of section 552 of the For-*
22 *oreign Assistance Act of 1961, without regard and in addition*
23 *to the dollar limitations contained in that section, to fur-*
24 *nish assistance under this heading with respect to any*
25 *country that is the subject of a determination made under*
26 *this heading: Provided further, That assistance furnished*

1 *under this heading for any country that is the subject of*
2 *a determination under this heading may be made available*
3 *notwithstanding any other provision of law: Provided fur-*
4 *ther, That the previous proviso shall not apply to section*
5 *5051 of this Act: Provided further, That the administrative*
6 *authorities of the Foreign Assistance Act of 1961 shall be*
7 *applicable to the funds and resources available under this*
8 *paragraph: Provided further, That up to 5 percent of the*
9 *funds available under this paragraph may be made avail-*
10 *able for the administrative costs of United States Govern-*
11 *ment agencies implementing activities under this para-*
12 *graph: Provided further, That funds and resources available*
13 *under this heading shall be subject to the regular notifica-*
14 *tion procedures of the Committees on Appropriations except*
15 *that such notifications shall be transmitted at least 5 days*
16 *in advance of the obligation of funds.*

17 *DEPARTMENT OF THE TREASURY*

18 *INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE*

19 *For necessary expenses to carry out the provisions of*
20 *section 129 of the Foreign Assistance Act of 1961,*
21 *\$17,500,000, to remain available until September 30, 2007,*
22 *which shall be available notwithstanding any other provi-*
23 *sion of law.*

24 *DEBT RESTRUCTURING*

25 *For the cost, as defined in section 502 of the Congres-*
26 *sional Budget Act of 1974, of modifying loans and loan*

1 *guarantees, as the President may determine, for which*
2 *funds have been appropriated or otherwise made available*
3 *for programs within the International Affairs Budget Func-*
4 *tion 150, including the cost of selling, reducing, or canceling*
5 *amounts owed to the United States as a result of*
6 *concessional loans made to eligible countries, pursuant to*
7 *parts IV and V of the Foreign Assistance Act of 1961, and*
8 *of modifying concessional credit agreements with least de-*
9 *veloped countries, as authorized under section 411 of the*
10 *Agricultural Trade Development and Assistance Act of*
11 *1954, as amended, and concessional loans, guarantees and*
12 *credit agreements, as authorized under section 572 of the*
13 *Foreign Operations, Export Financing, and Related Pro-*
14 *grams Appropriations Act, 1989 (Public Law 100-461),*
15 *and of canceling amounts owed, as a result of loans or guar-*
16 *antees made pursuant to the Export-Import Bank Act of*
17 *1945, by countries that are eligible for debt reduction pursu-*
18 *ant to title V of H.R. 3425 as enacted into law by section*
19 *1000(a)(5) of Public Law 106-113, \$95,000,000, to remain*
20 *available until September 30, 2007: Provided, That not less*
21 *than \$20,000,000 of the funds appropriated under this*
22 *heading shall be made available to carry out the provisions*
23 *of part V of the Foreign Assistance Act of 1961: Provided*
24 *further, That \$75,000,000 of the funds appropriated under*
25 *this heading may be used by the Secretary of the Treasury*

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

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, the*
24 *Secretary of the Treasury shall consult with the Committees*
25 *on Appropriations concerning which countries and inter-*

1 *national financial institutions are expected to benefit from*
2 *a United States contribution to the HIPC Trust Fund dur-*
3 *ing the fiscal year: Provided further, That the Secretary of*
4 *the Treasury shall inform the Committees on Appropria-*
5 *tions not less than 15 days in advance of the signature of*
6 *an agreement by the United States to make payments to*
7 *the HIPC Trust Fund of amounts for such countries and*
8 *institutions: Provided further, That the Secretary of the*
9 *Treasury may disburse funds designated for debt reduction*
10 *through the HIPC Trust Fund only for the benefit of coun-*
11 *tries 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 any limitation of subsection (e) of*
2 *section 411 of the Agricultural Trade Development and As-*
3 *sistance Act of 1954 shall not apply to funds appropriated*
4 *under this heading: Provided further, That none of the*
5 *funds made available under this heading in this or any*
6 *other appropriations Act shall be made available for Sudan*
7 *or Burma unless the Secretary of the Treasury determines*
8 *and notifies the Committees on Appropriations that a*
9 *democratically elected government has taken office.*

10 **TITLE III—MILITARY ASSISTANCE**

11 **FUNDS APPROPRIATED TO THE PRESIDENT**

12 **INTERNATIONAL MILITARY EDUCATION AND TRAINING**

13 *For necessary expenses to carry out the provisions of*
14 *section 541 of the Foreign Assistance Act of 1961,*
15 *\$89,730,000, of which up to \$3,000,000 may remain avail-*
16 *able until expended: Provided, That the civilian personnel*
17 *for whom military education and training may be provided*
18 *under this heading may include civilians who are not mem-*
19 *bers of a government whose participation would contribute*
20 *to improved civil-military relations, civilian control of the*
21 *military, or respect for human rights: Provided further,*
22 *That of the funds appropriated under this heading, not less*
23 *than \$2,000,000 shall be made available for assistance for*
24 *Greece: Provided further, That funds appropriated under*
25 *this heading for military education and training for Guate-*

1 *mala may only be available for expanded international*
2 *military education and training, and funds made available*
3 *for Cambodia, Haiti, the Democratic Republic of the Congo,*
4 *Nigeria and Guatemala may only be provided through the*
5 *regular notification procedures of the Committees on Appro-*
6 *priations.*

7 **FOREIGN MILITARY FINANCING PROGRAM**

8 **(INCLUDING TRANSFER OF FUNDS)**

9 *For expenses necessary for grants to enable the Presi-*
10 *dent to carry out the provisions of section 23 of the Arms*
11 *Export Control Act, \$4,777,500,000: Provided, That of the*
12 *funds appropriated under this heading, not less than*
13 *\$2,220,000,000 shall be available for grants only for Israel,*
14 *and not less than \$1,300,000,000 shall be made available*
15 *for grants only for Egypt: Provided further, That the funds*
16 *appropriated by this paragraph for Israel shall be disbursed*
17 *within 30 days of the enactment of this Act or by October*
18 *31, 2004, whichever is later: Provided further, That to the*
19 *extent that the Government of Israel requests that funds be*
20 *used for such purposes, grants made available for Israel by*
21 *this paragraph shall, as agreed by Israel and the United*
22 *States, be available for advanced weapons systems, of which*
23 *not less than \$583,000,000 shall be available for the pro-*
24 *curement in Israel of defense articles and defense services,*
25 *including research and development: Provided further, That*
26 *of the funds appropriated by this paragraph, \$206,000,000*

1 *shall be made available for assistance for Jordan: Provided*
2 *further, That of the funds appropriated by this paragraph,*
3 *\$5,000,000 may be transferred to and consolidated with*
4 *funds appropriated under the heading “Nonproliferation,*
5 *Anti-Terrorism, Demining and Related Programs”, and*
6 *made available, in addition to amounts otherwise available*
7 *for such purposes, as follows: \$2,500,000, to remain avail-*
8 *able until expended, may be made available to carry out*
9 *the provisions of section 504 of the FREEDOM Support*
10 *Act for the Nonproliferation and Disarmament Fund, not-*
11 *withstanding any other provision of law, to promote bilat-*
12 *eral and multilateral activities relating to nonproliferation*
13 *and disarmament; and \$2,500,000 may be made available*
14 *as an additional contribution to “Anti-Terrorism Assist-*
15 *ance” programs: Provided further, That of the funds appro-*
16 *priated by this paragraph, \$10,000,000 shall be made avail-*
17 *able for assistance for Tunisia: Provided further, That of*
18 *the funds appropriated by this paragraph, \$8,000,000 shall*
19 *be made available for assistance for Armenia: Provided fur-*
20 *ther, That of the funds appropriated by this paragraph, not*
21 *less than \$30,000,000 shall be made available for assistance*
22 *for Liberia: Provided further, That of the funds appro-*
23 *priated under this heading, not more than \$2,000,000 may*
24 *be made available for assistance for Uganda and only for*
25 *non-lethal military equipment if the Secretary of State de-*

1 *termines and reports to the Committees on Appropriations*
2 *that the Government of Uganda, during the previous six*
3 *months, has made significant improvements in: (1) the pro-*
4 *tection of human rights, especially preventing acts of tor-*
5 *ture; (2) the protection of civilians in northern and eastern*
6 *Uganda; (3) the professionalization of the Ugandan armed*
7 *forces, including transparency of military budgets; and (4)*
8 *the prevention of recruitment of children into armed mili-*
9 *tias and the demobilization of existing militias: Provided*
10 *further, That of the funds appropriated under this heading,*
11 *not less than \$15,000,000 shall be made available for assist-*
12 *ance for Georgia: Provided further, That in addition to the*
13 *funds appropriated under this heading, up to \$150,000,000*
14 *may be derived by transfer from unobligated balances of*
15 *funds appropriated under the headings “Economic Support*
16 *Fund” and “Foreign Military Financing Program” in*
17 *prior appropriations Acts and not otherwise designated in*
18 *those Acts for a specific country, use, or purpose: Provided*
19 *further, That funds appropriated by this paragraph shall*
20 *be nonrepayable notwithstanding any requirement in sec-*
21 *tion 23 of the Arms Export Control Act: Provided further,*
22 *That funds made available under this paragraph shall be*
23 *obligated upon apportionment in accordance with para-*
24 *graph (5)(C) of title 31, United States Code, section*
25 *1501(a).*

1 *None of the funds made available under this heading*
2 *shall be available to finance the procurement of defense arti-*
3 *cles, defense services, or design and construction services*
4 *that are not sold by the United States Government under*
5 *the Arms Export Control Act unless the foreign country pro-*
6 *posing to make such procurements has first signed an agree-*
7 *ment with the United States Government specifying the*
8 *conditions under which such procurements may be financed*
9 *with such funds: Provided, That all country and funding*
10 *level increases in allocations shall be submitted through the*
11 *regular notification procedures of section 5015 of this Act:*
12 *Provided further, That none of the funds appropriated*
13 *under this heading shall be available for assistance for*
14 *Sudan and Guatemala: Provided further, That none of the*
15 *funds appropriated under this heading may be made avail-*
16 *able for assistance for Haiti except pursuant to the regular*
17 *notification procedures of the Committees on Appropria-*
18 *tions: Provided further, That funds made available under*
19 *this heading may be used, notwithstanding any other provi-*
20 *sion of law, for demining, the clearance of unexploded ord-*
21 *nance, and related activities, and may include activities*
22 *implemented through nongovernmental and international*
23 *organizations: Provided further, That only those countries*
24 *for which assistance was justified for the “Foreign Military*
25 *Sales Financing Program” in the fiscal year 1989 congres-*

1 sional presentation for security assistance programs may
2 utilize funds made available under this heading for procure-
3 ment of defense articles, defense services or design and con-
4 struction services that are not sold by the United States
5 Government under the Arms Export Control Act: Provided
6 further, That funds appropriated under this heading shall
7 be expended at the minimum rate necessary to make timely
8 payment for defense articles and services: Provided further,
9 That not more than \$40,500,000 of the funds appropriated
10 under this heading may be obligated for necessary expenses,
11 including the purchase of passenger motor vehicles for re-
12 placement only for use outside of the United States, for the
13 general costs of administering military assistance and sales:
14 Provided further, That not more than \$367,000,000 of funds
15 realized pursuant to section 21(e)(1)(A) of the Arms Export
16 Control Act may be obligated for expenses incurred by the
17 Department of Defense during fiscal year 2005 pursuant
18 to section 43(b) of the Arms Export Control Act, except that
19 this limitation may be exceeded only through the regular
20 notification procedures of the Committees on Appropria-
21 tions: Provided further, That foreign military financing
22 program funds estimated to be outlaid for Egypt during
23 fiscal year 2005 shall be transferred to an interest bearing
24 account for Egypt in the Federal Reserve Bank of New York

1 *within 30 days of enactment of this Act or by October 31,*
2 *2004, whichever is later.*

3 *PEACEKEEPING OPERATIONS*

4 *For necessary expenses to carry out the provisions of*
5 *section 551 of the Foreign Assistance Act of 1961,*
6 *\$104,000,000: Provided, That notwithstanding any other*
7 *provision of law except section 5051 of this Act, funds ap-*
8 *propriated for the Department of Defense for fiscal year*
9 *2005 may be transferred to the Department of State and*
10 *may be made available by the Department of State to pro-*
11 *vide such assistance as the Secretary of State deems appro-*
12 *priate for the military or security forces of a foreign coun-*
13 *try in order to enhance the capability of such country to*
14 *participate in international peacekeeping or peace enforce-*
15 *ment operations: Provided further, That none of the funds*
16 *appropriated under this heading shall be obligated or ex-*
17 *pended except as provided through the regular notification*
18 *procedures of the Committees on Appropriations.*

19 *TITLE IV—MULTILATERAL ECONOMIC*

20 *ASSISTANCE*

21 *FUNDS APPROPRIATED TO THE PRESIDENT*

22 *INTERNATIONAL FINANCIAL INSTITUTIONS*

23 *GLOBAL ENVIRONMENT FACILITY*

24 *For the United States contribution for the Global En-*
25 *vironment Facility, \$120,678,000 to the International Bank*
26 *for Reconstruction and Development as trustee for the Glob-*

1 *al Environment Facility, by the Secretary of the Treasury,*
2 *to remain available until expended.*

3 *CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT*

4 *ASSOCIATION*

5 *For payment to the International Development Asso-*
6 *ciation by the Secretary of the Treasury, \$820,000,000, 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 Multi-*
11 *lateral Investment Fund by the Secretary of the Treasury,*
12 *for the United States contribution to the fund, \$15,000,000,*
13 *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, \$59,691,000, to remain avail-*
19 *able until expended.*

20 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK*

21 *For payment to the African Development Bank by the*
22 *Secretary of the Treasury, \$1,100,000, for the United States*
23 *paid-in share of the increase in capital stock, to remain*
24 *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 for*
4 *the callable capital portion of the United States share of*
5 *such capital stock in an amount not to exceed \$79,532,933.*

6 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND*

7 *For the United States contribution by the Secretary*
8 *of the Treasury to the increase in resources of the African*
9 *Development Fund, \$67,000,000, to remain available until*
10 *expended.*

11 *CONTRIBUTION TO THE EUROPEAN BANK FOR*12 *RECONSTRUCTION AND DEVELOPMENT*

13 *For payment to the European Bank for Reconstruction*
14 *and Development by the Secretary of the Treasury,*
15 *\$35,431,000 for the United States share of the paid-in por-*
16 *tion of the increase in capital stock, to remain available*
17 *until expended.*

18 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

19 *The United States Governor of the European Bank for*
20 *Reconstruction and Development may subscribe without fis-*
21 *cal year limitation to the callable capital portion of the*
22 *United States share of such capital stock in an amount not*
23 *to exceed \$121,997,000.*

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 International*
5 *Fund for Agricultural Development, \$15,000,000, to remain*
6 *available until expended.*

7 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

8 *For necessary expenses to carry out the provisions of*
9 *section 301 of the Foreign Assistance Act of 1961, and of*
10 *section 2 of the United Nations Environment Program Par-*
11 *ticipation Act of 1973, \$328,925,000: Provided, That none*
12 *of the funds appropriated under this heading may be made*
13 *available to the International Atomic Energy Agency*
14 *(IAEA): Provided further, That funds appropriated under*
15 *this heading shall be made available for programs and*
16 *countries in the amounts contained in the table included*
17 *in the report accompanying this Act: Provided further, That*
18 *any proposed increases or decreases to the amounts con-*
19 *tained in such table shall be subject to the regular notifica-*
20 *tion procedures of the Committees on Appropriations and*
21 *section 634A of the Foreign Assistance Act of 1961 and noti-*
22 *fications shall be transmitted at least 15 days in advance*
23 *of the obligation of funds.*

1 *TITLE V—GENERAL PROVISIONS*
2 *COMPENSATION FOR UNITED STATES EXECUTIVE*
3 *DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS*

4 *SEC. 5001. (a) No funds appropriated by this Act may*
5 *be made as payment to any international financial institu-*
6 *tion while the United States Executive Director to such in-*
7 *stitution is compensated by the institution at a rate which,*
8 *together with whatever compensation such Director receives*
9 *from the United States, is in excess of the rate provided*
10 *for an individual occupying a position at level IV of the*
11 *Executive Schedule under section 5315 of title 5, United*
12 *States Code, or while any alternate United States Director*
13 *to such institution is compensated by the institution at a*
14 *rate in excess of the rate provided for an individual occu-*
15 *pying a position at level V of the Executive Schedule under*
16 *section 5316 of title 5, United States Code.*

17 *(b) For purposes of this section, “international finan-*
18 *cial institutions” are: the International Bank for Recon-*
19 *struction and Development, the Inter-American Develop-*
20 *ment Bank, the Asian Development Bank, the Asian Devel-*
21 *opment Fund, the African Development Bank, the African*
22 *Development Fund, the International Monetary Fund, the*
23 *North American Development Bank, and the European*
24 *Bank for Reconstruction and Development.*

1 *RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED*
2 *NATIONS AGENCIES*

3 *SEC. 5002. None of the funds appropriated by this Act*
4 *may be made available to pay any voluntary contribution*
5 *of the United States to the United Nations (including the*
6 *United Nations Development Program) if the United Na-*
7 *tions implements or imposes any taxation on any United*
8 *States persons.*

9 *LIMITATION ON RESIDENCE EXPENSES*

10 *SEC. 5003. Of the funds appropriated or made avail-*
11 *able pursuant to this Act, not to exceed \$100,500 shall be*
12 *for official residence expenses of the United States Agency*
13 *for International Development during the current fiscal*
14 *year: Provided, That appropriate steps shall be taken to as-*
15 *sure that, to the maximum extent possible, United States-*
16 *owned foreign currencies are utilized in lieu of dollars.*

17 *LIMITATION ON EXPENSES*

18 *SEC. 5004. Of the funds appropriated or made avail-*
19 *able pursuant to this Act, not to exceed \$5,000 shall be for*
20 *entertainment expenses of the United States Agency for*
21 *International Development during the current fiscal year.*

22 *LIMITATION ON REPRESENTATIONAL ALLOWANCES*

23 *SEC. 5005. Of the funds appropriated or made avail-*
24 *able pursuant to this Act, not to exceed \$125,000 shall be*
25 *available for representation allowances for the United*
26 *States Agency for International Development during the*

1 *current fiscal year: Provided, That appropriate steps shall*
2 *be taken to assure that, to the maximum extent possible,*
3 *United States-owned foreign currencies are utilized in lieu*
4 *of dollars: Provided further, That of the funds made avail-*
5 *able by this Act for general costs of administering military*
6 *assistance and sales under the heading “Foreign Military*
7 *Financing Program”, not to exceed \$2,000 shall be avail-*
8 *able for entertainment expenses and not to exceed \$125,000*
9 *shall be available for representation allowances: Provided*
10 *further, That of the funds made available by this Act under*
11 *the heading “International Military Education and Train-*
12 *ing”, not to exceed \$50,000 shall be available for entertain-*
13 *ment allowances: Provided further, That of the funds made*
14 *available by this Act for the Inter-American Foundation,*
15 *not to exceed \$2,000 shall be available for entertainment*
16 *and representation allowances: Provided further, That of*
17 *the funds made available by this Act for the Peace Corps,*
18 *not to exceed a total of \$4,000 shall be available for enter-*
19 *tainment expenses: Provided further, That of the funds*
20 *made available by this Act under the heading “Trade and*
21 *Development Agency”, not to exceed \$2,000 shall be avail-*
22 *able for representation and entertainment allowances: Pro-*
23 *vided further, That of the funds made available by this Act*
24 *under the heading “Millennium Challenge Corporation”,*

1 *not to exceed \$100,000 shall be available for representation*
2 *allowances.*

3 *PROHIBITION ON TAXATION OF UNITED STATES*

4 *ASSISTANCE*

5 *SEC. 5006. (a) PROHIBITION ON TAXATION.—None of*
6 *the funds appropriated by this Act may be made available*
7 *to provide assistance for a foreign country under a new bi-*
8 *lateral agreement governing the terms and conditions under*
9 *which such assistance is to be provided unless such agree-*
10 *ment includes a provision stating that assistance provided*
11 *by the United States shall be exempt from taxation, or reim-*
12 *bursed, by the foreign government, and the Secretary of*
13 *State shall expeditiously seek to negotiate amendments to*
14 *existing bilateral agreements, as necessary, to conform with*
15 *this requirement.*

16 *(b) REIMBURSEMENT OF FOREIGN TAXES.—An*
17 *amount equivalent to 200 percent of the total taxes assessed*
18 *during fiscal year 2005 on funds appropriated by this Act*
19 *by a foreign government or entity against commodities fi-*
20 *nanced under United States assistance programs for which*
21 *funds are appropriated by this Act, either directly or*
22 *through grantees, contractors and subcontractors shall be*
23 *withheld from obligation from funds appropriated for as-*
24 *sistance for fiscal year 2006 and allocated for the central*
25 *government of such country and for the West Bank and*
26 *Gaza Program to the extent that the Secretary of State cer-*

1 *tifies and reports in writing to the Committees on Appro-*
2 *priations that such taxes have not been reimbursed to the*
3 *Government of the United States.*

4 (c) *DE MINIMIS EXCEPTION.*—*Foreign taxes of a de*
5 *minimis nature shall not be subject to the provisions of sub-*
6 *section (b).*

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

13 (e) *DETERMINATIONS.*—

14 (1) *The provisions of this section shall not apply*
15 *to any country or entity the Secretary of State*
16 *determines—*

17 (A) *does not assess taxes on United States*
18 *assistance or which has an effective arrangement*
19 *that is providing substantial reimbursement of*
20 *such taxes; or*

21 (B) *the foreign policy interests of the United*
22 *States outweigh the policy of this section to en-*
23 *sure that United States assistance is not subject*
24 *to taxation.*

1 (2) *The Secretary of State shall consult with the*
2 *Committees on Appropriations at least 15 days prior*
3 *to exercising the authority of this subsection with re-*
4 *gard to any country or entity.*

5 (f) *IMPLEMENTATION.—The Secretary of State shall*
6 *issue rules, regulations, or policy guidance, as appropriate,*
7 *to implement the prohibition against the taxation of assist-*
8 *ance contained in this section.*

9 (g) *DEFINITIONS.—As used in this section—*

10 (1) *the terms “taxes” and “taxation” refer to*
11 *value added taxes and customs duties imposed on*
12 *commodities financed with United States assistance*
13 *for programs for which funds are appropriated by*
14 *this Act; and*

15 (2) *the term “bilateral agreement” refers to a*
16 *framework bilateral agreement between the Govern-*
17 *ment of the United States and the government of the*
18 *country receiving assistance that describes the privi-*
19 *leges and immunities applicable to United States for-*
20 *foreign assistance for such country generally, or an indi-*
21 *vidual agreement between the Government of the*
22 *United States and such government that describes,*
23 *among other things, the treatment for tax purposes*
24 *that will be accorded the United States assistance*
25 *provided under that agreement.*

1 *PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN*
2 *COUNTRIES*

3 *SEC. 5007. None of the funds appropriated or other-*
4 *wise made available pursuant to this Act shall be obligated*
5 *or expended to finance directly any assistance or repara-*
6 *tions to Cuba, Libya, North Korea, Iran, or Syria: Pro-*
7 *vided, That for purposes of this section, the prohibition on*
8 *obligations or expenditures shall include direct loans, cred-*
9 *its, insurance and guarantees of the Export-Import Bank*
10 *or its agents.*

11 *MILITARY COUPS*

12 *SEC. 5008. None of the funds appropriated or other-*
13 *wise made available pursuant to this Act shall be obligated*
14 *or expended to finance directly any assistance to the govern-*
15 *ment of any country whose duly elected head of government*
16 *is deposed by decree or military coup: Provided, That as-*
17 *sistance may be resumed to such government if the Presi-*
18 *dent determines and certifies to the Committees on Appro-*
19 *priations that subsequent to the termination of assistance*
20 *a democratically elected government has taken office: Pro-*
21 *vided further, That the provisions of this section shall not*
22 *apply to assistance to promote democratic elections or pub-*
23 *lic participation in democratic processes: Provided further,*
24 *That funds made available pursuant to the previous pro-*
25 *visos shall be subject to the regular notification procedures*
26 *of the Committees on Appropriations.*

TRANSFERS

1
2 *SEC. 5009. (a)(1) LIMITATION ON TRANSFERS BE-*
3 *TWEEN AGENCIES.—None of the funds made available by*
4 *this Act may be transferred to any department, agency, or*
5 *instrumentality of the United States Government, except*
6 *pursuant to a transfer made by, or transfer authority pro-*
7 *vided in, this Act or any other appropriation Act.*

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

15 *(b) TRANSFERS BETWEEN ACCOUNTS.—None of the*
16 *funds made available by this Act may be obligated under*
17 *an appropriation account to which they were not appro-*
18 *priated, except for transfers specifically provided for in this*
19 *Act, unless the President, not less than five days prior to*
20 *the exercise of any authority contained in the Foreign As-*
21 *sistance Act of 1961 to transfer funds, consults with and*
22 *provides a written policy justification to the Committees*
23 *on Appropriations of the House of Representatives and the*
24 *Senate.*

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

13 *COMMERCIAL LEASING OF DEFENSE ARTICLES*

14 *SEC. 5010.* Notwithstanding any other provision of
15 law, and subject to the regular notification procedures of
16 the Committees on Appropriations, the authority of section
17 23(a) of the Arms Export Control Act may be used to pro-
18 vide financing to Israel, Egypt and NATO and major non-
19 NATO allies for the procurement by leasing (including leas-
20 ing with an option to purchase) of defense articles from
21 United States commercial suppliers, not including Major
22 Defense Equipment (other than helicopters and other types
23 of aircraft having possible civilian application), if the
24 President determines that there are compelling foreign pol-
25 icy or national security reasons for those defense articles

1 *being provided by commercial lease rather than by govern-*
2 *ment-to-government sale under such Act.*

3 *AVAILABILITY OF FUNDS*

4 *SEC. 5011. No part of any appropriation contained*
5 *in this Act shall remain available for obligation after the*
6 *expiration of the current fiscal year unless expressly so pro-*
7 *vided in this Act: Provided, That funds appropriated for*
8 *the purposes of chapters 1, 8, 11, and 12 of part I, section*
9 *667, chapters 4, 6, 8, and 9 of part II of the Foreign Assist-*
10 *ance Act of 1961, section 23 of the Arms Export Control*
11 *Act, and funds provided under the heading “Assistance for*
12 *Eastern Europe and the Baltic States”, shall remain avail-*
13 *able for an additional four years from the date on which*
14 *the availability of such funds would otherwise have expired,*
15 *if such funds are initially obligated before the expiration*
16 *of their respective periods of availability contained in this*
17 *Act: Provided further, That, notwithstanding any other pro-*
18 *vision of this Act, any funds made available for the pur-*
19 *poses of chapter 1 of part I and chapter 4 of part II of*
20 *the Foreign Assistance Act of 1961 which are allocated or*
21 *obligated for cash disbursements in order to address balance*
22 *of payments or economic policy reform objectives, shall re-*
23 *main available until expended.*

24 *LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT*

25 *SEC. 5012. No part of any appropriation contained*
26 *in this Act shall be used to furnish assistance to the govern-*

1 *ment of any country which is in default during a period*
2 *in excess of one calendar year in payment to the United*
3 *States of principal or interest on any loan made to the gov-*
4 *ernment of such country by the United States pursuant to*
5 *a program for which funds are appropriated under this Act*
6 *unless the President determines, following consultations*
7 *with the Committees on Appropriations, that assistance to*
8 *such country is in the national interest of the United States.*

9 *COMMERCE AND TRADE*

10 *SEC. 5013. (a) None of the funds appropriated or made*
11 *available pursuant to this Act for direct assistance and*
12 *none of the funds otherwise made available pursuant to this*
13 *Act to the Export-Import Bank and the Overseas Private*
14 *Investment Corporation shall be obligated or expended to*
15 *finance any loan, any assistance or any other financial*
16 *commitments for establishing or expanding production of*
17 *any commodity for export by any country other than the*
18 *United States, if the commodity is likely to be in surplus*
19 *on world markets at the time the resulting productive ca-*
20 *capacity is expected to become operative and if the assistance*
21 *will cause substantial injury to United States producers of*
22 *the same, similar, or competing commodity: Provided, That*
23 *such prohibition shall not apply to the Export-Import Bank*
24 *if in the judgment of its Board of Directors the benefits to*
25 *industry and employment in the United States are likely*
26 *to outweigh the injury to United States producers of the*

1 *same, similar, or competing commodity, and the Chairman*
 2 *of the Board so notifies the Committees on Appropriations.*

3 *(b) None of the funds appropriated by this or any other*
 4 *Act to carry out chapter 1 of part I of the Foreign Assist-*
 5 *ance Act of 1961 shall be available for any testing or breed-*
 6 *ing feasibility study, variety improvement or introduction,*
 7 *consultancy, publication, conference, or training in connec-*
 8 *tion with the growth or production in a foreign country*
 9 *of an agricultural commodity for export which would com-*
 10 *pete with a similar commodity grown or produced in the*
 11 *United States: Provided, That this subsection shall not*
 12 *prohibit—*

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

17 *(2) research activities intended primarily to ben-*
 18 *efit American producers.*

19 *SURPLUS COMMODITIES*

20 *SEC. 5014. The Secretary of the Treasury shall in-*
 21 *struct the United States Executive Directors of the Inter-*
 22 *national Bank for Reconstruction and Development, the*
 23 *International Development Association, the International*
 24 *Finance Corporation, the Inter-American Development*
 25 *Bank, the International Monetary Fund, the Asian Devel-*
 26 *opment Bank, the Inter-American Investment Corporation,*

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

11 *NOTIFICATION REQUIREMENTS*

12 *SEC. 5015. For the purposes of providing the executive*
13 *branch with the necessary administrative flexibility, none*
14 *of the funds made available under this Act for “Child Sur-*
15 *vival and Health Programs Fund”, “Development Assist-*
16 *ance”, “International Organizations and Programs”,*
17 *“Trade and Development Agency”, “International Nar-*
18 *cotics Control and Law Enforcement”, “Andean*
19 *Counterdrug Initiative”, “Assistance for Eastern Europe*
20 *and the Baltic States”, “Assistance for the Independent*
21 *States of the Former Soviet Union”, “Economic Support*
22 *Fund”, “Global HIV/AIDS Initiative”, “Peacekeeping Op-*
23 *erations”, “Capital Investment Fund”, “Operating Ex-*
24 *penses of the United States Agency for International Devel-*
25 *opment”, “Operating Expenses of the United States Agency*
26 *for International Development Office of Inspector General”,*

1 *“Nonproliferation, Anti-terrorism, Demining and Related*
2 *Programs”*, *“Millennium Challenge Corporation”* (by coun-
3 *try only)*, *“Foreign Military Financing Program”*, *“Inter-*
4 *national Military Education and Training”*, *“Peace*
5 *Corps”*, and *“Migration and Refugee Assistance”*, shall be
6 *available for obligation for activities, programs, projects,*
7 *type of materiel assistance, countries, or other operations*
8 *not justified or in excess of the amount justified to the Com-*
9 *mittees on Appropriations for obligation under any of these*
10 *specific headings unless the Committees on Appropriations*
11 *of both Houses of Congress are previously notified 15 days*
12 *in advance: Provided, That the President shall not enter*
13 *into any commitment of funds appropriated for the pur-*
14 *poses of section 23 of the Arms Export Control Act for the*
15 *provision of major defense equipment, other than conven-*
16 *tional ammunition, or other major defense items defined*
17 *to be aircraft, ships, missiles, or combat vehicles, not pre-*
18 *viously justified to Congress or 20 percent in excess of the*
19 *quantities justified to Congress unless the Committees on*
20 *Appropriations are notified 15 days in advance of such*
21 *commitment: Provided further, That this section shall not*
22 *apply to any reprogramming for an activity, program, or*
23 *project for which funds are appropriated under title II of*
24 *this Act of less than 10 percent of the amount previously*
25 *justified to the Congress for obligation for such activity,*

1 program, or project for the current fiscal year: Provided
2 further, That all reprogrammings of funds appropriated by
3 this Act and prior Acts under the headings “International
4 Narcotics Control and Law Enforcement” and “Andean
5 Counterdrug Initiative” by the Department of State shall
6 be subject to the same review and approval procedures by
7 the Department of State as apply to the reprogramming
8 by the Department of funds appropriated under the heading
9 “Economic Support Fund”: Provided further, That the re-
10 quirements of this section or any similar provision of this
11 Act or any other Act, including any prior Act requiring
12 notification in accordance with the regular notification
13 procedures of the Committees on Appropriations, may be
14 waived if failure to do so would pose a substantial risk to
15 human health or welfare: Provided further, That in case
16 of any such waiver, notification to the Congress, or the ap-
17 propriate congressional committees, shall be provided as
18 early as practicable, but in no event later than 3 days after
19 taking the action to which such notification requirement
20 was applicable, in the context of the circumstances necessi-
21 tating such waiver: Provided further, That any notification
22 provided pursuant to such a waiver shall contain an expla-
23 nation of the emergency circumstances.

1 *LIMITATION ON AVAILABILITY OF FUNDS FOR*
2 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

3 *SEC. 5016. Subject to the regular notification proce-*
4 *dures of the Committees on Appropriations, funds appro-*
5 *priated under this Act or any previously enacted Act mak-*
6 *ing appropriations for foreign operations, export financing,*
7 *and related programs, which are returned or not made*
8 *available for organizations and programs because of the im-*
9 *plementation of section 307(a) of the Foreign Assistance Act*
10 *of 1961, shall remain available for obligation until Sep-*
11 *tember 30, 2006.*

12 *INDEPENDENT STATES OF THE FORMER SOVIET UNION*

13 *SEC. 5017. (a) None of the funds appropriated under*
14 *the heading “Assistance for the Independent States of the*
15 *Former Soviet Union” shall be made available for assist-*
16 *ance for a government of an Independent State of the former*
17 *Soviet Union if that government directs any action in vio-*
18 *lation of the territorial integrity or national sovereignty of*
19 *any other Independent State of the former Soviet Union,*
20 *such as those violations included in the Helsinki Final Act:*
21 *Provided, That such funds may be made available without*
22 *regard 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.*

25 *(b) None of the funds appropriated under the heading*
26 *“Assistance for the Independent States of the Former Soviet*

1 *Union” shall be made available for any state to enhance*
2 *its military capability: Provided, That this restriction does*
3 *not apply to demilitarization, demining or nonproliferation*
4 *programs.*

5 *(c) Funds appropriated under the heading “Assistance*
6 *for the Independent States of the Former Soviet Union” for*
7 *the Russian Federation, Armenia, Georgia, and Ukraine*
8 *shall be subject to the regular notification procedures of the*
9 *Committees on Appropriations.*

10 *(d) Funds made available in this Act for assistance*
11 *for the Independent States of the former Soviet Union shall*
12 *be subject to the provisions of section 117 (relating to envi-*
13 *ronment and natural resources) of the Foreign Assistance*
14 *Act of 1961.*

15 *(e) In issuing new task orders, entering into contracts,*
16 *or making grants, with funds appropriated in this Act or*
17 *prior appropriations Acts under the heading “Assistance*
18 *for the Independent States of the Former Soviet Union” and*
19 *under comparable headings in prior appropriations Acts,*
20 *for projects or activities that have as one of their primary*
21 *purposes the fostering of private sector development, the Co-*
22 *ordinator for United States Assistance to Europe and Eur-*
23 *asia and the implementing agency shall encourage the par-*
24 *ticipation of and give significant weight to contractors and*
25 *grantees who propose investing a significant amount of*

1 *their own resources (including volunteer services and in-*
2 *kind contributions) in such projects and activities.*

3 *PROHIBITION ON FUNDING FOR ABORTIONS AND*
4 *INVOLUNTARY STERILIZATION*

5 *SEC. 5018. None of the funds made available to carry*
6 *out part I of the Foreign Assistance Act of 1961, as amend-*
7 *ed, may be used to pay for the performance of abortions*
8 *as a method of family planning or to motivate or coerce*
9 *any person to practice abortions. None of the funds made*
10 *available to carry out part I of the Foreign Assistance Act*
11 *of 1961, as amended, may be used to pay for the perform-*
12 *ance of involuntary sterilization as a method of family*
13 *planning or to coerce or provide any financial incentive*
14 *to any person to undergo sterilizations. None of the funds*
15 *made available to carry out part I of the Foreign Assistance*
16 *Act of 1961, as amended, may be used to pay for any bio-*
17 *medical research which relates in whole or in part, to meth-*
18 *ods of, or the performance of, abortions or involuntary steri-*
19 *lization as a means of family planning. None of the funds*
20 *made available to carry out part I of the Foreign Assistance*
21 *Act of 1961, as amended, may be obligated or expended for*
22 *any country or organization if the President certifies that*
23 *the use of these funds by any such country or organization*
24 *would violate any of the above provisions related to abor-*
25 *tions and involuntary sterilizations.*

1 *EXPORT FINANCING TRANSFER AUTHORITIES*

2 *SEC. 5019. Not to exceed 5 percent of any appropria-*
3 *tion other than for administrative expenses made available*
4 *for fiscal year 2005, for programs under title I of this Act*
5 *may be transferred between such appropriations for use for*
6 *any of the purposes, programs, and activities for which the*
7 *funds in such receiving account may be used, but no such*
8 *appropriation, except as otherwise specifically provided,*
9 *shall be increased by more than 25 percent by any such*
10 *transfer: Provided, That the exercise of such authority shall*
11 *be subject to the regular notification procedures of the Com-*
12 *mittees on Appropriations.*

13 *SPECIAL NOTIFICATION REQUIREMENTS*

14 *SEC. 5020. None of the funds appropriated by this Act*
15 *shall be obligated or expended for Liberia, Serbia, Sudan,*
16 *Zimbabwe, Pakistan, Cambodia, or Haiti except as pro-*
17 *vided through the regular notification procedures of the*
18 *Committees on Appropriations.*

19 *DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY*

20 *SEC. 5021. For the purpose of this Act, “program,*
21 *project, and activity” shall be defined at the appropriations*
22 *Act account level and shall include all appropriations and*
23 *authorizations Acts earmarks, ceilings, and limitations*
24 *with the exception that for the following accounts: Economic*
25 *Support Fund and Foreign Military Financing Program,*
26 *“program, project, and activity” shall also be considered*

1 *to include country, regional, and central program level*
2 *funding within each such account; for the development as-*
3 *sistance accounts of the United States Agency for Inter-*
4 *national Development “program, project, and activity”*
5 *shall also be considered to include central, country, re-*
6 *gional, and program level funding, either as: (1) justified*
7 *to the Congress; or (2) allocated by the executive branch in*
8 *accordance with a report, to be provided to the Committees*
9 *on Appropriations within 30 days of the enactment of this*
10 *Act, as required by section 653(a) of the Foreign Assistance*
11 *Act of 1961.*

12 *CHILD SURVIVAL AND HEALTH ACTIVITIES*

13 *SEC. 5022. Up to \$13,500,000 of the funds made avail-*
14 *able by this Act for assistance under the heading “Child*
15 *Survival and Health Programs Fund”, may be used to re-*
16 *imburse United States Government agencies, agencies of*
17 *State governments, institutions of higher learning, and pri-*
18 *vate and voluntary organizations for the full cost of indi-*
19 *viduals (including for the personal services of such individ-*
20 *uals) detailed or assigned to, or contracted by, as the case*
21 *may be, the United States Agency for International Devel-*
22 *opment for the purpose of carrying out activities under that*
23 *heading: Provided, That up to \$3,500,000 of the funds made*
24 *available by this Act for assistance under the heading “De-*
25 *velopment Assistance” may be used to reimburse such agen-*
26 *cies, institutions, and organizations for such costs of such*

1 *individuals carrying out other development assistance ac-*
2 *tivities: Provided further, That funds appropriated by titles*
3 *II and III of this Act that are made available for bilateral*
4 *assistance for child survival activities or disease programs*
5 *including activities relating to research on, and the preven-*
6 *tion, treatment and control of, HIV/AIDS may be made*
7 *available notwithstanding any other provision of law except*
8 *for the provisions under the heading “Child Survival and*
9 *Health Programs Fund” and the United States Leadership*
10 *Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003*
11 *(117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Pro-*
12 *vided further, That of the funds appropriated under title*
13 *II of this Act, not less than \$450,000,000 shall be made*
14 *available for family planning/reproductive health.*

15 *AFGHANISTAN*

16 *SEC. 5023. Of the funds appropriated by this Act, not*
17 *less than \$504,450,000 shall be made available for humani-*
18 *tarian and reconstruction assistance for Afghanistan: Pro-*
19 *vided, That of the funds made available pursuant to this*
20 *section, not less than \$225,000,000 should be from funds*
21 *appropriated under the heading “Economic Support*
22 *Fund”:* *Provided further, That funds appropriated by this*
23 *Act that are available for assistance for the Afghan National*
24 *Army should be made available if members of the Army*
25 *have been vetted for any involvement in terrorism, human*
26 *rights violations, drug trafficking, and other serious crimi-*

1 *nal activity: Provided further, That of the funds made*
2 *available pursuant to this section, not less than \$2,000,000*
3 *should be made available for reforestation activities: Pro-*
4 *vided further, That funds made available pursuant to the*
5 *previous proviso should be matched, to the maximum extent*
6 *possible, with contributions from American and Afghan*
7 *businesses: Provided further, That of the funds made avail-*
8 *able pursuant to this section, not less than \$2,000,000 shall*
9 *be made available for the Afghan Independent Human*
10 *Rights Commission and for other Afghan human rights or-*
11 *ganizations: Provided further, That of the funds made*
12 *available pursuant to this section, not less than \$50,000,000*
13 *shall be made available to support programs that directly*
14 *address the needs of Afghan women and girls, of which not*
15 *less than \$15,000,000 shall be made available for small*
16 *grants to support training and equipment to improve the*
17 *capacity of women-led Afghan nongovernmental organiza-*
18 *tions and to support the activities of such organizations:*
19 *Provided further, That not less than \$2,000,000 should be*
20 *made available for assistance for Afghan communities and*
21 *families that have suffered losses as a result of the military*
22 *operations.*

23 *NOTIFICATION ON EXCESS DEFENSE EQUIPMENT*

24 *SEC. 5024. Prior to providing excess Department of*
25 *Defense articles in accordance with section 516(a) of the*
26 *Foreign Assistance Act of 1961, the Department of Defense*

1 *shall notify the Committees on Appropriations to the same*
2 *extent and under the same conditions as are other commit-*
3 *tees pursuant to subsection (f) of that section: Provided,*
4 *That before issuing a letter of offer to sell excess defense arti-*
5 *cles under the Arms Export Control Act, the Department*
6 *of Defense shall notify the Committees on Appropriations*
7 *in accordance with the regular notification procedures of*
8 *such Committees if such defense articles are significant*
9 *military equipment (as defined in section 47(9) of the Arms*
10 *Export Control Act) or are valued (in terms of original ac-*
11 *quisition cost) at \$7,000,000 or more, or if notification is*
12 *required elsewhere in this Act for the use of appropriated*
13 *funds for specific countries that would receive such excess*
14 *defense articles: Provided further, That such Committees*
15 *shall also be informed of the original acquisition cost of such*
16 *defense articles.*

17 *HIV/AIDS WORKING CAPITAL FUND*

18 *SEC. 5025. (a) In furtherance of the purposes of section*
19 *104A of the Foreign Assistance Act of 1961, and to assist*
20 *in providing a safe, secure, reliable, and sustainable supply*
21 *chain of pharmaceuticals and other products needed to pro-*
22 *vide care and treatment of persons with HIV/AIDS and re-*
23 *lated infections, the Coordinator of the United States Gov-*
24 *ernment Activities to Combat HIV/AIDS Globally (the “Co-*
25 *ordinator”)* *is authorized to establish an HIV/AIDS Work-*

1 *ing Capital Fund (in this section referred to as the “HIV/
2 AIDS Fund”).*

3 *(b) Funds deposited during any fiscal year in the HIV/
4 AIDS Fund shall be available without fiscal year limitation
5 and used for pharmaceuticals and other products needed to
6 provide care and treatment of persons with HIV/AIDS and
7 related infections, including, but not limited to—*

8 *(1) anti-retroviral drugs;*

9 *(2) other pharmaceuticals and medical items
10 needed to provide care and treatment to persons with
11 HIV/AIDS and related infections;*

12 *(3) laboratory and other supplies for performing
13 tests related to the provision of care and treatment to
14 persons with HIV/AIDS and related infections;*

15 *(4) other medical supplies needed for the oper-
16 ation of HIV/AIDS treatment and care centers, in-
17 cluding products needed in programs for the preven-
18 tion of mother-to-child transmission;*

19 *(5) pharmaceuticals and health commodities
20 needed for the provision of palliative care; and*

21 *(6) laboratory and clinical equipment, as well as
22 equipment needed for the transportation and care of
23 HIV/AIDS supplies, and other equipment needed to
24 provide prevention, care and treatment of HIV/AIDS
25 described above.*

1 (c) *There may be deposited during any fiscal year in*
2 *the HIV/AIDS Fund payments for HIV/AIDS pharma-*
3 *ceuticals and products provided from the HIV/AIDS Fund*
4 *received from applicable appropriations and funds of the*
5 *United States Agency for International Development, the*
6 *Department of Health and Human Services, the Depart-*
7 *ment of Defense, or other Federal agencies and other sources*
8 *at actual cost of the HIV/AIDS pharmaceuticals and other*
9 *products, actual cost plus the additional costs of providing*
10 *such HIV/AIDS pharmaceuticals and other products, or at*
11 *any other price agreed to by the Coordinator or his designee.*

12 (d) *There may be deposited in the HIV/AIDS Fund*
13 *payments for the loss of, or damage to, HIV/AIDS pharma-*
14 *ceuticals and products held in the HIV/AIDS Fund, rebates,*
15 *reimbursements, refunds and other credits application to*
16 *the operation of the HIV/AIDS Fund.*

17 (e) *At the close of each fiscal year the Coordinator may*
18 *transfer out of the HIV/AIDS Fund to other HIV/AIDS*
19 *programmatic areas such amounts as the Coordinator de-*
20 *termines to be in excess of the needs of the HIV/AIDS Fund.*

21 (f) *At the close of each fiscal year the Coordinator shall*
22 *submit a report to the Committees on Appropriations de-*
23 *tailing the financial activities of the HIV/AIDS Fund, in-*
24 *cluding sources of income and information regarding dis-*
25 *bursements.*

DEMOCRACY PROGRAMS

1
2 *SEC. 5026. (a) Notwithstanding any other provision*
3 *of law, of the funds appropriated by this Act to carry out*
4 *the provisions of chapter 4 of part II of the Foreign Assist-*
5 *ance Act of 1961, not less than \$35,000,000 shall be made*
6 *available for assistance for activities to support democracy,*
7 *human rights, and the rule of law in the People’s Republic*
8 *of China and Hong Kong: Provided, That funds appro-*
9 *riated under the heading “Economic Support Fund”*
10 *should be made available for assistance for Taiwan for the*
11 *purposes of furthering political and legal reforms: Provided*
12 *further, That such funds shall only be made available to*
13 *the extent that they are matched from sources other than*
14 *the United States Government: Provided further, That*
15 *funds made available pursuant to the authority of this sub-*
16 *section shall be subject to the regular notification procedures*
17 *of the Committees on Appropriations.*

18 *(b)(1) In addition to the funds made available in sub-*
19 *section (a), of the funds appropriated by this Act under the*
20 *heading “Economic Support Fund” not less than*
21 *\$25,000,000 shall be made available for programs and ac-*
22 *tivities to foster democracy, human rights, civic education,*
23 *women’s development, press freedom, and the rule of law*
24 *in countries with a significant Muslim population, and*
25 *where such programs and activities would be important to*

1 *United States efforts to respond to, deter, or prevent acts*
2 *of international terrorism: Provided, That funds made*
3 *available pursuant to the authority of this subsection should*
4 *support new initiatives and activities in those countries:*
5 *Provided further, That of the funds appropriated under this*
6 *heading, \$3,000,000 shall be made available for programs*
7 *and activities that provide professional training for jour-*
8 *nalists, of which \$2,000,000 shall be made available to*
9 *Internews: Provided further, That of the funds appropriated*
10 *under such heading, in addition to other amounts made*
11 *available for Egypt in this Act, funds shall be made avail-*
12 *able to support civil society organizations working for de-*
13 *mocracy, human rights, and the rule of law in Egypt: Pro-*
14 *vided further, That notwithstanding any other provision of*
15 *law, not less than \$3,000,000 of such funds may be used*
16 *for making grants to educational, humanitarian and non-*
17 *governmental organizations and individuals inside Iran to*
18 *support the advancement of democracy and human rights*
19 *in Iran: Provided further, That notwithstanding any other*
20 *provision of law, funds appropriated pursuant to the au-*
21 *thority of this subsection may be made available for democ-*
22 *racy, human rights, and rule of law programs for Syria:*
23 *Provided further, That funds made available pursuant to*
24 *this subsection shall be subject to the regular notification*
25 *procedures of the Committees on Appropriations.*

1 (2) *In addition to funds made available under sub-*
2 *sections (a) and (b)(1), of the funds appropriated by this*
3 *Act under the heading “Economic Support Fund” not less*
4 *than \$5,000,000 shall be made available for programs and*
5 *activities of the National Endowment for Democracy to fos-*
6 *ter democracy, human rights, civic education, women’s de-*
7 *velopment, press freedom, and the rule of law in countries*
8 *in sub-Saharan Africa, and not less than \$1,500,000 shall*
9 *be made available for such programs and activities of the*
10 *National Endowment for Democracy in countries in Asia.*

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

24 (d) *Of the funds made available under subsection (a),*
25 *not less than \$10,000,000 shall be made available for the*

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

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

17 *PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST*
18 *COUNTRIES*

19 *SEC. 5027. (a) Funds appropriated for bilateral assist-*
20 *ance under any heading of this Act and funds appropriated*
21 *under any such heading in a provision of law enacted prior*
22 *to the enactment of this Act, shall not be made available*
23 *to any country which the President determines—*

24 *(1) grants sanctuary from prosecution to any in-*
25 *dividual or group which has committed an act of*
26 *international terrorism; or*

1 (2) *otherwise supports international terrorism.*

2 **(b)** *The President may waive the application of sub-*
3 *section (a) to a country if the President determines that*
4 *national security or humanitarian reasons justify such*
5 *waiver. The President shall publish each waiver in the Fed-*
6 *eral Register and, at least 15 days before the waiver takes*
7 *effect, shall notify the Committees on Appropriations of the*
8 *waiver (including the justification for the waiver) in ac-*
9 *cordance with the regular notification procedures of the*
10 *Committees on Appropriations.*

11 *DEBT-FOR-DEVELOPMENT*

12 *SEC. 5028. In order to enhance the continued partici-*
13 *pation of nongovernmental organizations in debt-for-devel-*
14 *opment and debt-for-nature exchanges, a nongovernmental*
15 *organization which is a grantee or contractor of the United*
16 *States Agency for International Development may place in*
17 *interest bearing accounts local currencies which accrue to*
18 *that organization as a result of economic assistance pro-*
19 *vided under title II of this Act and, subject to the regular*
20 *notification procedures of the Committees on Appropria-*
21 *tions, any interest earned on such investment shall be used*
22 *for the purpose for which the assistance was provided to*
23 *that organization.*

24 *SEPARATE ACCOUNTS*

25 *SEC. 5029. (a) SEPARATE ACCOUNTS FOR LOCAL CUR-*
26 *RENCIES.—(1) If assistance is furnished to the government*

1 of a foreign country under chapters 1 and 10 of part I or
2 chapter 4 of part II of the Foreign Assistance Act of 1961
3 under agreements which result in the generation of local
4 currencies of that country, the Administrator of the United
5 States Agency for International Development shall—

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

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

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

12 (ii) the terms and conditions under which
13 the currencies so deposited may be utilized, con-
14 sistent with this section; and

15 (C) establish by agreement with that government
16 the responsibilities of the United States Agency for
17 International Development and that government to
18 monitor and account for deposits into and disburse-
19 ments from the separate account.

20 (2) *USES OF LOCAL CURRENCIES.*—As may be agreed
21 upon with the foreign government, local currencies depos-
22 ited in a separate account pursuant to subsection (a), or
23 an equivalent amount of local currencies, shall be used
24 only—

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

4 (i) project and sector assistance activities;

5 or

6 (ii) debt and deficit financing; or

7 (B) for the administrative requirements of the
8 United States Government.

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

16 (4) *TERMINATION OF ASSISTANCE PROGRAMS.*—Upon
17 termination of assistance to a country under chapter 1 or
18 10 of part I or chapter 4 of part II (as the case may be),
19 any unencumbered balances of funds which remain in a
20 separate account established pursuant to subsection (a)
21 shall be disposed of for such purposes as may be agreed to
22 by the government of that country and the United States
23 Government.

24 (5) *REPORTING REQUIREMENT.*—The Administrator of
25 the United States Agency for International Development

1 *shall report on an annual basis as part of the justification*
2 *documents submitted to the Committees on Appropriations*
3 *on the use of local currencies for the administrative require-*
4 *ments of the United States Government as authorized in*
5 *subsection (a)(2)(B), and such report shall include the*
6 *amount of local currency (and United States dollar equiva-*
7 *lent) used and/or to be used for such purpose in each appli-*
8 *cable country.*

9 **(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1)**
10 *If assistance is made available to the government of a for-*
11 *ign country, under chapter 1 or 10 of part I or chapter*
12 *4 of part II of the Foreign Assistance Act of 1961, as cash*
13 *transfer assistance or as nonproject sector assistance, that*
14 *country shall be required to maintain such funds in a sepa-*
15 *rate account and not commingle them with any other funds.*

16 **(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—**
17 *Such funds may be obligated and expended notwithstanding*
18 *provisions of law which are inconsistent with the nature*
19 *of this assistance including provisions which are referenced*
20 *in the Joint Explanatory Statement of the Committee of*
21 *Conference accompanying House Joint Resolution 648*
22 *(House Report No. 98–1159).*

23 **(3) NOTIFICATION.—***At least 15 days prior to obli-*
24 *gating any such cash transfer or nonproject sector assist-*
25 *ance, the President shall submit a notification through the*

1 *regular notification procedures of the Committees on Appro-*
2 *priations, which shall include a detailed description of how*
3 *the funds proposed to be made available will be used, with*
4 *a discussion of the United States interests that will be*
5 *served by the assistance (including, as appropriate, a de-*
6 *scription of the economic policy reforms that will be pro-*
7 *moted by such assistance).*

8 (4) *EXEMPTION.—Nonproject sector assistance funds*
9 *may be exempt from the requirements of subsection (b)(1)*
10 *only through the notification procedures of the Committees*
11 *on Appropriations.*

12 *ENTERPRISE FUND RESTRICTIONS*

13 *SEC. 5030. (a) Prior to the distribution of any assets*
14 *resulting from any liquidation, dissolution, or winding up*
15 *of an Enterprise Fund, in whole or in part, the President*
16 *shall submit to the Committees on Appropriations, in ac-*
17 *cordance with the regular notification procedures of the*
18 *Committees on Appropriations, a plan for the distribution*
19 *of the assets of the Enterprise Fund.*

20 (b) *Funds made available by this Act for Enterprise*
21 *Funds shall be expended at the minimum rate necessary*
22 *to make timely payment for projects and activities.*

23 *BURMA*

24 *SEC. 5031. (a) The Secretary of the Treasury shall in-*
25 *struct the United States executive director to each appro-*
26 *priate international financial institution in which the*

1 *United States participates, to oppose and vote against the*
2 *extension by such institution of any loan or financial or*
3 *technical assistance or any other utilization of funds of the*
4 *respective bank to and for Burma.*

5 *(b) Of the funds appropriated under the heading “Eco-*
6 *nomie Support Fund”, not less than \$15,000,000 shall be*
7 *made available to support democracy activities in Burma,*
8 *along the Burma-Thailand border, for activities of Burmese*
9 *student groups and other organizations located outside*
10 *Burma, and for the purpose of supporting the provision of*
11 *humanitarian assistance to displaced Burmese along Bur-*
12 *ma’s borders: Provided, That funds made available under*
13 *this heading may be made available notwithstanding any*
14 *other provision of law: Provided further, That in addition*
15 *to assistance for Burmese refugees provided under the head-*
16 *ing “Migration and Refugee Assistance” in this Act, not*
17 *less than \$4,000,000 of the funds made available under this*
18 *heading shall be made available for humanitarian assist-*
19 *ance for displaced Burmese and host communities in Thai-*
20 *land, and not less than \$3,000,000 of such funds shall be*
21 *made available to Thailand-based, nongovernmental orga-*
22 *nizations operating along the Thai-Burma border to pro-*
23 *vide food, medical and other humanitarian assistance to in-*
24 *ternally displaced peoples in Burma: Provided further,*
25 *That funds made available under this section shall be sub-*

1 *ject to the regular notification procedures of the Committees*
 2 *on Appropriations.*

3 *(c) None of the funds appropriated by this Act may*
 4 *be made available to the central government of any country*
 5 *that is a major provider of weapons or other defense-related*
 6 *equipment to the State Peace and Development Council.*

7 *AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN*
 8 *FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION*

9 *SEC. 5032. Unless expressly provided to the contrary,*
 10 *provisions of this or any other Act, including provisions*
 11 *contained in prior Acts authorizing or making appropria-*
 12 *tions for foreign operations, export financing, and related*
 13 *programs, shall not be construed to prohibit activities au-*
 14 *thorized by or conducted under the Peace Corps Act, the*
 15 *Inter-American Foundation Act or the African Develop-*
 16 *ment Foundation Act. The agency shall promptly report to*
 17 *the Committees on Appropriations whenever it is con-*
 18 *ducting activities or is proposing to conduct activities in*
 19 *a country for which assistance is prohibited.*

20 *IMPACT ON JOBS IN THE UNITED STATES*

21 *SEC. 5033. None of the funds appropriated by this Act*
 22 *may be obligated or expended to provide—*

23 *(a) any financial incentive to a business enter-*
 24 *prise currently located in the United States for the*
 25 *purpose of inducing such an enterprise to relocate*
 26 *outside the United States if such incentive or induce-*

1 *ment is likely to reduce the number of employees of*
2 *such business enterprise in the United States because*
3 *United States production is being replaced by such*
4 *enterprise outside the United States; or*

5 *(b) assistance for any program, project, or activ-*
6 *ity that contributes to the violation of internationally*
7 *recognized workers rights, as defined in section 507(4)*
8 *of the Trade Act of 1974, of workers in the recipient*
9 *country, including any designated zone or area in*
10 *that country: Provided, That the application of sec-*
11 *tion 507(4) (D) and (E) of such Act should be com-*
12 *mensurate with the level of development of the recipi-*
13 *ent country and sector, and shall not preclude assist-*
14 *ance for the informal sector in such country, micro*
15 *and small-scale enterprise, and smallholder agri-*
16 *culture.*

17 *SPECIAL AUTHORITIES*

18 *SEC. 5034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEB-*
19 *ANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHIL-*
20 *DREN, AND DISPLACED BURMESE.—Funds appropriated by*
21 *this Act that are made available for assistance for Afghani-*
22 *stan may be made available notwithstanding section 5012*
23 *of this Act or any similar provision of law and section 660*
24 *of the Foreign Assistance Act of 1961, and funds appro-*
25 *priated in titles I and II of this Act that are made available*
26 *for Iraq, Lebanon, Montenegro, Pakistan, and for victims*

1 of war, displaced children, and displaced Burmese, and to
2 assist victims of trafficking in persons and, subject to the
3 regular notification procedures of the Committees on Appro-
4 priations, to combat such trafficking and to address sexual
5 and gender-based violence, may be made available notwith-
6 standing any other provision of law.

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

17 (c) *PERSONAL SERVICES CONTRACTORS.*—Funds ap-
18 propriated by this Act to carry out chapter 1 of part I,
19 chapter 4 of part II, and section 667 of the Foreign Assist-
20 ance Act of 1961, and title II of the Agricultural Trade
21 Development and Assistance Act of 1954, may be used by
22 the United States Agency for International Development to
23 employ up to 25 personal services contractors in the United
24 States, notwithstanding any other provision of law, for the
25 purpose of providing direct, interim support for new or ex-

1 *panded overseas programs and activities managed by the*
2 *agency until permanent direct hire personnel are hired and*
3 *trained: Provided, That not more than 10 of such contrac-*
4 *tors shall be assigned to any bureau or office: Provided fur-*
5 *ther, That such funds appropriated to carry out title II of*
6 *the Agricultural Trade Development and Assistance Act of*
7 *1954, may be made available only for personal services con-*
8 *tractors assigned to the Office of Food for Peace.*

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

15 *(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver*
16 *pursuant to paragraph (1) shall be effective for no more*
17 *than a period of 6 months at a time and shall not apply*
18 *beyond 12 months after the enactment of this Act.*

19 *(e) SMALL BUSINESS.—In entering into multiple*
20 *award indefinite-quantity contracts with funds appro-*
21 *priated by this Act, the United States Agency for Inter-*
22 *national Development may provide an exception to the fair*
23 *opportunity process for placing task orders under such con-*
24 *tracts when the order is placed with any category of small*
25 *or small disadvantaged business.*

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

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

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

19 (i) *NATIONAL ENDOWMENT FOR DEMOCRACY.*—Funds
20 appropriated by this Act that are provided to the National
21 Endowment for Democracy may be provided notwith-
22 standing any other provision of law or regulation.

23 (j) *SUDAN.*—For the purposes of section 501 of Public
24 Law 106–570, the terms “areas outside of control of the
25 Government of Sudan” and “area in Sudan outside of con-

1 *trol of the Government of Sudan” shall, upon conclusion*
2 *of a peace agreement between the Government of Sudan and*
3 *the Sudan People’s Liberation Movement, have the same*
4 *meaning and application as was the case immediately prior*
5 *to the conclusion of such agreement.*

6 (k) *INDOCHINESE PAROLEES.—Section 586 of the For-*
7 *ign Operations, Export Financing, and Related Programs*
8 *Appropriations Act, 2001 (8 U.S.C. 1255 note), as enacted*
9 *into law by section 101(a) of Public Law 106–429, is*
10 *amended—*

11 (1) *by striking “Attorney General” each place*
12 *that term appears and inserting “Secretary of Home-*
13 *land Security”;*

14 (2) *in subsection (a)—*

15 (A) *in the matter preceding paragraph (1),*
16 *by striking “she” and inserting “the Secretary of*
17 *Homeland Security”;* and

18 (B) *in paragraph (1), by striking “within*
19 *three years after the date of promulgation by the*
20 *Attorney General of regulations in connection*
21 *with this title”;*

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

24 (4) *by striking subsection (d);*

1 (5) *by redesignating subsections (e) and (f) as*
2 *subsections (d) and (e), respectively;*

3 (6) *by adding at the end the following new sub-*
4 *section:*

5 “(f) *ADJUDICATION OF APPLICATIONS.—The Secretary*
6 *of Homeland Security shall—*

7 “(1) *adjudicate applications for adjustment*
8 *under this section, notwithstanding any limitation on*
9 *the number of adjustments under this section or any*
10 *deadline for such applications that previously existed*
11 *in law or regulation; and*

12 “(2) *not charge a fee in addition to any fee that*
13 *previously was submitted with such application.”;*
14 *and*

15 (7) *The amendments made by this subsection*
16 *shall take effect as if enacted as part of the Foreign*
17 *Operations, Export Financing, and Related Programs*
18 *Appropriations Act, 2001.*

19 (l) *EXTENSION OF AUTHORITY.—Public Law 107–57,*
20 *as amended, is further amended—*

21 (1) *in section 1(b) by striking “2004” wherever*
22 *appearing (including in the caption), and inserting*
23 *in lieu thereof “2005”;*

24 (2) *in section 3(2), by striking “and “2004” and*
25 *inserting in lieu thereof “2004 and 2005”;* *and*

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

3 (m) *ENDOWMENTS.—*

4 (1) *Of the funds appropriated by this Act and*
5 *prior Acts making appropriations for foreign oper-*
6 *ations, export financing, and related programs, that*
7 *are available for assistance for Cambodia, the fol-*
8 *lowing amounts should be made available as follows:*

9 (A) *\$5,000,000 for an endowment for a*
10 *Cambodian nongovernmental organization to*
11 *document genocide and crimes against humanity*
12 *in Cambodia; and*

13 (B) *\$3,750,000 for an endowment for an*
14 *American nongovernmental organization to sus-*
15 *tain rehabilitation programs in Cambodia for*
16 *persons suffering from physical disabilities.*

17 (2) *Such organizations may place amounts made*
18 *available under this subsection in interest bearing ac-*
19 *counts and any interest earned on such investment*
20 *shall be used for the purpose for which funds were*
21 *made available under this subsection.*

22 (3) *Funds appropriated in subsequent Acts mak-*
23 *ing appropriations for foreign operations, export fi-*
24 *nancing, and related programs may also be used for*
25 *purposes of this subsection.*

1 (n) *CONFORMITY OF LAWS.*—*Title 16, United States*
2 *Code is amended—*

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

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

7 (3) *in section 3372(a)(2)(B), by inserting before*
8 *the semicolon “or in violation of any foreign law”;*
9 *and*

10 (4) *in section 3372(a)(3)(B), by inserting before*
11 *the semicolon “or in violation of any foreign law”.*

12 (o) *EXTENSION OF AUTHORITY.*—*Chapter 5 of title I*
13 *of the Emergency Wartime Supplemental Appropriations*
14 *Act, 2003 (Public Law 108–11), is amended under the head-*
15 *ing “Loan Guarantees to Israel”—*

16 (1) *by striking “During the period beginning*
17 *March 1, 2003, and ending September 30, 2005,” and*
18 *inserting “During the period beginning March 1,*
19 *2003, and ending September 30, 2007,”; and*

20 (2) *by striking “That if less than the full amount*
21 *of guarantees authorized to be made available is*
22 *issued prior to September 30, 2005,” and inserting*
23 *“That if less than the full amount of guarantees au-*
24 *thorized to be made available is issued prior to Sep-*
25 *tember 30, 2007.”.*

1 (p) *AFFORDABLE HOUSING*.—Section 607(b)(3)(B) of
2 title VI of division D of the Consolidated Appropriations
3 Act of 2004, P.L. 108–199, January 23, 2004, is amended
4 by striking “and” under subparagraph (A), and inserting
5 before the period in subparagraph (B): “; and (C) provide
6 decent, affordable housing”

7 *ARAB LEAGUE BOYCOTT OF ISRAEL*

8 *SEC. 5035. It is the sense of the Congress that—*

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

14 (2) *the Arab League boycott, which was regret-*
15 *tably reinstated in 1997, should be immediately and*
16 *publicly terminated, and the Central Office for the*
17 *Boycott of Israel immediately disbanded;*

18 (3) *the three Arab League countries with diplo-*
19 *matic and trade relations with Israel should return*
20 *their ambassadors to Israel, should refrain from*
21 *downgrading their relations with Israel, and should*
22 *play a constructive role in securing a peaceful resolu-*
23 *tion of the Israeli-Arab conflict;*

24 (4) *the remaining Arab League states should*
25 *normalize relations with their neighbor Israel;*

1 (5) *the President and the Secretary of State*
 2 *should continue to vigorously oppose the Arab League*
 3 *boycott of Israel and find concrete steps to dem-*
 4 *onstrate that opposition by, for example, taking into*
 5 *consideration the participation of any recipient coun-*
 6 *try in the boycott when determining to sell weapons*
 7 *to said country; and*

8 (6) *the President should report to Congress an-*
 9 *nually on specific steps being taken by the United*
 10 *States to encourage Arab League states to normalize*
 11 *their relations with Israel to bring about the termi-*
 12 *nation of the Arab League boycott of Israel, including*
 13 *those to encourage allies and trading partners of the*
 14 *United States to enact laws prohibiting businesses*
 15 *from complying with the boycott and penalizing busi-*
 16 *nesses that do comply.*

17 *ELIGIBILITY FOR ASSISTANCE*

18 *SEC. 5036. (a) ASSISTANCE THROUGH NONGOVERN-*
 19 *MENTAL ORGANIZATIONS.—Restrictions contained in this*
 20 *or any other Act with respect to assistance for a country*
 21 *shall not be construed to restrict assistance in support of*
 22 *programs of nongovernmental organizations from funds ap-*
 23 *propriated by this Act to carry out the provisions of chap-*
 24 *ters 1, 10, 11, and 12 of part I and chapter 4 of part II*
 25 *of the Foreign Assistance Act of 1961, and from funds ap-*
 26 *propriated under the heading “Assistance for Eastern Eu-*

1 *rope and the Baltic States”*: *Provided, That before using*
2 *the authority of this subsection to furnish assistance in sup-*
3 *port of programs of nongovernmental organizations, the*
4 *President shall notify the Committees on Appropriations*
5 *under the regular notification procedures of those commit-*
6 *tees, including a description of the program to be assisted,*
7 *the assistance to be provided, and the reasons for furnishing*
8 *such assistance: Provided further, That nothing in this sub-*
9 *section shall be construed to alter any existing statutory*
10 *prohibitions against abortion or involuntary sterilizations*
11 *contained in this or any other Act.*

12 (b) *PUBLIC LAW 480.—During fiscal year 2005, re-*
13 *strictions contained in this or any other Act with respect*
14 *to assistance for a country shall not be construed to restrict*
15 *assistance under the Agricultural Trade Development and*
16 *Assistance Act of 1954: Provided, That none of the funds*
17 *appropriated to carry out title I of such Act and made*
18 *available pursuant to this subsection may be obligated or*
19 *expended except as provided through the regular notifica-*
20 *tion procedures of the Committees on Appropriations.*

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

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

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

6 *RESERVATIONS OF FUNDS*

7 *SEC. 5037. (a) Funds appropriated by this Act which*
8 *are earmarked may be reprogrammed for other programs*
9 *within the same account notwithstanding the earmark if*
10 *compliance with the earmark is made impossible by oper-*
11 *ation of any provision of this or any other Act: Provided,*
12 *That any such reprogramming shall be subject to the reg-*
13 *ular notification procedures of the Committees on Appro-*
14 *priations: Provided further, That assistance that is repro-*
15 *grammed pursuant to this subsection shall be made avail-*
16 *able under the same terms and conditions as originally pro-*
17 *vided.*

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

1 *in circumstances makes it unlikely that such earmarked*
2 *funds can be obligated during the original period of avail-*
3 *ability: Provided, That such earmarked funds that are con-*
4 *tinued available for an additional fiscal year shall be obli-*
5 *gated only for the purpose of such earmark.*

6 *CEILINGS AND EARMARKS*

7 *SEC. 5038. Ceilings and earmarks contained in this*
8 *Act shall not be applicable to funds or authorities appro-*
9 *priated or otherwise made available by any subsequent Act*
10 *unless such Act specifically so directs. Earmarks or min-*
11 *imum funding requirements contained in any other Act*
12 *shall not be applicable to funds appropriated by this Act.*

13 *PROHIBITION ON PUBLICITY OR PROPAGANDA*

14 *SEC. 5039. No part of any appropriation contained*
15 *in this Act shall be used for publicity or propaganda pur-*
16 *poses within the United States not authorized before the*
17 *date of the enactment of this Act by the Congress: Provided,*
18 *That not to exceed \$750,000 may be made available to carry*
19 *out the provisions of section 316 of Public Law 96-533.*

20 *PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS*

21 *SEC. 5040. None of the funds appropriated or made*
22 *available pursuant to this Act for carrying out the Foreign*
23 *Assistance Act of 1961, may be used to pay in whole or*
24 *in part any assessments, arrearages, or dues of any member*
25 *of the United Nations or, from funds appropriated by this*
26 *Act to carry out chapter 1 of part I of the Foreign Assist-*

1 *ance Act of 1961, the costs for participation of another*
2 *country's delegation at international conferences held under*
3 *the auspices of multilateral or international organizations.*

4 *NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION*

5 *SEC. 5041. None of the funds appropriated or made*
6 *available pursuant to this Act shall be available to a non-*
7 *governmental organization which fails to provide upon*
8 *timely request any document, file, or record necessary to*
9 *the auditing requirements of the United States Agency for*
10 *International Development.*

11 *PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS*

12 *THAT EXPORT LETHAL MILITARY EQUIPMENT TO*
13 *COUNTRIES SUPPORTING INTERNATIONAL TERRORISM*

14 *SEC. 5042. (a) None of the funds appropriated or oth-*
15 *erwise made available by this Act may be available to any*
16 *foreign government which provides lethal military equip-*
17 *ment to a country the government of which the Secretary*
18 *of State has determined is a terrorist government for pur-*
19 *poses of section 6(j) of the Export Administration Act. The*
20 *prohibition under this section with respect to a foreign gov-*
21 *ernment shall terminate 12 months after that government*
22 *ceases to provide such military equipment. This section ap-*
23 *plies with respect to lethal military equipment provided*
24 *under a contract entered into after October 1, 1997.*

25 *(b) Assistance restricted by subsection (a) or any other*
26 *similar provision of law, may be furnished if the President*

1 *determines that furnishing such assistance is important to*
2 *the national interests of the United States.*

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

11 *WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND*
12 *REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES*

13 *SEC. 5043. (a) Subject to subsection (c), of the funds*
14 *appropriated by this Act that are made available for assist-*
15 *ance for a foreign country, an amount equal to 110 percent*
16 *of the total amount of the unpaid fully adjudicated parking*
17 *finances and penalties and unpaid property taxes owed by the*
18 *central government of such country shall be withheld from*
19 *obligation for assistance for the central government of such*
20 *country until the Secretary of State submits a certification*
21 *to the appropriate congressional committees stating that*
22 *such parking fines and penalties and unpaid property taxes*
23 *are fully paid.*

24 (b) *Funds withheld from obligation pursuant to sub-*
25 *section (a) may be made available for other programs or*
26 *activities funded by this Act, after consultation with and*

1 *subject to the regulation notification procedures of the ap-*
2 *propriate congressional committees, provided that no such*
3 *funds shall be made available for assistance for the central*
4 *government of a foreign country that has not paid the total*
5 *amount of the fully adjudicated parking fines and penalties*
6 *and unpaid property taxes owed by such country.*

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

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

19 *(e) Not later than 6 months after the initial exercise*
20 *of the waiver authority in subsection (d), the Secretary of*
21 *State, after consultations with the City of New York, shall*
22 *submit a report to the Committees on Appropriations de-*
23 *scribing a strategy, including a timetable and steps cur-*
24 *rently being taken, to collect the parking fines and penalties*

1 *and unpaid property taxes and interest owed by nations*
2 *receiving foreign assistance under this Act.*

3 *(f) In this section:*

4 *(1) The term “appropriate congressional com-*
5 *mittees” means the Committee on Appropriations of*
6 *the Senate and the Committee on Appropriations of*
7 *the House of Representatives.*

8 *(2) The term “fully adjudicated” includes cir-*
9 *cumstances in which the person to whom the vehicle*
10 *is registered—*

11 *(A)(i) has not responded to the parking vio-*
12 *lation summons; or*

13 *(ii) has not followed the appropriate adju-*
14 *dications procedure to challenge the summons;*
15 *and*

16 *(B) the period of time for payment of or*
17 *challenge to the summons has lapsed.*

18 *(3) The term “parking fines and penalties”*
19 *means parking fines and penalties—*

20 *(A) owed to—*

21 *(i) the District of Columbia; or*

22 *(ii) New York, New York; and*

23 *(B) incurred during the period April 1,*
24 *1997 through September 30, 2004.*

1 (4) *The term ‘unpaid property taxes’ means the*
 2 *amount of unpaid taxes and interest on such taxes*
 3 *that have accrued on real property in the District of*
 4 *Columbia or New York, New York under applicable*
 5 *law.*

6 LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST

7 BANK AND GAZA

8 SEC. 5044. *None of the funds appropriated by this Act*
 9 *may be obligated for assistance for the Palestine Liberation*
 10 *Organization for the West Bank and Gaza unless the Presi-*
 11 *dent has exercised the authority under section 604(a) of the*
 12 *Middle East Peace Facilitation Act of 1995 (title VI of Pub-*
 13 *lic Law 104–107) or any other legislation to suspend or*
 14 *make inapplicable section 307 of the Foreign Assistance Act*
 15 *of 1961 and that suspension is still in effect: Provided, That*
 16 *if the President fails to make the certification under section*
 17 *604(b)(2) of the Middle East Peace Facilitation Act of 1995*
 18 *or to suspend the prohibition under other legislation, funds*
 19 *appropriated by this Act may not be obligated for assistance*
 20 *for the Palestine Liberation Organization for the West Bank*
 21 *and Gaza.*

22 WAR CRIMES TRIBUNALS DRAWDOWN

23 SEC. 5045. *If the President determines that doing so*
 24 *will contribute to a just resolution of charges regarding*
 25 *genocide or other violations of international humanitarian*
 26 *law, the President may direct a drawdown pursuant to sec-*

1 *tion 552(c) of the Foreign Assistance Act of 1961 of up to*
2 *\$32,000,000 of commodities and services for the United Na-*
3 *tions War Crimes Tribunal established with regard to the*
4 *former Yugoslavia by the United Nations Security Council*
5 *or such other tribunals or commissions as the Council may*
6 *establish or authorize to deal with such violations, without*
7 *regard to the ceiling limitation contained in paragraph (2)*
8 *thereof: Provided, That the determination required under*
9 *this section shall be in lieu of any determinations otherwise*
10 *required under section 552(c): Provided further, That the*
11 *drawdown made under this section for any tribunal shall*
12 *not be construed as an endorsement or precedent for the es-*
13 *tablishment of any standing or permanent international*
14 *criminal tribunal or court: Provided further, That funds*
15 *made available for tribunals other than Yugoslavia, Rwan-*
16 *da, or the Special Court for Sierra Leone shall be made*
17 *available subject to the regular notification procedures of*
18 *the Committees on Appropriations.*

19 *LANDMINES*

20 *SEC. 5046. Notwithstanding any other provision of*
21 *law, demining equipment available to the United States*
22 *Agency for International Development and the Department*
23 *of State and used in support of the clearance of landmines*
24 *and unexploded ordnance for humanitarian purposes may*
25 *be disposed of on a grant basis in foreign countries, subject*

1 *to such terms and conditions as the President may pre-*
2 *scribe.*

3 *RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY*

4 *SEC. 5047. None of the funds appropriated by this Act*
5 *may be obligated or expended to create in any part of Jeru-*
6 *salem a new office of any department or agency of the*
7 *United States Government for the purpose of conducting of-*
8 *ficial United States Government business with the Pales-*
9 *tinian Authority over Gaza and Jericho or any successor*
10 *Palestinian governing entity provided for in the Israel-PLO*
11 *Declaration of Principles: Provided, That this restriction*
12 *shall not apply to the acquisition of additional space for*
13 *the existing Consulate General in Jerusalem: Provided fur-*
14 *ther, That meetings between officers and employees of the*
15 *United States and officials of the Palestinian Authority, or*
16 *any successor Palestinian governing entity provided for in*
17 *the Israel-PLO Declaration of Principles, for the purpose*
18 *of conducting official United States Government business*
19 *with such authority should continue to take place in loca-*
20 *tions other than Jerusalem. As has been true in the past,*
21 *officers and employees of the United States Government*
22 *may continue to meet in Jerusalem on other subjects with*
23 *Palestinians (including those who now occupy positions in*
24 *the Palestinian Authority), have social contacts, and have*
25 *incidental discussions.*

1 *including \$2,000,000 for the Hillside Agriculture Pro-*
2 *duction program;*

3 (3) *\$35,000,000 from “Economic Support Fund”,*
4 *\$25,000,000 of which shall be made available for judi-*
5 *cial reform programs, and \$10,000,000 of which shall*
6 *be made available to the Organization of American*
7 *States for expenses related to the organization and*
8 *holding of free and fair elections in Haiti in 2005;*
9 *and*

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

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

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

23 (d) *Not less than 90 days after enactment of this Act,*
24 *the Secretary of State shall submit a report to the Commit-*

1 *tees on Appropriations which contains a detailed multi-*
2 *year assistance strategy for Haiti.*

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

12 *LIMITATION ON ASSISTANCE TO THE PALESTINIAN*

13 *AUTHORITY*

14 *SEC. 5050. (a) PROHIBITION OF FUNDS.—None of the*
15 *funds appropriated by this Act to carry out the provisions*
16 *of chapter 4 of part II of the Foreign Assistance Act of 1961*
17 *may be obligated or expended with respect to providing*
18 *funds to the Palestinian Authority.*

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

25 (c) *PERIOD OF APPLICATION OF WAIVER.—Any waiv-*
26 *er pursuant to subsection (b) shall be effective for no more*

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

3 (d) *REPORT.*—Whenever the waiver authority pursu-
4 *ant to subsection (b) is exercised, the President shall submit*
5 *a report to the Committees on Appropriations detailing the*
6 *steps the Palestinian Authority has taken to arrest terror-*
7 *ists, confiscate weapons and dismantle the terrorist infra-*
8 *structure. The report shall also include a description of how*
9 *funds will be spent and the accounting procedures in place*
10 *to ensure that they are properly disbursed.*

11 *LIMITATION ON ASSISTANCE TO SECURITY FORCES*

12 *SEC. 5051. None of the funds made available by this*
13 *Act may be provided to any unit of the security forces of*
14 *a foreign country if the Secretary of State has credible evi-*
15 *dence that such unit has committed gross violations of*
16 *human rights, unless the Secretary determines and reports*
17 *to the Committees on Appropriations that the government*
18 *of such country is taking effective measures to bring the re-*
19 *sponsible members of the security forces unit to justice: Pro-*
20 *vided, That nothing in this section shall be construed to*
21 *withhold funds made available by this Act from any unit*
22 *of the security forces of a foreign country not credibly al-*
23 *leged to be involved in gross violations of human rights:*
24 *Provided further, That in the event that funds are withheld*
25 *from any unit pursuant to this section, the Secretary of*
26 *State shall promptly inform the foreign government of the*

1 *basis for such action and shall, to the maximum extent*
2 *practicable, assist the foreign government in taking effective*
3 *measures to bring the responsible members of the security*
4 *forces to justice.*

5 *FOREIGN MILITARY TRAINING REPORT*

6 *SEC. 5052. The annual foreign military training re-*
7 *port required by section 656 of the Foreign Assistance Act*
8 *of 1961 shall be submitted by the Secretary of Defense and*
9 *the Secretary of State to the Committees on Appropriations*
10 *of the House of Representatives and the Senate by the date*
11 *specified in that section.*

12 *AUTHORIZATION REQUIREMENT*

13 *SEC. 5053. Funds appropriated by this Act, except*
14 *funds appropriated under the headings “Trade and Devel-*
15 *opment Agency”, “Millenium Challenge Corporation”, and*
16 *“Global HIV/AIDS Initiative”, may be obligated and ex-*
17 *pended notwithstanding section 10 of Public Law 91–672*
18 *and section 15 of the State Department Basic Authorities*
19 *Act of 1956.*

20 *CAMBODIA*

21 *SEC. 5054. (a) The Secretary of the Treasury should*
22 *instruct the United States executive directors of the inter-*
23 *national financial institutions to use the voice and vote of*
24 *the United States to oppose loans to the Central Govern-*
25 *ment of Cambodia, except loans to meet basic human needs.*

1 (b)(1) *None of the funds appropriated by this Act may*
2 *be made available for assistance for the Central Government*
3 *of Cambodia.*

4 (2) *Paragraph (1) shall not apply to assistance for*
5 *basic education, reproductive and maternal and child*
6 *health, cultural and historic preservation, programs for the*
7 *prevention, treatment, and control of, and research on,*
8 *HIV/AIDS, tuberculosis, malaria, polio and other infectious*
9 *diseases, development and implementation of legislation*
10 *and implementation of procedures on inter-country adop-*
11 *tions consistent with international standards, counter-*
12 *narcotics programs, programs to combat human trafficking*
13 *that are provided through nongovernmental organizations,*
14 *and for the Ministry of Women and Veterans Affairs to*
15 *combat human trafficking.*

16 (c) *Notwithstanding subsection (b), of the funds appro-*
17 *priated by this Act under the heading “Economic Support*
18 *Fund”, up to \$5,000,000 may be made available for activi-*
19 *ties to support democracy, including assistance for demo-*
20 *cratic political parties.*

21 (d) *Funds appropriated by this Act to carry out provi-*
22 *sions of section 541 of the Foreign Assistance Act of 1961*
23 *may be made available notwithstanding subsection (b) only*
24 *if at least 15 days prior to the obligation of such funds,*
25 *the Secretary of State provides to the Committees on Appro-*

1 *priations a list of those individuals who have been credibly*
2 *alleged to have ordered or carried out extrajudicial and po-*
3 *litical killings that occurred during the March 1997 grenade*
4 *attack against the Khmer Nation Party.*

5 *(e) None of the funds appropriated or otherwise made*
6 *available by this Act may be used to provide assistance to*
7 *any tribunal established by the Government of Cambodia.*

8 *PALESTINIAN STATEHOOD*

9 *SEC. 5055. (a) LIMITATION ON ASSISTANCE.—None of*
10 *the funds appropriated by this Act may be provided to sup-*
11 *port a Palestinian state unless the Secretary of State deter-*
12 *mines and certifies to the appropriate congressional com-*
13 *mittees that—*

14 *(1) a new leadership of a Palestinian governing*
15 *entity has been democratically elected through credible*
16 *and competitive elections;*

17 *(2) the elected governing entity of a new Pales-*
18 *tinian state—*

19 *(A) has demonstrated a firm commitment to*
20 *peaceful co-existence with the State of Israel;*

21 *(B) is taking appropriate measures to*
22 *counter terrorism and terrorist financing in the*
23 *West Bank and Gaza, including the dismantling*
24 *of terrorist infrastructures;*

25 *(C) is establishing a new Palestinian secu-*
26 *rity entity that is cooperative with appropriate*

1 *Israeli and other appropriate security organiza-*
2 *tions; and*

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

11 (A) *termination of all claims or states of*
12 *belligerency;*

13 (B) *respect for and acknowledgement of the*
14 *sovereignty, territorial integrity, and political*
15 *independence of every state in the area through*
16 *measures including the establishment of demili-*
17 *tarized zones;*

18 (C) *their right to live in peace within secure*
19 *and recognized boundaries free from threats or*
20 *acts of force;*

21 (D) *freedom of navigation through inter-*
22 *national waterways in the area; and*

23 (E) *a framework for achieving a just settle-*
24 *ment of the refugee problem.*

1 (2) *Up to 12.5 percent of such funds may be obli-*
2 *gated only after the Secretary of State certifies and*
3 *reports to the appropriate congressional committees*
4 *that:*

5 (A) *The Commander General of the Colom-*
6 *bian Armed Forces is suspending from the*
7 *Armed Forces those members, of whatever rank*
8 *who, according to the Minister of Defense or the*
9 *Procuraduria General de la Nacion, have been*
10 *credibly alleged to have committed gross viola-*
11 *tions of human rights, including extra-judicial*
12 *killings, or to have aided or abetted paramilitary*
13 *organizations.*

14 (B) *The Colombian Government is vigor-*
15 *ously investigating and prosecuting those mem-*
16 *bers of the Colombian Armed Forces, of whatever*
17 *rank, who have been credibly alleged to have*
18 *committed gross violations of human rights, in-*
19 *cluding extra-judicial killings, or to have aided*
20 *or abetted paramilitary organizations, and is*
21 *promptly punishing those members of the Colom-*
22 *bian Armed Forces found to have committed such*
23 *violations of human rights or to have aided or*
24 *abetted paramilitary organizations.*

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

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

19 (E) *The Colombian Government is disman-*
20 *ting paramilitary leadership and financial net-*
21 *works by arresting commanders and financial*
22 *backers, especially in regions where these net-*
23 *works have a significant presence.*

24 (3) *The balance of such funds may be obligated*
25 *after July 31, 2005, if the Secretary of State certifies*

1 *and reports to the appropriate congressional commit-*
2 *tees, after such date, that the Colombian Armed*
3 *Forces are continuing to meet the conditions con-*
4 *tained in paragraph (2) and are conducting vigorous*
5 *operations to restore government authority and re-*
6 *spect for human rights in areas under the effective*
7 *control of paramilitary and guerrilla organizations.*

8 **(b) CONGRESSIONAL NOTIFICATION.**—*Funds made*
9 *available by this Act for the Colombian Armed Forces shall*
10 *be subject to the regular notification procedures of the Com-*
11 *mittees on Appropriations.*

12 **(c) CONSULTATIVE PROCESS.**—

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

21 (2) *Not later than 60 days after the date of en-*
22 *actment of this Act, and every 90 days thereafter*
23 *until September 30, 2006, the Secretary of State shall*
24 *consult with internationally recognized human rights*

1 *organizations regarding progress in meeting the con-*
 2 *ditions contained in that subsection.*

3 *(d) DEFINITIONS.—In this section:*

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

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

12 *ILLEGAL ARMED GROUPS*

13 *SEC. 5057. (a) DENIAL OF VISAS TO SUPPORTERS OF*
 14 *COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to sub-*
 15 *section (b), the Secretary of State shall not issue a visa to*
 16 *any alien who the Secretary determines, based on credible*
 17 *evidence—*

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

25 *(2) has committed, ordered, incited, assisted, or*
 26 *otherwise participated in the commission of gross vio-*

1 *lations of human rights, including extra-judicial*
2 *killings, in Colombia.*

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

9 *PROHIBITION ON ASSISTANCE TO THE PALESTINIAN*

10 *BROADCASTING CORPORATION*

11 *SEC. 5058. None of the funds appropriated or other-*
12 *wise made available by this Act may be used to provide*
13 *equipment, technical support, consulting services, or any*
14 *other form of assistance to the Palestinian Broadcasting*
15 *Corporation.*

16 *WEST BANK AND GAZA PROGRAM*

17 *SEC. 5059. (a) OVERSIGHT.*—*For fiscal year 2005, 30*
18 *days prior to the initial obligation of funds for the bilateral*
19 *West Bank and Gaza Program, the Secretary of State shall*
20 *certify to the appropriate committees of Congress that pro-*
21 *cedures have been established to assure the Comptroller Gen-*
22 *eral of the United States will have access to appropriate*
23 *United States financial information in order to review the*
24 *uses of United States assistance for the Program funded*
25 *under the heading “Economic Support Fund” for the West*
26 *Bank and Gaza.*

1 (b) *VETTING.*—Prior to the obligation of funds appro-
2 priated by this Act under the heading “Economic Support
3 Fund” for assistance for the West Bank and Gaza, the Sec-
4 retary of State shall take all appropriate steps to ensure
5 that such assistance is not provided to or through any indi-
6 vidual, private or government entity, or educational insti-
7 tution that the Secretary knows or has reason to believe ad-
8 vocates, plans, sponsors, engages in, or has engaged in, ter-
9 rorist activity. The Secretary of State shall, as appropriate,
10 establish procedures specifying the steps to be taken in car-
11 rying out this subsection and shall terminate assistance to
12 any individual, entity, or educational institution which he
13 has determined to be involved in or advocating terrorist ac-
14 tivity.

15 (c) *CERTIFICATION.*—Prior to making an award of
16 any grant or cooperative agreement obligating funds appro-
17 priated by this Act for assistance under the West Bank and
18 Gaza program, the United States Agency for International
19 Development shall obtain from the proposed recipient of
20 such funds a certification to the effect that the recipient will
21 take all reasonable steps to ensure that it does not, and will
22 not, knowingly provide material support or resources to any
23 individual or entity that engages in, or has engaged in, ter-
24 rorist acts: Provided, That such certification shall also re-
25 quire that the proposed recipient will implement reasonable

1 *monitoring and oversight procedure to safeguard against*
2 *assistance being diverted to support terrorist activity.*

3 (d) *PROHIBITION.*—None of the funds appropriated by
4 *this Act for assistance under the West Bank and Gaza pro-*
5 *gram may be made available for the purpose of recognizing*
6 *or otherwise honoring individuals who commit, or have*
7 *committed, acts of terrorism.*

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

15 (2) *Of the funds appropriated by this Act under the*
16 *heading “Economic Support Fund” that are made avail-*
17 *able for assistance for the West Bank and Gaza, up to*
18 *\$1,000,000 may be used by the Office of the Inspector Gen-*
19 *eral of the United States Agency for International Develop-*
20 *ment for audits, inspections, and other activities in further-*
21 *ance of the requirements of this subsection. Such funds are*
22 *in addition to funds otherwise available for such purposes.*

23 CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

24 SEC. 5060. (a) *LIMITATIONS ON AMOUNT OF CON-*
25 *TRIBUTION.*—Of the amounts made available under “*Inter-*
26 *national Organizations and Programs*” and “*Child Sur-*

1 *vival and Health Programs Fund*” for fiscal year 2005,
2 \$34,000,000 shall be made available for the United Nations
3 *Population Fund* (hereafter in this section referred to as
4 the “UNFPA”): Provided, That of this amount, not less
5 than \$25,000,000 shall be derived from funds appropriated
6 under the heading “*International Organizations and Pro-*
7 *grams*”.

8 (b) *REPROGRAMMING OF FUNDS.*—Of the funds appro-
9 priated in Public Law 108–199 that were available for the
10 UNFPA, \$25,000,000 shall be made available for the family
11 planning, maternal, and reproductive health activities of
12 the United States Agency for International Development in
13 Albania, Azerbaijan, the Democratic Republic of the Congo,
14 Ethiopia, Georgia, Haiti, Kazakhstan, Kenya, Nigeria, Ro-
15 mania, Russia, Rwanda, Tanzania, Uganda, and the
16 Ukraine: Provided, That such programs and activities shall
17 be deemed to have been justified to Congress.

18 (c) *PROHIBITION ON USE OF FUNDS IN CHINA.*—None
19 of the funds made available under “*International Organiza-*
20 *tions and Programs*” may be made available for the
21 UNFPA for a country program in the People’s Republic
22 of China.

23 (d) *CONDITIONS ON AVAILABILITY OF FUNDS.*—
24 Amounts made available under “*International Organiza-*

1 *tions and Programs” for fiscal year 2005 for the UNFPA*
 2 *may not be made available to UNFPA unless—*

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

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

9 *(3) the UNFPA does not fund abortions.*

10 *(e) AVAILABILITY AND USE OF FUNDS.—Funds appro-*
 11 *priated under the heading “International Organizations*
 12 *and Programs” that are not made available for UNFPA*
 13 *because of the operation of any provision of law shall re-*
 14 *main available until September 30, 2006: Provided, That*
 15 *funds made available pursuant to this section may not be*
 16 *used for any other purpose, notwithstanding the authority*
 17 *contained in sections 451, 610 and 614 of the Foreign As-*
 18 *sistance Act of 1961, or any other provision of law unless*
 19 *specifically authorized in subsequent legislation.*

20 *WAR CRIMINALS*

21 *SEC. 5061. (a)(1) None of the funds appropriated or*
 22 *otherwise made available pursuant to this Act may be made*
 23 *available for assistance, and the Secretary of the Treasury*
 24 *shall instruct the United States executive directors to the*
 25 *international financial institutions to vote against any new*
 26 *project involving the extension by such institutions of any*

1 *financial or technical assistance, to any country, entity, or*
2 *municipality whose competent authorities have failed, as*
3 *determined by the Secretary of State, to take necessary and*
4 *significant steps to implement its international legal obli-*
5 *gations to apprehend and transfer to the International*
6 *Criminal Tribunal for the former Yugoslavia (the “Tri-*
7 *bunal”)* all persons in their territory who have been in-
8 *dicted by the Tribunal and to otherwise cooperate with the*
9 *Tribunal.*

10 (2) *The provisions of this subsection shall not apply*
11 *to humanitarian assistance or assistance for democratiza-*
12 *tion.*

13 (b) *The provisions of subsection (a) shall apply unless*
14 *the Secretary of State determines and reports to the appro-*
15 *priate congressional committees that the competent authori-*
16 *ties of such country, entity, or municipality are—*

17 (1) *cooperating with the Tribunal, including ac-*
18 *cess for investigators to archives and witnesses, the*
19 *provision of documents, and the surrender and trans-*
20 *fer of indictees or assistance in their apprehension;*
21 *and*

22 (2) *are acting consistently with the Dayton Ac-*
23 *cords.*

24 (c) *Not less than 10 days before any vote in an inter-*
25 *national financial institution regarding the extension of*

1 *any new project involving financial or technical assistance*
2 *or grants to any country or entity described in subsection*
3 *(a), the Secretary of the Treasury, in consultation with the*
4 *Secretary of State, shall provide to the Committees on Ap-*
5 *propriations a written justification for the proposed assist-*
6 *ance, including an explanation of the United States posi-*
7 *tion regarding any such vote, as well as a description of*
8 *the location of the proposed assistance by municipality, its*
9 *purpose, and its intended beneficiaries.*

10 *(d) In carrying out this section, the Secretary of State,*
11 *the Administrator of the United States Agency for Inter-*
12 *national Development, and the Secretary of the Treasury*
13 *shall consult with representatives of human rights organiza-*
14 *tions and all government agencies with relevant informa-*
15 *tion to help prevent indicted war criminals from benefiting*
16 *from any financial or technical assistance or grants pro-*
17 *vided to any country or entity described in subsection (a).*

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

23 *(f) DEFINITIONS.—As used in this section—*

24 *(1) COUNTRY.—The term “country” means Bos-*
25 *nia and Herzegovina, Croatia and Serbia.*

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

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

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

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

24 *(2) taking steps that are consistent with the*
25 *Dayton Accords to end Serbian financial, political,*

1 security and other support which has served to main-
2 tain separate Republika Srpska institutions; and

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

5 (d) This section shall not apply to Montenegro, Kosovo,
6 humanitarian assistance or assistance to promote democ-
7 racy.

8 COMMUNITY-BASED POLICE ASSISTANCE

9 SEC. 5064. (a) AUTHORITY.—Funds made available by
10 this Act to carry out the provisions of chapter 1 of part
11 I and chapter 4 of part II of the Foreign Assistance Act
12 of 1961, may be used, notwithstanding section 660 of that
13 Act, to enhance the effectiveness and accountability of civil-
14 ian police authority through training and technical assist-
15 ance in human rights, the rule of law, strategic planning,
16 and through assistance to foster civilian police roles that
17 support democratic governance including assistance for
18 programs to prevent conflict, respond to disasters, and fos-
19 ter improved police relations with the communities they
20 serve.

21 (b) NOTIFICATION.—Assistance provided under sub-
22 section (a) shall be subject to the regular notification proce-
23 dures of the Committees on Appropriations.

24 SPECIAL DEBT RELIEF FOR THE POOREST

25 SEC. 5065. (a) AUTHORITY TO REDUCE DEBT.—The
26 President may reduce amounts owed to the United States

1 *(or any agency of the United States) by an eligible country*
2 *as a result of—*

3 *(1) guarantees issued under sections 221 and 222*
4 *of the Foreign Assistance Act of 1961;*

5 *(2) credits extended or guarantees issued under*
6 *the Arms Export Control Act; or*

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

17 *(b) LIMITATIONS.—*

18 *(1) The authority provided by subsection (a)*
19 *may be exercised only to implement multilateral offi-*
20 *cial debt relief and referendum agreements, commonly*
21 *referred to as “Paris Club Agreed Minutes”.*

22 *(2) The authority provided by subsection (a)*
23 *may be exercised only in such amounts or to such ex-*
24 *tent as is provided in advance by appropriations*
25 *Acts.*

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

8 (c) *CONDITIONS.—The authority provided by sub-*
9 *section (a) may be exercised only with respect to a country*
10 *whose government—*

11 (1) *does not have an excessive level of military*
12 *expenditures;*

13 (2) *has not repeatedly provided support for acts*
14 *of international terrorism;*

15 (3) *is not failing to cooperate on international*
16 *narcotics control matters;*

17 (4) *(including its military or other security*
18 *forces) does not engage in a consistent pattern of gross*
19 *violations of internationally recognized human rights;*
20 *and*

21 (5) *is not ineligible for assistance because of the*
22 *application of section 527 of the Foreign Relations*
23 *Authorization Act, Fiscal Years 1994 and 1995.*

24 (d) *AVAILABILITY OF FUNDS.—The authority provided*
25 *by subsection (a) may be used only with regard to the funds*

1 *appropriated by this Act under the heading “Debt Restruc-*
2 *turing”.*

3 *(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduc-*
4 *tion of debt pursuant to subsection (a) shall not be consid-*
5 *ered assistance for the purposes of any provision of law lim-*
6 *iting assistance to a country. The authority provided by*
7 *subsection (a) may be exercised notwithstanding section*
8 *620(r) of the Foreign Assistance Act of 1961 or section 321*
9 *of the International Development and Food Assistance Act*
10 *of 1975.*

11 *AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES*

12 *SEC. 5066. (a) LOANS ELIGIBLE FOR SALE, REDUC-*
13 *TION, OR CANCELLATION.—*

14 *(1) AUTHORITY TO SELL, REDUCE, OR CANCEL*
15 *CERTAIN LOANS.—Notwithstanding any other provi-*
16 *sion of law, the President may, in accordance with*
17 *this section, sell to any eligible purchaser any*
18 *concessional loan or portion thereof made before Jan-*
19 *uary 1, 1995, pursuant to the Foreign Assistance Act*
20 *of 1961, to the government of any eligible country as*
21 *defined in section 702(6) of that Act or on receipt of*
22 *payment from an eligible purchaser, reduce or cancel*
23 *such loan or portion thereof, only for the purpose of*
24 *facilitating—*

25 *(A) debt-for-equity swaps, debt-for-develop-*
26 *ment swaps, or debt-for-nature swaps; or*

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

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

22 (3) *ADMINISTRATION.*—The Facility, as defined
23 in section 702(8) of the Foreign Assistance Act of
24 1961, shall notify the administrator of the agency
25 primarily responsible for administering part I of the

1 *Foreign Assistance Act of 1961 of purchasers that the*
2 *President has determined to be eligible, and shall di-*
3 *rect such agency to carry out the sale, reduction, or*
4 *cancellation of a loan pursuant to this section. Such*
5 *agency shall make adjustment in its accounts to re-*
6 *flect the sale, reduction, or cancellation.*

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

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

17 (c) *ELIGIBLE PURCHASERS.*—*A loan may be sold pur-*
18 *suant to subsection (a)(1)(A) only to a purchaser who pre-*
19 *sents plans satisfactory to the President for using the loan*
20 *for the purpose of engaging in debt-for-equity swaps, debt-*
21 *for-development swaps, or debt-for-nature swaps.*

22 (d) *DEBTOR CONSULTATIONS.*—*Before the sale to any*
23 *eligible purchaser, or any reduction or cancellation pursu-*
24 *ant to this section, of any loan made to an eligible country,*
25 *the President should consult with the country concerning*

1 *the amount of loans to be sold, reduced, or canceled and*
2 *their uses for debt-for-equity swaps, debt-for-development*
3 *swaps, or debt-for-nature swaps.*

4 *(e) AVAILABILITY OF FUNDS.—The authority provided*
5 *by subsection (a) may be used only with regard to funds*
6 *appropriated by this Act under the heading “Debt Restruc-*
7 *turing”.*

8 *BASIC EDUCATION*

9 *SEC. 5067. Of the funds appropriated by title II of*
10 *this Act, not less than \$335,000,000 should be made avail-*
11 *able for basic education.*

12 *RECONCILIATION PROGRAMS*

13 *SEC. 5068. Of the funds appropriated under the head-*
14 *ing “Economic Support Fund”, not less than \$15,000,000*
15 *shall be made available to support reconciliation programs*
16 *and activities which bring together individuals of different*
17 *ethnic, religious, and political backgrounds from areas of*
18 *civil conflict and war.*

19 *ENVIRONMENT PROGRAMS*

20 *SEC. 5069. (a) FUNDING.—Of the funds appropriated*
21 *under the heading “Development Assistance”, not less than*
22 *\$175,500,000 shall be made available for programs and ac-*
23 *tivities which directly protect biodiversity, including for-*
24 *ests, in developing countries, of which not less than*
25 *\$15,000,000 shall be made available to implement a re-*
26 *gional strategy for biodiversity conservation in the coun-*

1 tries comprising the Amazon basin of South America, in-
2 cluding to improve the capacity of indigenous communities
3 and local law enforcement agencies to protect the biodiver-
4 sity of indigenous reserves, which amount shall be in addi-
5 tion to the amounts requested for biodiversity activities in
6 these countries in fiscal year 2005: Provided, That funds
7 appropriated under the heading “Andean Counterdrug Ini-
8 tiative” shall also be made available in fiscal year 2005
9 to support such strategy: Provided further, That of the funds
10 appropriated by this Act, not less than \$17,500,000 should
11 be made available for the Congo Basin Forest Partnership,
12 of which not less than \$2,500,000 should be made available
13 for the Great Apes Conservation Fund, administered by the
14 United States Fish and Wildlife Service, for use in Central
15 Africa: Provided further, That of the funds appropriated
16 by this Act, not less than \$180,000,000 shall be made avail-
17 able to support policies and programs in developing coun-
18 tries that directly (1) promote a wide range of energy con-
19 servation, energy efficiency and clean energy programs and
20 activities, including the transfer of clean and environ-
21 mentally sustainable energy technologies; (2) measure, mon-
22 itor, and reduce greenhouse gas emissions; (3) increase car-
23 bon sequestration activities; and (4) enhance climate change
24 mitigation and adaptation programs.

1 (b) *CLIMATE CHANGE REPORT.*—Not later than 45
2 days after the date on which the President’s fiscal year 2006
3 budget request is submitted to Congress, the President shall
4 submit a report to the Committees on Appropriations de-
5 scribing in detail the following—

6 (1) all Federal agency obligations and expendi-
7 tures, domestic and international, for climate change
8 programs and activities in fiscal year 2005, including
9 an accounting of expenditures by agency with each
10 agency identifying climate change activities and asso-
11 ciated costs by line item as presented in the Presi-
12 dent’s Budget Appendix; and

13 (2) all fiscal year 2004 obligations and estimated
14 expenditures, fiscal year 2005 estimated expenditures
15 and estimated obligations, and fiscal year 2006 re-
16 quested funds by the United States Agency for Inter-
17 national Development, by country and central pro-
18 gram, for each of the following: (i) to promote the
19 transfer and deployment of a wide range of United
20 States clean energy and energy efficiency technologies;
21 (ii) to assist in the measurement, monitoring, report-
22 ing, verification, and reduction of greenhouse gas
23 emissions; (iii) to promote carbon capture and seques-
24 tration measures; (iv) to help meet such countries’ re-
25 sponsibilities under the Framework Convention on

1 *Climate Change; and (v) to develop assessments of the*
2 *vulnerability to impacts of climate change and miti-*
3 *gation and adaptation response strategies.*

4 *CENTRAL ASIA*

5 *SEC. 5070. (a) Funds appropriated by this Act may*
6 *be made available for assistance for the central Government*
7 *of Uzbekistan only if the Secretary of State determines and*
8 *reports to the Committees on Appropriations that the Gov-*
9 *ernment of Uzbekistan is making substantial and con-*
10 *tinuing progress in meeting its commitments under the*
11 *“Declaration on the Strategic Partnership and Cooperation*
12 *Framework Between the Republic of Uzbekistan and the*
13 *United States of America”, including respect for human*
14 *rights, establishing a genuine multi-party system, and en-*
15 *sureing free and fair elections, freedom of expression, and*
16 *the independence of the media.*

17 *(b) Funds appropriated by this Act may be made*
18 *available for assistance for the Government of Kazakhstan*
19 *only if the Secretary of State determines and reports to the*
20 *Committees on Appropriations that the Government of*
21 *Kazakhstan has made significant improvements in the pro-*
22 *tection of human rights during the preceding 6 month pe-*
23 *riod.*

24 *(c) The Secretary of State may waive subsection (b)*
25 *if he determines and reports to the Committees on Appro-*

1 *priations that such a waiver is in the national security in-*
2 *terest of the United States.*

3 *(d) Not later than October 1, 2005, the Secretary of*
4 *State shall submit a report to the Committees on Appro-*
5 *priations and the Committee on Foreign Relations of the*
6 *Senate and the Committee on International Relations of the*
7 *House of Representatives describing the following:*

8 *(1) The defense articles, defense services, and fi-*
9 *nancial assistance provided by the United States to*
10 *the countries of Central Asia during the 6-month pe-*
11 *riod ending 30 days prior to submission of such re-*
12 *port.*

13 *(2) The use during such period of defense arti-*
14 *cles, defense services, and financial assistance pro-*
15 *vided by the United States by units of the armed*
16 *forces, border guards, or other security forces of such*
17 *countries.*

18 *(e) For purposes of this section, the term “countries*
19 *of Central Asia” means Uzbekistan, Kazakhstan, Kyrgyz*
20 *Republic, Tajikistan, and Turkmenistan.*

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

23 *SEC. 5071. Notwithstanding section 516(e) of the For-*
24 *ign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during*
25 *fiscal year 2005, funds available to the Department of De-*
26 *fense may be expended for crating, packing, handling, and*

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

8 *DISABILITY RIGHTS*

9 *SEC. 5072. (a) Of the funds appropriated by this Act*
10 *under the heading “Economic Support Fund”, and in addi-*
11 *tion to funds made available pursuant to section 5026(c),*
12 *not less than \$5,000,000 shall be made available for a Fund*
13 *for Inclusion, Leadership, and Human Rights of People*
14 *with Disabilities, to be administered by the Bureau of De-*
15 *mocracy, Human Rights, and Labor, Department of State,*
16 *in consultation with the Administrator of the United States*
17 *Agency for International Development (“USAID”): Pro-*
18 *vided, That such funds should be made available as grants*
19 *to nongovernmental organizations that work on behalf of*
20 *people with disabilities in developing countries: Provided*
21 *further, That not to exceed 20 percent of such funds should*
22 *be made available for a Disability Rights Fellowship Pro-*
23 *gram at the Department of State and USAID, including*
24 *the cost of necessary administrative and salary expenses.*

25 *(b) The Secretary of State and the USAID Adminis-*
26 *trator shall designate within their respective agencies an*

1 *individual to serve as “Disability Advisor”, whose function*
2 *it shall be to ensure that disability rights are addressed,*
3 *where appropriate, in United States policies and programs.*

4 *(c) Funds made available under subsection (a) shall*
5 *be made available for an international conference on the*
6 *needs of people with disabilities, including disability rights,*
7 *advocacy and access.*

8 *(d) The Secretary of State, the Secretary of the Treas-*
9 *ury, and the USAID Administrator shall seek to ensure that*
10 *the needs of people with disabilities are addressed, where*
11 *appropriate, in democracy, human rights, and rule of law*
12 *programs, projects and activities supported by the Depart-*
13 *ment of State, Department of the Treasury, and USAID.*

14 *(e) The USAID Administrator shall seek to ensure that*
15 *programs, projects and activities administered by USAID*
16 *comply fully with USAID’s “Policy Paper: Disability”*
17 *issued on September 12, 1997: Provided, That not later*
18 *than 90 days after enactment of this Act, USAID shall im-*
19 *plement procedures to require that prospective grantees*
20 *seeking funding from USAID specify, when relevant, how*
21 *the proposed program, project or activity for which funding*
22 *is being requested will protect the rights and address the*
23 *needs of persons with disabilities.*

24 *ZIMBABWE*

25 *SEC. 5073. The Secretary of the Treasury shall in-*
26 *struct the United States executive director to each inter-*

1 *national financial institution to vote against any extension*
2 *by the respective institution of any loans or grants, to the*
3 *Government of Zimbabwe, except to meet basic human*
4 *needs or to promote democracy, unless the Secretary of State*
5 *determines and certifies to the Committees on Appropria-*
6 *tions that the rule of law has been restored in Zimbabwe,*
7 *including respect for ownership and title to property, free-*
8 *dom of speech and association.*

9 *TIBET*

10 *SEC. 5074. (a) The Secretary of the Treasury should*
11 *instruct the United States executive director to each inter-*
12 *national financial institution to use the voice and vote of*
13 *the United States to support projects in Tibet if such*
14 *projects do not provide incentives for the migration and set-*
15 *tlement of non-Tibetans into Tibet or facilitate the transfer*
16 *of ownership of Tibetan land and natural resources to non-*
17 *Tibetans; are based on a thorough needs-assessment; foster*
18 *self-sufficiency of the Tibetan people and respect Tibetan*
19 *culture and traditions; and are subject to effective moni-*
20 *toring.*

21 *(b) Notwithstanding any other provision of law, not*
22 *less than \$4,000,000 of the funds appropriated by this Act*
23 *under the heading “Economic Support Fund” shall be made*
24 *available to nongovernmental organizations to support ac-*
25 *tivities which preserve cultural traditions and promote sus-*
26 *tainable development and environmental conservation in*

1 *Tibetan communities in the Tibetan Autonomous Region*
2 *and in other Tibetan communities in China, and not less*
3 *than \$250,000 shall be made available to the National En-*
4 *dowment for Democracy for programs and activities relat-*
5 *ing to Tibet.*

6 *INDONESIA*

7 *SEC. 5075. (a) Funds appropriated by this Act under*
8 *the heading “Foreign Military Financing Program” may*
9 *be made available for assistance for Indonesia, and licenses*
10 *may be issued for the export of lethal defense articles for*
11 *the Indonesian Armed Forces, only if the President certifies*
12 *to the appropriate congressional committees that—*

13 *(1) the Indonesian Armed Forces are not com-*
14 *mitting gross violations of human rights;*

15 *(2) the Indonesia Minister of Defense is sus-*
16 *pending from the Armed Forces those members, of*
17 *whatever rank, who have been credibly alleged to have*
18 *committed gross violations of human rights, or to*
19 *have aided or abetted militia groups;*

20 *(3) the Indonesian Government is prosecuting*
21 *those members of the Indonesian Armed Forces, of*
22 *whatever rank, who have been credibly alleged to have*
23 *committed gross violations of human rights, or to*
24 *have aided or abetted militia groups, and is pun-*
25 *ishing those members of the Indonesian Armed Forces*

1 *States*”, and “*Assistance for the Independent States of the*
2 *Former Soviet Union*”, \$40,000,000 shall be made available
3 to the Office of the Higher Education Community Liaison
4 in the Bureau for Economic Growth, Agriculture and Trade
5 of the United States Agency for International Development
6 and used for projects and activities of United States-based
7 colleges and universities: *Provided, That these funds shall*
8 *be in addition to funds otherwise available under this Act*
9 *for such programs.*

10

NIGERIA

11 *SEC. 5077. The President shall submit a report to the*
12 *Committees on Appropriations describing the involvement*
13 *of the Nigerian Armed Forces in the incident in Benue*
14 *State, the measures that are being taken to bring such indi-*
15 *viduals to justice, and whether any Nigerian Armed Forces*
16 *units involved with the incident in Benue State are receiv-*
17 *ing United States assistance.*

18 *DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN*

19

THE RUSSIAN FEDERATION

20 *SEC. 5078. None of the funds appropriated under this*
21 *Act may be made available for the Government of the Rus-*
22 *sian Federation, after 180 days from the date of the enact-*
23 *ment of this Act, unless the President determines and cer-*
24 *tifies in writing to the Committees on Appropriations that*
25 *the Government of the Russian Federation has implemented*
26 *no statute, executive order, regulation or similar govern-*

1 *ment action that would discriminate, or which has as its*
2 *principal effect discrimination, against religious groups or*
3 *religious communities in the Russian Federation in viola-*
4 *tion of accepted international agreements on human rights*
5 *and religious freedoms to which the Russian Federation is*
6 *a party.*

7 *NICARAGUA AND GUATEMALA*

8 *SEC. 5079. (a) Of the funds appropriated under the*
9 *headings “Development Assistance” and “Child Survival*
10 *and Health Programs Fund”, not less than \$36,000,000*
11 *shall be made available for assistance for Nicaragua and*
12 *not less than \$23,000,000 shall be made available for assist-*
13 *ance for Guatemala.*

14 *(b) Not to exceed \$2,000,000 in prior year “Military*
15 *Assistance Program” funds that are available for Guate-*
16 *mala may be made available for non-lethal defense items*
17 *for Guatemala if the Secretary of State certifies to the Com-*
18 *mittees on Appropriations and the Committee on Foreign*
19 *Relations of the Senate and the Committee on International*
20 *Relations of the House that—*

21 *(1) the role of the Guatemalan military has been*
22 *limited, both in doctrine and in practice, to only*
23 *those activities in defense of Guatemala’s sovereignty*
24 *and territorial integrity that are permitted by the*
25 *1996 Peace Accords, and the Government of Guate-*

1 *mala is taking steps to amend Article 244 of the Con-*
2 *stitution to reflect such changes;*

3 *(2) the Guatemalan military is cooperating with*
4 *civilian judicial authorities, including providing*
5 *unimpeded access to witnesses, documents and classi-*
6 *fied intelligence files, in investigations and prosecu-*
7 *tions of military personnel who have been implicated*
8 *in human rights violations and other criminal activ-*
9 *ity;*

10 *(3) the Government of Guatemala is actively*
11 *working with the United Nations to resolve legal im-*
12 *pediments to the establishment of the Commission for*
13 *the Investigation of Illegal Groups and Clandestine*
14 *Security Organizations (CICLACS), so that CICLACS*
15 *can effectively accomplish its mission of investigating*
16 *and bringing to justice illegal groups and members of*
17 *clandestine security organizations;*

18 *(4) the Government of Guatemala is continuing*
19 *its efforts to make its military budget process trans-*
20 *parent and accessible to civilian authorities and to*
21 *the public of present and past expenditures;*

22 *(5) the Government of Guatemala has committed*
23 *to facilitate the prompt establishment of an office in*
24 *Guatemala of the United Nations High Commissioner*
25 *for Human Rights; and*

1 *forts by ICTR and SCSL to bring to justice individuals*
2 *indicted by such tribunals in a timely manner.*

3 (d) *The prohibition in subsection (c) may be waived*
4 *on a country by country basis if the President determines*
5 *that doing so is in the national security interest of the*
6 *United States: Provided, That prior to exercising such*
7 *waiver authority, the President shall submit a report to the*
8 *Committees on Appropriations, in classified form if nec-*
9 *essary, on (1) the steps being taken to obtain the cooperation*
10 *of the government in surrendering the indictee in question*
11 *to SCSL or ICTR; (2) a strategy for bringing the indictee*
12 *before ICTR or SCSL; and (3) the justification for exer-*
13 *cising the waiver authority.*

14 *ADMISSION OF REFUGEES*

15 SEC. 5081. (a) *The Secretary of State shall utilize pri-*
16 *ivate voluntary organizations with expertise in the protec-*
17 *tion needs of refugees in the processing of refugees overseas*
18 *for admission and resettlement to the United States, and*
19 *shall utilize such agencies in addition to the United Nations*
20 *High Commissioner for Refugees in the identification and*
21 *referral of refugees.*

22 (b) *The Secretary of State should maintain a system*
23 *for accepting referrals of appropriate candidates for reset-*
24 *tlement from local private, voluntary organizations and*
25 *work to ensure that particularly vulnerable refugee groups*

1 *receive special consideration for admission into the United*
2 *States, including—*

3 *(1) long-stayers in countries of first asylum;*

4 *(2) unaccompanied refugee minors;*

5 *(3) refugees outside traditional camp settings;*

6 *and*

7 *(4) refugees in woman-headed households.*

8 *(c) The Secretary of State shall give special consider-*
9 *ation to—*

10 *(1) refugees of all nationalities who have close*
11 *family ties to citizens and residents of the United*
12 *States; and*

13 *(2) other groups of refugees who are of special*
14 *concern to the United States.*

15 *(d) Not later than 120 days after the date of enactment*
16 *of this Act, the Secretary of State shall submit a report to*
17 *the Committees on Appropriations describing the steps that*
18 *have been taken to implement this section.*

19 *CODE OF CONDUCT*

20 *SEC. 5082. (a) None of the funds made available by*
21 *title II under the heading “Migration and Refugee Assist-*
22 *ance” or “Transition Initiatives” to provide assistance to*
23 *refugees or internally displaced persons may be provided*
24 *to an organization that has failed to adopt a code of conduct*
25 *consistent with the Inter-Agency Standing Committee Task*
26 *Force on Protection From Sexual Exploitation and Abuse*

1 *of denying entry into the United States to corrupt current*
2 *and former public officials and certain members of their*
3 *families; and (2) for making public the names of those indi-*
4 *viduals who have been denied entry as a result of such Proc-*
5 *lamation.*

6 *ASSISTANCE FOR VICTIMS OF TORTURE*

7 *SEC. 5085. Of the funds appropriated by this Act*
8 *under the headings “Development Assistance” and “Eco-*
9 *nomie Support Fund”, not less than \$15,000,000 shall be*
10 *made available for programs and activities to assist victims*
11 *of torture and cruel, inhuman or degrading treatment, in-*
12 *cluding for centers for victims of torture that provide serv-*
13 *ices consistent with the goals of the Torture Victims Relief*
14 *Reauthorization Act of 1999.*

15 *UNITED STATES AGENCY FOR INTERNATIONAL*

16 *DEVELOPMENT PILOT MANAGEMENT INITIATIVE*

17 *SEC. 5086. (a) PILOT ACTIVITIES.—Subject to sub-*
18 *section (b), the Administrator of the United States Agency*
19 *for International Development may use up to \$25,000,000*
20 *of the funds appropriated to carry out part I of the Foreign*
21 *Assistance Act of 1961, including funds appropriated to*
22 *carry out the Support for East European Democracy*
23 *(SEED) Act of 1989, to pay administrative costs for fiscal*
24 *year 2005, including salary, benefits, allowances, and over-*
25 *seas support costs of employees, of up to 2 overseas missions*
26 *or offices of the agency.*

1 **(b) CONDITIONS.**—

2 (1) *The authority of subsection (a) may be exer-*
3 *cised only if the Administrator submits a plan ap-*
4 *proved by the Office of Management and Budget and*
5 *the Department of State to the Committees on Appro-*
6 *priations, that—*

7 (A) *identifies the overseas missions or offices*
8 *for which this authority will be exercised, and*
9 *explains the process by which these missions or*
10 *offices were selected;*

11 (B) *contains separate estimates of the ad-*
12 *ministrative costs for fiscal year 2005 of the dif-*
13 *ferent types of project assistance and nonproject*
14 *assistance programs administered by such mis-*
15 *sion or office; and*

16 (C) *describes the bases for such estimates.*

17 (2) *Subsequent reports shall be submitted to the*
18 *Committees on Appropriations by the Administrator*
19 *at least every 60 days until January 15, 2006 to de-*
20 *scribe any changes made to the plan as originally*
21 *submitted or later modified.*

22 **(c) INITIAL CHARGES.**—*Funds appropriated under the*
23 *heading “Operating Expenses of the United States Agency*
24 *for International Development” for fiscal year 2005 may*
25 *be initially charged for the purposes of this section.*

1 *UNITED STATES AGENCY FOR INTERNATIONAL*
2 *DEVELOPMENT HIRING AUTHORITY*

3 *SEC. 5087. (a) USE OF PROGRAM FUNDS.—Up to*
4 *\$12,500,000 of the funds appropriated by this Act to carry*
5 *out chapter 1 of part I of the Foreign Assistance Act of*
6 *1961 may be transferred to and consolidated with funds ap-*
7 *propriated under the heading, “Operating Expenses of the*
8 *United States Agency for International Development”*
9 *(USAID), and used by USAID to appoint and employ full-*
10 *time Civil Service and full-time Foreign Service personnel,*
11 *including to pay the costs of salaries, benefits, and allow-*
12 *ances of such personnel: Provided, That the authority of this*
13 *section may be used to appoint and employ not more than*
14 *50 individuals.*

15 *(b) CONDITIONS.—The authority of this section—*

16 *(1) may not be used until USAID completes a*
17 *comprehensive workforce analysis that is approved by*
18 *the USAID Administrator and submitted to the Office*
19 *of Management and Budget and the Office of Per-*
20 *sonnel Management;*

21 *(2) may only be used to meet shortages in tech-*
22 *anical skill areas identified in the approved workforce*
23 *analysis;*

24 *(3) may only be used to the extent that an equiv-*
25 *alent number of positions that are filled by personal*

1 *service contractors or other employees of USAID, who*
2 *are compensated with funds appropriated by this Act*
3 *to carry out chapter 1 of part I of the Foreign Assist-*
4 *ance Act of 1961, are eliminated; and*

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

8 *CERTAIN CLAIMS FOR EXPROPRIATION BY THE*
9 *GOVERNMENT OF NICARAGUA*

10 *SEC. 5088. Section 527 of the Foreign Relations Au-*
11 *thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.*
12 *2370(a)) is amended by adding at the end the following*
13 *new subsection:*

14 *“(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE*
15 *GOVERNMENT OF NICARAGUA.—*

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

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

26 *“(A) in writing; and*

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

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

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

9 “(3) The date to which paragraph (2) refers is
10 a date after enactment of this subsection that is speci-
11 fied by the Secretary of State, in the Secretary’s dis-
12 cretion, in a notice published in the Federal Reg-
13 ister.”.

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

16 SEC. 5089. (a) LIMITATION ON USE OF FUNDS BY
17 OPIC.—None of the funds made available in this Act may
18 be used by the Overseas Private Investment Corporation to
19 insure, reinsure, guarantee, or finance any investment in
20 connection with a project involving the mining, polishing
21 or other processing, or sale of diamonds in a country that
22 fails to meet the requirements of subsection (c).

23 (b) LIMITATION ON USE OF FUNDS BY THE EXPORT-
24 IMPORT BANK.—None of the funds made available in this
25 Act may be used by the Export-Import Bank of the United
26 States to guarantee, insure, extend credit, or participate in

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

2 (10) \$500,000 for assistance for Fiji; and

3 (11) \$250,000 for assistance for Tonga.

4 (b) Funds made available for assistance for Indonesia
5 pursuant to subsection (a) may be made available notwith-
6 standing section 5075 of this Act: Provided, That such funds
7 may only be made available to the Indonesian navy for the
8 purposes of enhancing maritime security: Provided further,
9 That sections 5075(a)(1) and (4) of this Act shall apply
10 with respect to the Indonesia navy for purposes of this sec-
11 tion: Provided further, That such funds shall only be made
12 available subject to the regular notification procedures of
13 the Committees on Appropriations.

14 (c) Funds made available for assistance for Cambodia
15 pursuant to subsection (a) shall be made available notwith-
16 standing section 5054 of this Act: Provided, That such funds
17 shall only be made available subject to the regular notifica-
18 tion procedures of the Committees on Appropriations.

19 (d) Funds made available for assistance for Nepal pur-
20 suant to subsection (a) may be made available if the Sec-
21 retary of State reports to the Committees on Appropriations
22 that the Government of Nepal is: (1) complying promptly
23 with habeas corpus orders issued by the Supreme Court of
24 Nepal, including all outstanding orders; (2) cooperating
25 with the National Human Rights Commission of Nepal to

1 *resolve all cases of disappearances; and (3) granting the Na-*
2 *tional Human Rights Commission of Nepal unimpeded ac-*
3 *cess to places of detention: Provided, That the Secretary of*
4 *State may waive the requirements of this subsection if he*
5 *determines and reports to the Committees on Appropria-*
6 *tions that to do so is in the security interests of the United*
7 *States.*

8 *COOPERATION WITH CUBA ON COUNTER-NARCOTICS*

9 *MATTERS*

10 *SEC. 5091. (a) Subject to subsection (b), of the funds*
11 *appropriated under the heading “International Narcotics*
12 *Control and Law Enforcement”, \$5,000,000 should be made*
13 *available for the purposes of preliminary work by the De-*
14 *partment of State, or such other entity as the Secretary of*
15 *State may designate, to establish cooperation with appro-*
16 *priate agencies of the Government of Cuba on counter-nar-*
17 *cotics matters, including matters relating to cooperation,*
18 *coordination, and mutual assistance in the interdiction of*
19 *illicit drugs being transported through Cuba airspace or*
20 *over Cuba waters.*

21 *(b) The amount in subsection (a) shall not be available*
22 *if the President certifies that—*

23 *(1) Cuba does not have in place appropriate pro-*
24 *cedures to protect against the loss of innocent life in*
25 *the air and on the ground in connection with the*
26 *interdiction of illegal drugs; and*

CHERNOBYL NUCLEAR POWER PLANT

1 *SEC. 5094. None of the funds appropriated under this*
2 *Act may be made available for assistance for the central*
3 *Government of the Russian Federation if the Secretary of*
4 *State certifies and reports to the Committees on Appropria-*
5 *tions that the central Government of the Russian Federa-*
6 *tion has not pledged or is not contributing funds or other*
7 *significant resources for the construction of the new shelter*
8 *over the Chernobyl nuclear power plant: Provided, That this*
9 *provision shall not apply to democracy, rule of law, child*
10 *survival and health, and environment programs.*

DEBT RESTRUCTURING AUTHORITY

12 *SEC. 5095. (a) Of the funds appropriated under the*
13 *heading "Iraq Relief and Reconstruction Fund" in title II*
14 *of the Emergency Supplemental Appropriations Act for De-*
15 *fense and for the Reconstruction of Iraq and Afghanistan,*
16 *2004 (Public Law 108–106), \$360,000,000 may be made*
17 *available for the costs, as defined in section 502 of the Con-*
18 *gressional Budget Act of 1974, of modifying direct loans*
19 *and loan guarantees for Iraq, without regard to the sectoral*
20 *allocations and related provisos under that heading in such*
21 *Act: Provided, That the authority of this section shall be*
22 *used subject to prior consultation with the Committees on*
23 *Appropriations: Provided further, That the obligation of*
24 *funds pursuant to the authority provided in this section*
25 *shall be subject to the regular notification procedures of the*
26

1 *Committees on Appropriations: Provided further, That such*
2 *amount is designated as an emergency requirement pursu-*
3 *ant to section 402 of S. Con. Res. 95 (108th Congress), as*
4 *made applicable to the House of Representatives by H. Res.*
5 *649 (108th Congress) and applicable to the Senate by sec-*
6 *tion 14007 of Public Law 108–287.*

7 (b) *Title II, chapter 2 of Public Law 108–106 is*
8 *amended under the heading “Other Bilateral Economic As-*
9 *sistance” by—*

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

12 (2) *in the first proviso, striking “by more than*
13 *20 percent” and inserting in lieu thereof “by more*
14 *than 30 percent”.*

15 (c) *Notwithstanding any other provision of law, the*
16 *Overseas Private Investment Corporation is authorized to*
17 *undertake any program authorized by title IV of the For-*
18 *ign Assistance Act of 1961 in Iraq: Provided, That funds*
19 *made available pursuant to the authority of this section*
20 *shall be subject to the regular reprogramming notification*
21 *procedures of the Committees on Appropriations.*

22 *COMPLIANCE WITH THE ALGIERS AGREEMENTS*

23 *SEC. 5096. None of the funds appropriated by this Act*
24 *may be made available for assistance for the central Gov-*
25 *ernments of Ethiopia or Eritrea unless the Secretary of*
26 *State certifies and reports to the Committees on Appropria-*

1 *tions that such government is taking steps to comply with*
2 *the terms of the Algiers Agreements: Provided, That this sec-*
3 *tion shall not apply to democracy, rule of law, child sur-*
4 *vival and health, basic education, and agriculture pro-*
5 *grams.*

6 *NORTH KOREA AND BURMA*

7 *SEC. 5097. None of the funds made available in this*
8 *Act or prior Acts making appropriations for foreign oper-*
9 *ations, export financing, and related programs as a United*
10 *States contribution to the Global Fund to Fight AIDS, Tu-*
11 *berculosis and Malaria may be made available for assist-*
12 *ance for the Government of North Korea or the State Peace*
13 *and Development Council in Burma, or affiliated groups*
14 *and organizations.*

15 *THAILAND*

16 *SEC. 5098. (a) Funds appropriated by this Act that*
17 *are available for the central Government of Thailand may*
18 *be made available if the Secretary of State determines and*
19 *reports to the Committees on Appropriations that the cen-*
20 *tral Government of Thailand (1) supports the advancement*
21 *of democracy in Burma; (2) is not hampering the delivery*
22 *of humanitarian and other assistance to people in Thailand*
23 *who have fled Burma; and (3) is not forcibly repatriating*
24 *Burmese to Burma.*

25 *(b) Notwithstanding subsection (a), of the funds appro-*
26 *riated by this Act, not less than \$4,000,000 shall be made*

1 *available to promote democracy and human rights in Thai-*
 2 *land, and not less than \$1,000,000 shall be made available*
 3 *to promote and protect an independent media in Thailand.*

4 *(c) The Secretary of State may waive subsection (a)*
 5 *if he determines and reports to the Committees on Appro-*
 6 *priations that to do so is in the national security interest*
 7 *of the United States.*

8 *ADMINISTRATIVE PROVISIONS RELATED TO MULTILATERAL*
 9 *DEVELOPMENT BANKS*

10 *SEC. 5099. (a) Section 1307 of the International Fi-*
 11 *nancial Institutions Act (22 U.S.C. 262m-7) is amended—*

12 *(1) by striking subsection (a) and inserting the fol-*
 13 *lowing:*

14 *“(a) ASSESSMENT REQUIRED BEFORE FAVORABLE*
 15 *VOTE ON PROPOSAL.—The Secretary of the Treasury shall*
 16 *instruct the United States Executive Director of each multi-*
 17 *lateral development bank not to vote in favor of any pro-*
 18 *posal (including but not limited to any kind of proposed*
 19 *loan, credit, grant, guarantee, or policy) which would result*
 20 *or be likely to result in a significant impact on the environ-*
 21 *ment, unless the Secretary, after consultation with the Sec-*
 22 *retary of State and the Administrators of the United States*
 23 *Agency for International Development and the Environ-*
 24 *mental Protection Agency, determines that for at least 120*
 25 *days before the date of the vote—*

1 “(1) an assessment analyzing the environmental
2 impacts of the proposal, including associated and cu-
3 mulative impacts, and of alternatives to the proposal,
4 has been completed by the borrower or the bank, and
5 has been made available to the board of directors of
6 the bank;

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

13 “(3) environment and development agencies of
14 the member countries of the bank are notified that the
15 assessment (or a comprehensive summary of the as-
16 sessment) and any related draft loan, credit, grant,
17 guarantee, or policy are available on the bank’s
18 website.”; and

19 (2) by striking subsection (g) and inserting the fol-
20 lowing:

21 “(g) *MULTILATERAL DEVELOPMENT BANK DE-*
22 *FINED.*—In this title, the term ‘multilateral development
23 bank’ means the International Bank for Reconstruction and
24 Development, the European Bank for Reconstruction and
25 Development, the International Development Association,

1 *the International Finance Corporation, the Multilateral In-*
 2 *vestment Guarantee Agency, the African Development*
 3 *Bank, the African Development Fund, the Asian Develop-*
 4 *ment Bank, the North American Development Bank, the*
 5 *Inter-American Development Bank, the Inter-American In-*
 6 *vestment Corporation, any other institution (other than the*
 7 *International Monetary Fund) specified in section*
 8 *1701(c)(2), and any subsidiary of any such institution, and*
 9 *in section 1504, the term ‘multilateral development institu-*
 10 *tion’ includes the North American Development Bank and*
 11 *any such subsidiary.”*

12 *(b) Section 1303(b) of the International Financial In-*
 13 *stitutions Act (22 U.S.C. 262m–7) is amended by striking*
 14 *“International Bank for Reconstruction and Development,*
 15 *the Inter-American Development Bank, the Asian Develop-*
 16 *ment Bank, and the African Development Bank” and in-*
 17 *serting in lieu thereof “multilateral development banks”.*

18 *(c) Not more than 180 days after the date of enactment*
 19 *of this Act, the Secretary of the Treasury shall issue tem-*
 20 *porary regulations to implement title XIII of the Inter-*
 21 *national Financial Institutions Act, as amended, and, after*
 22 *public notice and comment, final regulations not more than*
 23 *one year thereafter.*

24 **VIETNAMESE REFUGEES**

25 **SEC. 5100. (a) ELIGIBILITY FOR IN-COUNTRY REF-**
 26 **UGEE PROCESSING IN VIETNAM.—For purposes of eligi-**

1 *bility for in-country refugee processing for nationals of*
2 *Vietnam during fiscal years 2004 and 2005, an alien de-*
3 *scribed in subsection (b) shall be considered to be a refugee*
4 *of special humanitarian concern to the United States (with-*
5 *in the meaning of section 207 of the Immigration and Na-*
6 *tionality Act (8 U.S.C. 1157)) and shall be admitted to the*
7 *United States for resettlement if the alien would be admis-*
8 *sible as an immigrant under the Immigration and Nation-*
9 *ality Act (except as provided in section 207(c)(3) of that*
10 *Act).*

11 *(b) ALIENS COVERED.—An alien described in this sub-*
12 *section is an alien who—*

13 *(1) is the son or daughter of a qualified national;*

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

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

19 *(c) QUALIFIED NATIONAL.—The term “qualified na-*
20 *tional” in subsection (b)(1) means a national of Vietnam*
21 *who—*

22 *(1)(A) was formerly interned in a re-education*
23 *camp in Vietnam by the Government of the Socialist*
24 *Republic of Vietnam; or*

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

3 (2)(A) qualified for refugee processing under the
4 Orderly Departure Program re-education subpro-
5 gram; and

6 (B) is or was accepted under the Orderly Departure
7 Program or through the United States Consulate
8 General in Ho Chi Minh City—

9 (i) for resettlement as a refugee; or

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

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

15 (B) was approved for refugee resettlement or im-
16 migrant visa processing and is awaiting departure
17 formalities from Vietnam or whose surviving spouse is
18 awaiting such departure formalities.

19 EXTRACTION OF NATURAL RESOURCES

20 SEC. 5101. (a) The Secretary of the Treasury shall in-
21 form the managements of the international financial insti-
22 tutions and the public that it is the policy of the United
23 States that any assistance by such institutions (including
24 but not limited to any loan, credit, grant, or guarantee)
25 for the extraction and export of oil, gas, coal, timber, or
26 other natural resource should not be provided unless the gov-

1 *ernment of the country has in place or is taking the nec-*
2 *essary steps to establish functioning systems for (1) accu-*
3 *rately accounting for revenues and expenditures in connec-*
4 *tion with the extraction and export of the type of natural*
5 *resource to be extracted or exported; (2) the independent au-*
6 *diting of such accounts and the widespread public dissemi-*
7 *nation of the audits; and (3) verifying government receipts*
8 *against company payments including widespread dissemi-*
9 *nation of such payment information in a manner that does*
10 *not create competitive disadvantage or disclose proprietary*
11 *information.*

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

19 *ASSISTANCE FOR FOREIGN NONGOVERNMENTAL*
20 *ORGANIZATIONS*

21 *SEC. 5102. Notwithstanding any other provision of*
22 *law, regulation, or policy, in determining eligibility for as-*
23 *sistance authorized under part I of the Foreign Assistance*
24 *Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovern-*
25 *mental organizations—*

1 *the House of Representatives by H. Res. 649 (108th Con-*
2 *gress) and applicable to the Senate by section 14007 of Pub-*
3 *lic Law 108–287.*

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

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

14 (e) *It is the Sense of the Senate that the transfer au-*
15 *thority that Congress included under chapter 2 of title II*
16 *of Public Law 108–106, which authorized the transfer of*
17 *up to 0.5 percent from funds made available under Chapter*
18 *2 for Sudan, should be triggered to provide funds to address*
19 *the humanitarian disaster in Darfur, Sudan and region.*

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

22 *SEC. 5104. In addition, \$150,000,000 is appropriated*
23 *for “Child Survival and Health Programs Fund”, which*
24 *shall be made available for a United States contribution*
25 *to the Global Fund to Fight AIDS, Tuberculosis and Ma-*
26 *laria, in accordance with the provisions applicable to the*

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

23 *SUPPORT FOR AFRICAN UNION MISSION IN DARFUR, SUDAN*

24 *SEC. 5105. (a) In addition, \$75,000,000 is appro-*
25 *priated to the Department of State to carry out the provi-*
26 *sions of section 551 of the Foreign Assistance Act of 1961*

1 *for the purpose of providing equipment, logistical, finan-*
2 *cial, material, and other resources necessary to support the*
3 *rapid expansion of the African Union mission in Darfur,*
4 *Sudan.*

5 *(b) The entire amount in subsection (a) is designated*
6 *as an emergency requirement pursuant to section 402 of*
7 *S. Con. Res. 95 (108th Congress), as made applicable to*
8 *the House of Representatives by H. Res. 649 (108th Con-*
9 *gress) and applicable to the Senate by section 14007 of Pub-*
10 *lic Law 108–287.*

11 *(c) That such amount shall be available only to the*
12 *extent that an official budget request for \$75,000,000 that*
13 *includes designation of the amount as an emergency re-*
14 *quirement, as defined in S. Con. Res. 95 (108th Congress),*
15 *as made applicable to the Senate by section 14007 of Public*
16 *Law 108–287, is transmitted by the President to the Con-*
17 *gress.*

18 *IMPROVING SECURITY IN HAITI*

19 *SEC. 5106. (a) Congress makes the following findings:*

20 *(1) Haiti is important to the national security*
21 *interests of the United States.*

22 *(2) The United States has contributed significant*
23 *assistance to support the political, economic and so-*
24 *cial development of Haiti with limited and uneven re-*
25 *sults.*

1 (3) *The Haitian people are currently suffering*
2 *from extreme poverty, threats from armed groups who*
3 *control large areas of the country, and violations of*
4 *human rights, including kidnappings.*

5 (4) *As of September 22, 2004, Tropical Storm*
6 *Jeanne killed more than 1,000 people, with many*
7 *hundreds remaining missing, in Gonaives and other*
8 *areas of Haiti, and caused severe destruction of prop-*
9 *erty.*

10 (5) *The Interim Government of Haiti under*
11 *Prime Minister Gerard Latortue is attempting to ini-*
12 *tiate much needed reforms and bring political sta-*
13 *bility to the country prior to the reintroduction of an-*
14 *ticipated democratically-elected governance in 2005.*

15 (6) *On July 19–20, 2004, the international com-*
16 *munity pledged \$1,085,000,000 in assistance for*
17 *Haiti, including \$230,000,000 from the United*
18 *States.*

19 (7) *The immediate challenges facing Haiti are*
20 *(a) addressing the insecurity and instability caused*
21 *by armed groups who are undermining the ability of*
22 *the Interim Government of Haiti to combat poverty*
23 *and create the conditions for free and fair elections;*
24 *(b) establishing the rule of law; and (c) economic re-*
25 *activation and job creation.*

1 (8) *On April 30, 2004, the United Nations Security Council authorized the United Nations Stabilization Mission in Haiti (MINUSTAH) 6,700 military*
2
3
4 *personnel and 1,622 civilian police personnel, but as*
5 *of July 31, 2004, only 2,259 military personnel and*
6 *224 civilian police personnel had been deployed.*

7 (9) *MINUSTAH is essential to efforts to restore*
8 *stability and security, including countering the ac-*
9 *tivities of rebels, ex-combatants and other armed*
10 *groups.*

11 (b) *Congress—*

12 (1) *appreciates the contributions of military and*
13 *civilian police personnel to MINUSTAH by Brazil*
14 *and other nations;*

15 (2) *calls upon the Secretary of State to redouble*
16 *his efforts to encourage contributions of additional*
17 *personnel to MINUSTAH;*

18 (3) *calls upon MINUSTAH to assertively fulfill*
19 *its mandate under Chapter VII of the United Nations*
20 *Charter to “ensure a secure and stable environment*
21 *within which the constitutional and political process*
22 *in Haiti can take place”, by confronting and resolv-*
23 *ing security threats to the Interim Government of*
24 *Haiti and the people of Haiti;*

1 (4) *calls upon the United States and the inter-*
2 *national community, including the United Nations*
3 *and the Organization of American States, to expedite*
4 *the disbursement of sufficient assistance to enable the*
5 *Interim Government of Haiti to—*

6 (A) *address Haiti's urgent humanitarian*
7 *needs, including to assist Haitians affected by*
8 *Tropical Storm Jeanne;*

9 (B) *increase employment and promote eco-*
10 *nomie development; and*

11 (C) *carry out democratic elections in 2005;*

12 (5) *calls upon the Interim Government of Haiti*
13 *to make every effort to ensure that all political parties*
14 *can participate fully and freely in the electoral proc-*
15 *ess; and*

16 (6) *notes that the failure to establish a secure*
17 *and stable environment and to conduct credible and*
18 *inclusive elections will likely result in Haiti's com-*
19 *plete transition from a failed state to a criminal*
20 *state.*

21 *REPORT ON GLOBAL POVERTY AND NATIONAL SECURITY*

22 *SEC. 5107. Not later than 180 days after the date of*
23 *the enactment of this Act, the Secretary of State, in con-*
24 *sultation with other relevant Federal agencies, shall submit*
25 *a report to Congress on the impact of global poverty on*
26 *the national security of the United States, which shall in-*

1 *clude: (1) an evaluation of the effects of global poverty on*
2 *United States efforts to promote democracy, equitable eco-*
3 *nomie development, and the rule of law in developing coun-*
4 *tries; (2) a description of the relationship between global*
5 *poverty and political instability, civil conflict, and inter-*
6 *national terrorism; and (3) recommendations for improving*
7 *the ability of the United States Government to effectively*
8 *address the problems in (1) and (2) by combating global*
9 *poverty, including possible organizational changes within*
10 *the Federal government.*

11 *REPORT ON EDUCATION REFORM IN PAKISTAN*

12 *SEC. 5108 (a) Not later than 90 days after the date*
13 *of enactment of this Act, the Secretary of State shall submit*
14 *a report to the appropriate congressional committees—*

15 *(1) describing the strategy of the Government of*
16 *Pakistan to implement education reform in Pakistan,*
17 *and the strategy of the Government of the United*
18 *States to assist Pakistan to achieve that objective;*

19 *(2) providing information on the amount of*
20 *funding—*

21 *(A) obligated and expended by the Govern-*
22 *ment of Pakistan and the Government of the*
23 *United States, respectively, for education reform*
24 *in Pakistan, since January 1, 2002;*

25 *(B) expected to be provided by the Govern-*
26 *ment of Pakistan and the Government of the*

1 *United States, respectively, for education reform*
2 *in Pakistan, including any assistance to be pro-*
3 *vided by the United States pursuant to the com-*
4 *mitment of President Bush to provide*
5 *\$3,000,000,000 in assistance to Pakistan during*
6 *fiscal year 2005 through fiscal year 2009; and*

7 (3) *discussing progress made in achieving edu-*
8 *cation reform in Pakistan since January 1, 2002.*

9 (b) *DEFINITIONS.—In this section—*

10 (1) *the term “appropriate congressional commit-*
11 *tees” means—*

12 (A) *the Committees on Appropriations and*
13 *International Relations of the House of Rep-*
14 *resentatives; and*

15 (B) *the Committees on Appropriations and*
16 *Foreign Relations of the Senate;*

17 (2) *the term “education reform” includes efforts*
18 *to expand and improve the secular education system*
19 *in Pakistan, and to develop and utilize a moderate*
20 *curriculum for private religious schools in Pakistan.*

21 *UNITED NATIONS RESOLUTIONS ON ISRAEL*

22 *SEC. 5109. (a) The Senate makes the following find-*
23 *ings:*

24 (1) *The United Nations General Assembly and*
25 *United Nations Security Council have over a period*
26 *of many years engaged in a pattern of enacting meas-*

1 *ures and resolutions castigating and condemning the*
2 *state of Israel.*

3 *(2) Despite the myriad of challenges facing the*
4 *world community, the United Nations General Assem-*
5 *bly has devoted a disproportionate amount of time*
6 *and resources to castigating Israel.*

7 *(3) During the fifty-seventh session of the United*
8 *Nations General Assembly, the General Assembly*
9 *adopted a total of 80 resolutions by roll call vote, 23*
10 *of which related to Israel and were opposed by the*
11 *United States.*

12 *(4) The United States has a responsibility to*
13 *promote fair and equitable treatment of all nations in*
14 *the context of international organizations, including*
15 *the United Nations.*

16 *(b) It is the sense of the Senate that the President, the*
17 *United States Permanent Representative to the United Na-*
18 *tions, and other appropriate United States officials*
19 *should—*

20 *(1) work to dissuade member states of the United*
21 *Nations from voting in support of United Nations*
22 *General Assembly resolutions that unfairly castigate*
23 *Israel; and*

1 (2) *promote within the United Nations General*
2 *Assembly more balanced and constructive approaches*
3 *to resolving the conflict in the Middle East.*

4 (c) *Section 406(b)(4) of the Foreign Relations Author-*
5 *ization Act, Fiscal Years 1990 and 1991 (Public Law 101–*
6 *246; 22 U.S.C. 2414a(b)(4)) is amended by inserting after*
7 *“United States” the following: “, including a separate list-*
8 *ing of all plenary votes cast by member countries of the*
9 *United Nations in the General Assembly on resolutions spe-*
10 *cifically related to Israel that are opposed by the United*
11 *States”.*

12 SENSE OF THE SENATE ON VIOLATIONS OF RELIGIOUS
13 FREEDOM IN SAUDI ARABIA

14 SEC. 5110. *It is the sense of the Senate that, in light*
15 *of the designation of Saudi Arabia as a country of par-*
16 *ticular concern under section 402(b)(1)(A) of the Inter-*
17 *national Religious Freedom Act of 1998 (22 U.S.C.*
18 *6442(b)(1)(A)) because the Government of Saudi Arabia has*
19 *engaged in or tolerated particularly severe violations of reli-*
20 *gious freedom, the President should—*

21 (1) *under the authority in section 402(c)(2) and*
22 *405(c) of such Act, negotiate a binding agreement*
23 *with the Government of Saudi Arabia that requires*
24 *such Government to phase out any program, policy,*
25 *or practice that contributes to the violations of reli-*

1 *gious freedom occurring or being tolerated in Saudi*
2 *Arabia; or*

3 *(2) take an action described in one of the para-*
4 *graphs (9) through (15) of 405(a) of such Act or a*
5 *commensurate action under the authority in section*
6 *402(c)(1)(B) of such Act with respect to Saudi Arabia*
7 *that the President determines is appropriate after*
8 *consideration of the recommendations for United*
9 *States policy made by the United States Commission*
10 *on International Religious Freedom.*

11 *SUPPORT FOR THE POLITICAL INDEPENDENCE OF LEBANON*

12 *SEC. 5111. (a) The Senate makes the following find-*
13 *ings:*

14 *(1) The United States has long supported the*
15 *sovereignty, territorial integrity, and political inde-*
16 *pendence of Lebanon and the sole and exclusive exer-*
17 *cise by the Government of Lebanon of national gov-*
18 *ernmental authority throughout that country.*

19 *(2) The continued presence in Lebanon of non-*
20 *governmental armed groups and militias, including*
21 *Hizbollah, prevents the Government of Lebanon from*
22 *exercising its full sovereignty over all territory in that*
23 *country.*

24 *(3) The Government of Syria has had a military*
25 *presence in Lebanon since 1976, and maintains ap-*
26 *proximately 20,000 troops in Lebanon.*

1 (4) *The Government of Syria continues to violate*
2 *United Nations Security Council Resolution 520,*
3 *adopted in 1982, which demands that “all non-Leba-*
4 *nese forces” leave Lebanon.*

5 (5) *Syria has, since 1979, been labeled by the*
6 *Department of State as a state sponsor of terrorism.*

7 (6) *President George W. Bush signed an Execu-*
8 *tive order on May 11, 2004, that implements sanc-*
9 *tions against the Government of Syria pursuant to*
10 *the Syria Accountability and Lebanese Sovereignty*
11 *Restoration Act of 2003 (Public Law 108–175; 22*
12 *U.S.C. 2151 note).*

13 (7) *United Nations Security Resolution 1559,*
14 *approved on September 2, 2004, expressed support for*
15 *a free and fair electoral process in the upcoming pres-*
16 *idential election in Lebanon conducted according to*
17 *constitutional rules adopted in Lebanon without for-*
18 *ign interference or influence.*

19 (8) *On September 3, 2004, the Government of*
20 *Syria, according to numerous reports, exerted undue*
21 *influence upon government officials in Lebanon to*
22 *amend the constitution to extend the term of the*
23 *President of Lebanon, Emile Lahoud, who is sup-*
24 *ported by the Government of Syria.*

25 (b) *It is the sense of the Senate that—*

1 (1) *the United Nations should seek a firm, nego-*
2 *tiated schedule for the complete withdrawal from Leb-*
3 *anon of Syria armed forces in order to facilitate the*
4 *restoration of the sovereignty, territorial integrity,*
5 *and political independence of Lebanon;*

6 (2) *the Government of Syria should immediately*
7 *withdraw its troops from Lebanon in accordance with*
8 *United Nations resolutions;*

9 (3) *the Government of Syria should—*

10 (A) *cease its support and armament of ter-*
11 *ror groups such as Hizbollah; and*

12 (B) *facilitate efforts by the government and*
13 *armed forces of Lebanon to disarm all non-*
14 *governmental armed groups and militias located*
15 *in Lebanon and to extend central government*
16 *authority throughout Lebanon; and*

17 (4) *the Government of Syria should cease efforts*
18 *to derail the democratic process in Lebanon and to*
19 *interfere with the legitimate electoral process in that*
20 *country.*

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

Attest:

Secretary.

108TH CONGRESS
2^D SESSION

H. R. 4818

AMENDMENT