

In the Senate of the United States,

October 30, 2003.

Resolved, That the bill from the House of Representatives (H.R. 2800) entitled “An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, 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, 2004, 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 of the Export-Import Bank of the United States in car-*
6 *rying out the provisions of the Inspector General Act of*
7 *1978, as amended, \$1,000,000.*

8 *EXPORT-IMPORT BANK LOANS PROGRAM ACCOUNT*

9 *The Export-Import Bank of the United States is au-*
10 *thorized to make such expenditures within the limits of*
11 *funds and borrowing authority available to such corpora-*
12 *tion, and in accordance with law, and to make such con-*
13 *tracts and commitments without regard to fiscal year limi-*
14 *tations, as provided by section 104 of the Government Cor-*
15 *poration Control Act, as may be necessary in carrying out*
16 *the program for the current fiscal year for such corporation:*
17 *Provided, That none of the funds available during the cur-*
18 *rent fiscal year may be used to make expenditures, con-*
19 *tracts, or commitments for the export of nuclear equipment,*
20 *fuel, or technology to any country, other than a nuclear-*
21 *weapon state as defined in Article IX of the Treaty on the*
22 *Non-Proliferation of Nuclear Weapons eligible to receive*
23 *economic or military assistance under this Act, that has*
24 *detonated a nuclear explosive after the date of the enactment*
25 *of this Act: Provided further, That notwithstanding section*
26 *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, 2004.*

3 *ADMINISTRATIVE EXPENSES*

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

18 *OVERSEAS PRIVATE INVESTMENT CORPORATION*

19 *NONCREDIT ACCOUNT*

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

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

10 *PROGRAM ACCOUNT*

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

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

7 *FUNDS APPROPRIATED TO THE PRESIDENT*

8 *TRADE AND DEVELOPMENT AGENCY*

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

12 *TITLE II—BILATERAL ECONOMIC ASSISTANCE*

13 *FUNDS APPROPRIATED TO THE PRESIDENT*

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

18 *UNITED STATES AGENCY FOR INTERNATIONAL*

19 *DEVELOPMENT*

20 *CHILD SURVIVAL AND HEALTH PROGRAMS FUND*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses to carry out the provisions of*
 23 *chapters 1 and 10 of part I of the Foreign Assistance Act*
 24 *of 1961, for child survival, health, and family planning/*
 25 *reproductive health activities, in addition to funds other-*
 26 *wise available for such purposes, \$1,435,500,000, to remain*

1 *available until September 30, 2005: Provided, That this*
2 *amount shall be made available for such activities as: (1)*
3 *immunization programs; (2) oral rehydration programs;*
4 *(3) health, nutrition, water and sanitation programs which*
5 *directly address the needs of mothers and children, and re-*
6 *lated education programs; (4) assistance for displaced and*
7 *orphaned children; (5) programs for the prevention, treat-*
8 *ment, and control of, and research on, HIV/AIDS, tuber-*
9 *culosis, malaria, polio and other infectious diseases; and (6)*
10 *family planning/reproductive health: Provided further,*
11 *That none of the funds appropriated under this heading*
12 *may be made available for nonproject assistance, except*
13 *that funds may be made available for such assistance for*
14 *ongoing health activities: Provided further, That of the*
15 *funds appropriated under this heading, not to exceed*
16 *\$150,000, in addition to funds otherwise available for such*
17 *purposes, may be used to monitor and provide oversight of*
18 *child survival, maternal and family planning/reproductive*
19 *health, and infectious disease programs: Provided further,*
20 *That the following amounts should be allocated as follows:*
21 *\$345,000,000 for child survival and maternal health;*
22 *\$30,000,000 for vulnerable children; \$500,000,000 for HIV/*
23 *AIDS including not less than \$22,000,000 which should be*
24 *made available to support the development of microbicides*
25 *as a means for combating HIV/AIDS; \$185,000,000 for*

1 *other infectious diseases; and \$375,500,000 for family plan-*
2 *ning/reproductive health, including in areas where popu-*
3 *lation growth threatens biodiversity or endangered species:*
4 *Provided further, That of the funds appropriated under this*
5 *heading that are available for HIV/AIDS programs and ac-*
6 *tivities, \$18,000,000 should be made available for the Inter-*
7 *national AIDS Vaccine Initiative: Provided further, That*
8 *of the funds appropriated under this heading, \$60,000,000*
9 *should be made available for a United States contribution*
10 *to The Vaccine Fund, and up to \$6,000,000 may be trans-*
11 *ferred to and merged with funds appropriated by this Act*
12 *under the heading “Operating Expenses of the United*
13 *States Agency for International Development” for costs di-*
14 *rectly related to international health, but funds made avail-*
15 *able for such costs may not be derived from amounts made*
16 *available for contribution under this and the preceding pro-*
17 *viso: Provided further, That none of the funds made avail-*
18 *able in this Act nor any unobligated balances from prior*
19 *appropriations may be made available to any organization*
20 *or program which, as determined by the President of the*
21 *United States, supports or participates in the management*
22 *of a program of coercive abortion or involuntary steriliza-*
23 *tion: Provided further, That none of the funds made avail-*
24 *able under this Act may be used to pay for the performance*
25 *of abortion as a method of family planning or to motivate*

1 *or coerce any person to practice abortions: Provided further,*
2 *That none of the funds made available under this Act may*
3 *be used to lobby for or against abortion: Provided further,*
4 *That in order to reduce reliance on abortion in developing*
5 *nations, funds shall be available only to voluntary family*
6 *planning projects which offer, either directly or through re-*
7 *ferral to, or information about access to, a broad range of*
8 *family planning methods and services, and that any such*
9 *voluntary family planning project shall meet the following*
10 *requirements: (1) service providers or referral agents in the*
11 *project shall not implement or be subject to quotas, or other*
12 *numerical targets, of total number of births, number of fam-*
13 *ily planning acceptors, or acceptors of a particular method*
14 *of family planning (this provision shall not be construed*
15 *to include the use of quantitative estimates or indicators*
16 *for budgeting and planning purposes); (2) the project shall*
17 *not include payment of incentives, bribes, gratuities, or fi-*
18 *nancial reward to: (A) an individual in exchange for be-*
19 *coming a family planning acceptor; or (B) program per-*
20 *sonnel for achieving a numerical target or quota of total*
21 *number of births, number of family planning acceptors, or*
22 *acceptors of a particular method of family planning; (3)*
23 *the project shall not deny any right or benefit, including*
24 *the right of access to participate in any program of general*
25 *welfare or the right of access to health care, as a consequence*

1 of any individual's decision not to accept family planning
2 services; (4) the project shall provide family planning ac-
3 ceptors comprehensible information on the health benefits
4 and risks of the method chosen, including those conditions
5 that might render the use of the method inadvisable and
6 those adverse side effects known to be consequent to the use
7 of the method; and (5) the project shall ensure that experi-
8 mental contraceptive drugs and devices and medical proce-
9 dures are provided only in the context of a scientific study
10 in which participants are advised of potential risks and
11 benefits; and, not less than 60 days after the date on which
12 the Administrator of the United States Agency for Inter-
13 national Development determines that there has been a vio-
14 lation of the requirements contained in paragraph (1), (2),
15 (3), or (5) of this proviso, or a pattern or practice of viola-
16 tions of the requirements contained in paragraph (4) of this
17 proviso, the Administrator shall submit to the Committees
18 on Appropriations a report containing a description of such
19 violation and the corrective action taken by the Agency:
20 Provided further, That in awarding grants for natural fam-
21 ily planning under section 104 of the Foreign Assistance
22 Act of 1961 no applicant shall be discriminated against be-
23 cause of such applicant's religious or conscientious commit-
24 ment to offer only natural family planning; and, addition-
25 ally, all such applicants shall comply with the requirements

1 *of the previous proviso: Provided further, That for purposes*
2 *of this or any other Act authorizing or appropriating funds*
3 *for foreign operations, export financing, and related pro-*
4 *grams, the term “motivate”, as it relates to family planning*
5 *assistance, shall not be construed to prohibit the provision,*
6 *consistent with local law, of information or counseling*
7 *about all pregnancy options: Provided further, That noth-*
8 *ing in this paragraph shall be construed to alter any exist-*
9 *ing statutory prohibitions against abortion under section*
10 *104 of the Foreign Assistance Act of 1961: Provided further,*
11 *That to the maximum extent feasible, taking into consider-*
12 *ation cost, timely availability, and best health practices,*
13 *funds appropriated in this Act or prior appropriations Acts*
14 *that are made available for condom procurement shall be*
15 *made available only for the procurement of condoms manu-*
16 *factured in the United States: Provided further, That infor-*
17 *mation provided about the use of condoms as part of*
18 *projects or activities that are funded from amounts appro-*
19 *priated by this Act shall be medically accurate and shall*
20 *include the public health benefits and failure rates of such*
21 *use.*

22 *DEVELOPMENT ASSISTANCE*

23 *For necessary expenses to carry out the provisions of*
24 *sections 103, 105, 106, and 131, and chapter 10 of part*
25 *I of the Foreign Assistance Act of 1961, \$1,423,000,000, to*
26 *remain available until September 30, 2005: Provided, That*

1 *none of the funds appropriated under title II of this Act*
2 *that are managed by or allocated to the United States Agen-*
3 *cy for International Development's Global Development*
4 *Secretariat, may be made available except through the reg-*
5 *ular notification procedures of the Committees on Appro-*
6 *priations: Provided further, That \$220,000,000 should be*
7 *allocated for basic education: Provided further, That none*
8 *of the funds appropriated under this heading may be made*
9 *available for any activity which is in contravention to the*
10 *Convention on International Trade in Endangered Species*
11 *of Flora and Fauna: Provided further, That of the funds*
12 *appropriated under this heading that are made available*
13 *for assistance programs for displaced and orphaned chil-*
14 *dren and victims of war, not to exceed \$32,500, in addition*
15 *to funds otherwise available for such purposes, may be used*
16 *to monitor and provide oversight of such programs: Pro-*
17 *vided further, That of the aggregate amount of the funds*
18 *appropriated by this Act that are made available for agri-*
19 *culture and rural development programs, \$40,000,000*
20 *should be made available for plant biotechnology research*
21 *and development: Provided further, That not less than*
22 *\$2,300,000 should be made available for core support for*
23 *the International Fertilizer Development Center: Provided*
24 *further, That of the funds appropriated under this heading,*
25 *not less than \$1,000,000 shall be made available for support*

1 *of the United States Telecommunications Training Insti-*
2 *tute: Provided further, That of the funds appropriated*
3 *under this heading, not less than \$20,000,000 should be*
4 *made available for the American Schools and Hospitals*
5 *Abroad program: Provided further, That of the funds appro-*
6 *priated under this heading, up to \$3,000,000 should be*
7 *made available for support of the International Real Prop-*
8 *erty Foundation: Provided further, That of the funds appro-*
9 *priated by this Act, \$100,000,000 shall be made available*
10 *for drinking water supply projects and related activities.*

11 *INTERNATIONAL DISASTER ASSISTANCE*

12 *For necessary expenses for international disaster relief,*
13 *rehabilitation, and reconstruction assistance pursuant to*
14 *section 491 of the Foreign Assistance Act of 1961, as amend-*
15 *ed, \$235,500,000, to remain available until expended.*

16 *FAMINE FUND*

17 *For necessary expenses for famine prevention and re-*
18 *lief, including for mitigation of the effects of famine, pursu-*
19 *ant to section 491 of the Foreign Assistance Act of 1961,*
20 *as amended, \$100,000,000, to remain available until ex-*
21 *pended: Provided, That funds appropriated under this*
22 *heading shall be available for obligation subject to prior*
23 *consultation with the Committees on Appropriations.*

24 *TRANSITION INITIATIVES*

25 *For necessary expenses for international disaster reha-*
26 *ilitation and reconstruction assistance pursuant to section*

1 491 of the Foreign Assistance Act of 1961, \$55,000,000, to
2 remain available until expended, to support transition to
3 democracy and to long-term development of countries in cri-
4 sis: Provided, That such support may include assistance to
5 develop, strengthen, or preserve democratic institutions and
6 processes, revitalize basic infrastructure, and foster the
7 peaceful resolution of conflict: Provided further, That the
8 United States Agency for International Development shall
9 submit a report to the Committees on Appropriations at
10 least 5 days prior to beginning a new program of assist-
11 ance: Provided further, That if the President determines
12 that is important to the national interests of the United
13 States to provide transition assistance in excess of the
14 amount appropriated under this heading, up to \$5,000,000
15 of the funds appropriated by this Act to carry out the provi-
16 sions of part I of the Foreign Assistance Act of 1961 may
17 be used for purposes of this heading and under the authori-
18 ties applicable to funds appropriated under this heading:
19 Provided further, That funds made available pursuant to
20 the previous proviso shall be made available subject to prior
21 consultation with the Committees on Appropriations.

22 *DEVELOPMENT CREDIT AUTHORITY*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For the cost of direct loans and loan guarantees, as*
25 *authorized by sections 108 and 635 of the Foreign Assist-*
26 *ance Act of 1961, up to \$21,000,000, to remain available*

1 *until September 30, 2005, and to be derived by transfer*
2 *from funds appropriated by this Act to carry out part I*
3 *of such Act and under the heading “Assistance for Eastern*
4 *Europe and the Baltic States”:* *Provided, That such costs,*
5 *including the cost of modifying such direct and guaranteed*
6 *loans, shall be as defined in section 502 of the Congressional*
7 *Budget Act of 1974, as amended: Provided further, That*
8 *funds made available by this paragraph and under this*
9 *heading in prior Acts making appropriations for foreign*
10 *operations, export financing, and related programs, may be*
11 *used for the cost of modifying any such guaranteed loans*
12 *under this Act or prior Acts.*

13 *In addition, for administrative expenses to carry out*
14 *credit programs administered by the United States Agency*
15 *for International Development, \$8,000,000, to remain*
16 *available until September 30, 2004, which may be trans-*
17 *ferred to and merged with the appropriation for Operating*
18 *Expenses of the United States Agency for International De-*
19 *velopment.*

20 *PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND*
21 *DISABILITY FUND*

22 *For payment to the “Foreign Service Retirement and*
23 *Disability Fund”, as authorized by the Foreign Service Act*
24 *of 1980, \$43,859,000.*

1 *OPERATING EXPENSES OF THE UNITED STATES AGENCY*
2 *FOR INTERNATIONAL DEVELOPMENT*

3 *For necessary expenses to carry out the provisions of*
4 *section 667, \$604,100,000, of which up to \$25,000,000 may*
5 *remain available until September 30, 2005: Provided, That*
6 *none of the funds appropriated under this heading and*
7 *under the heading "Capital Investment Fund" may be*
8 *made available to finance the construction (including archi-*
9 *tect and engineering services), purchase, or long term lease*
10 *of offices for use by the United States Agency for Inter-*
11 *national Development, unless the Administrator has identi-*
12 *fied such proposed construction (including architect and en-*
13 *gineering services), purchase, or long term lease of offices*
14 *in a report submitted to the Committees on Appropriations*
15 *at least 15 days prior to the obligation of these funds for*
16 *such purposes: Provided further, That contracts or agree-*
17 *ments entered into with funds appropriated under this*
18 *heading may entail commitments for the expenditure of*
19 *such funds through fiscal year 2005: Provided further, That*
20 *the previous proviso shall not apply where the total cost*
21 *of construction (including architect and engineering serv-*
22 *ices), purchase, or long term lease of offices does not exceed*
23 *\$1,000,000.*

24 *CAPITAL INVESTMENT FUND*

25 *For necessary expenses for overseas construction and*
26 *related costs, and for the procurement and enhancement of*

1 *information technology and related capital investments,*
2 *pursuant to section 667, \$100,000,000, to remain available*
3 *until expended: Provided, That this amount is in addition*
4 *to funds otherwise available for such purposes: Provided*
5 *further, That the Administrator of the United States Agency*
6 *for International Development shall assess fair and reason-*
7 *able rental payments for the use of space by employees of*
8 *other United States Government agencies in buildings con-*
9 *structed using funds appropriated under this heading, and*
10 *such rental payments shall be deposited into this account*
11 *as an offsetting collection: Provided further, That the rental*
12 *payments collected pursuant to the previous proviso and de-*
13 *posited as an offsetting collection shall be available for obli-*
14 *gation only pursuant to the regular notification procedures*
15 *of the Committees on Appropriations: Provided further,*
16 *That the assignment of United States Government employ-*
17 *ees or contractors to space in buildings constructed using*
18 *funds appropriated under this heading shall be subject to*
19 *the concurrence of the Administrator of the United States*
20 *Agency for International Development: Provided further,*
21 *That funds appropriated under this heading shall be avail-*
22 *able for obligation only pursuant to the regular notification*
23 *procedures of the Committees on Appropriations.*

1 OPERATING EXPENSES OF THE UNITED STATES AGENCY
2 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-
3 SPECTOR GENERAL

4 For necessary expenses to carry out the provisions of
5 section 667 of the Foreign Assistance Act of 1961,
6 \$35,000,000, to remain available until September 30, 2005,
7 which sum shall be available for the Office of the Inspector
8 General of the United States Agency for International De-
9 velopment.

10 OTHER BILATERAL ECONOMIC ASSISTANCE

11 ECONOMIC SUPPORT FUND

12 For necessary expenses to carry out the provisions of
13 chapter 4 of part II, \$2,415,000,000, to remain available
14 until September 30, 2005: Provided, That of the funds ap-
15 propriated under this heading, not less than \$480,000,000
16 shall be available only for Israel, which sum shall be avail-
17 able on a grant basis as a cash transfer and shall be dis-
18 bursed within 30 days of the enactment of this Act: Pro-
19 vided further, That not less than \$575,000,000 shall be
20 available only for Egypt, which sum shall be provided on
21 a grant basis, and of which sum cash transfer assistance
22 shall be provided with the understanding that Egypt will
23 undertake significant economic reforms which are addi-
24 tional to those which were undertaken in previous fiscal
25 years, and of which not less than \$200,000,000 shall be pro-

1 *vided as Commodity Import Program assistance: Provided*
2 *further, That of the funds made available pursuant to the*
3 *previous proviso, \$2,000,000 shall be made available for the*
4 *Ibn Khaldun Center for Development: Provided further,*
5 *That the Government of Egypt should promptly provide the*
6 *United States Embassy in Cairo with assurances that it*
7 *will honor contracts entered into with United States compa-*
8 *nies in a timely manner: Provided further, That in exer-*
9 *cising the authority to provide cash transfer assistance for*
10 *Israel, the President shall ensure that the level of such as-*
11 *sistance does not cause an adverse impact on the total level*
12 *of nonmilitary exports from the United States to such coun-*
13 *try and that Israel enters into a side letter agreement in*
14 *an amount proportional to the fiscal year 1999 agreement:*
15 *Provided further, That of the funds appropriated under this*
16 *heading, not less than \$250,000,000 shall be made available*
17 *for assistance for Jordan: Provided further, That of the*
18 *funds appropriated under this heading, up to \$5,000,000*
19 *may be made available for the Yitzhak Rabin Center for*
20 *Israel Studies in Tel Aviv, Israel, and up to \$5,000,000*
21 *may be made available for the Center for Human Dignity*
22 *Museum of Tolerance in Jerusalem, Israel: Provided fur-*
23 *ther, That of the funds appropriated under this heading,*
24 *up to \$1,000,000 should be used to further legal reforms in*
25 *the West Bank and Gaza, including judicial training on*

1 *commercial disputes and ethics: Provided further, That of*
2 *the funds appropriated under this heading that are made*
3 *available for assistance for Pakistan, not less than*
4 *\$10,000,000 should be made available to support programs*
5 *and activities conducted by indigenous organizations that*
6 *seek to further educational, health, employment, and other*
7 *opportunities for the people of Pakistan: Provided further,*
8 *That of the funds made available for indigenous organiza-*
9 *tions pursuant to the previous proviso, \$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 \$15,000,000 of the funds appropriated under this*
13 *heading shall be made available for Cyprus to be used only*
14 *for scholarships, administrative support of the scholarship*
15 *program, bicommunal projects, and measures aimed at re-*
16 *unification of the island and designed to reduce tensions*
17 *and promote peace and cooperation between the two com-*
18 *munities on Cyprus: Provided further, That \$35,000,000 of*
19 *the funds appropriated under this heading shall be made*
20 *available for assistance for Lebanon, of which not less than*
21 *\$4,000,000 shall be made available only for American edu-*
22 *cational institutions for scholarships and other programs:*
23 *Provided further, That notwithstanding section 634(a) of*
24 *this Act, funds appropriated under this heading that are*
25 *made available for assistance for the Central Government*

1 *of Lebanon shall be subject to the regular notification proce-*
2 *dures of the Committees on Appropriations: Provided fur-*
3 *ther, That the Government of Lebanon should enforce the*
4 *custody and international pickup orders, issued during cal-*
5 *endar year 2001, of Lebanon's civil courts regarding ab-*
6 *ducted American children in Lebanon: Provided further,*
7 *That of the funds appropriated under this heading, not less*
8 *than \$10,000,000 shall be made available for programs and*
9 *activities in rural Mexico to promote microcredit lending,*
10 *small business and entrepreneurial development, and pri-*
11 *vate property ownership in rural communities, and to sup-*
12 *port small farmers who have been affected by adverse eco-*
13 *nomie conditions: Provided further, That funds made avail-*
14 *able pursuant to the previous proviso may be made avail-*
15 *able only if the case involving three Americans arrested in*
16 *Oaxaca, Mexico on October 6, 2003, in connection with a*
17 *private property dispute is resolved satisfactorily, and such*
18 *funds shall be subject to the regular notification procedures*
19 *of the Committees on Appropriations: Provided further,*
20 *That of the funds appropriated under this heading, not less*
21 *than \$25,000,000 shall be made available for assistance for*
22 *the Democratic Republic of Timor-Leste to support subsist-*
23 *ence agriculture and other income generating opportunities,*
24 *expand basic education and vocational training, strengthen*
25 *the judiciary, promote good governance and the sustainable*

1 *use of natural resources, and improve health care and other*
2 *basic human services and physical infrastructure, of which*
3 *up to \$1,000,000 may be available for administrative ex-*
4 *penses of the United States Agency for International Devel-*
5 *opment: Provided further, That of the funds made available*
6 *under this heading, not less than \$2,500,000 shall be made*
7 *available, in addition to amounts otherwise available for*
8 *such purposes, as a United States contribution to the Office*
9 *of the United Nations High Commissioner for Human*
10 *Rights, to support its activities including human rights*
11 *training for peacekeepers, activities to address trafficking*
12 *in persons, monitoring and field activities: Provided fur-*
13 *ther, That of the funds appropriated under this heading,*
14 *not less than \$250,000 shall be made available to support*
15 *the Commission to Investigate Illegal Groups and Clandes-*
16 *tine Security Apparatus in Guatemala: Provided further,*
17 *That of the funds appropriated under this heading, not less*
18 *than \$2,500,000 shall be made available for assistance for*
19 *countries to implement and enforce the Kimberley Process*
20 *Certification Scheme: Provided further, That funds appro-*
21 *riated under this heading may be used, notwithstanding*
22 *any other provision of law, to provide assistance to the Na-*
23 *tional Democratic Alliance of Sudan to strengthen its abil-*
24 *ity to protect civilians from attacks, slave raids, and aerial*
25 *bombardment by the Sudanese Government forces and its*

1 militia allies, and the provision of such funds shall be sub-
2 ject to the regular notification procedures of the Committees
3 on Appropriations: Provided further, That in the previous
4 proviso, the term “assistance” includes non-lethal, non-food
5 aid such as blankets, medicine, fuel, mobile clinics, water
6 drilling equipment, communications equipment to notify
7 civilians of aerial bombardment, non-military vehicles,
8 tents, and shoes: Provided further, That of the funds appro-
9 priated under this heading, not less than \$2,500,000 shall
10 be made available during fiscal year 2004 for a contribu-
11 tion to the Special Court for Sierra Leone: Provided fur-
12 ther, That of the funds appropriated under this heading,
13 not less than \$3,500,000 should be made available for East
14 Asia and Pacific Environment Initiatives: Provided fur-
15 ther, That of the funds appropriated under this heading,
16 \$10,000,000 shall be made available to continue to support
17 the provision of wheelchairs for needy persons in developing
18 countries: Provided further, That of the funds appropriated
19 under this heading, \$3,000,000 should be made available
20 for the Foundation for Security and Sustainability: Pro-
21 vided further, That of the funds appropriated under this
22 heading, not less than \$350,000 should be made available,
23 notwithstanding any other provision of law, for the Na-
24 tional Endowment for Democracy to support democracy
25 and human rights in North Korea: Provided further, That

1 of the funds appropriated under this heading, up to
2 \$1,000,000 should be made available for a program to pro-
3 mote greater understanding and interaction among youth
4 in Albania, Kosovo, Montenegro and Macedonia: Provided
5 further, That of the funds made available under this head-
6 ing and the heading “Office of Transition Initiatives”, not
7 less than \$5,000,000 shall be made available for disar-
8 mament, demobilization, and reintegration of child soldiers
9 in Liberia: Provided further, That of the funds appro-
10 priated under this heading, up to \$15,000,000 should be
11 made available as a United States contribution to the Orga-
12 nization of American States for expenses related to the OAS
13 Special Mission in Haiti and the implementation of OAS
14 Resolution 822 and subsequent resolutions related to im-
15 proving security and the holding of elections to resolve the
16 political impasse created by the disputed May 2000 election:
17 Provided further, That with respect to funds appropriated
18 under this heading in this Act or prior Acts making appro-
19 priations for foreign operations, export financing, and re-
20 lated programs, the responsibility for policy decisions and
21 justifications for the use of such funds, including whether
22 there will be a program for a country that uses those funds
23 and the amount of each such program, shall be the responsi-
24 bility of the Secretary of State and the Deputy Secretary
25 of State and this responsibility shall not be delegated.

1 *ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY FUND*

2 *For necessary expenses to carry out the provisions of*
3 *the Foreign Assistance Act of 1961 for the prevention, treat-*
4 *ment, and control of, and research on, HIV/AIDS,*
5 *\$700,000,000, to remain available until expended: Pro-*
6 *vided, That of the funds appropriated under this heading,*
7 *up to \$250,000,000 may be made available, notwith-*
8 *standing any other provision of law, except for the United*
9 *States Leadership Against HIV/AIDS, Tuberculosis, and*
10 *Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.)*
11 *as amended by section 699J of this Act, for a United States*
12 *contribution to the Global Fund to Fight AIDS, Tuber-*
13 *culosis and Malaria: Provided further, That such contribu-*
14 *tion shall be expended at the minimum rate necessary to*
15 *make timely payment for projects and activities: Provided*
16 *further, That of the funds appropriated under this heading,*
17 *\$150,000,000 is made available for the International Moth-*
18 *er and Child HIV Prevention Initiative: Provided further,*
19 *That funds made available for HIV/AIDS programs and*
20 *activities under the headings “Child Survival and Health*
21 *Programs Fund”, “Economic Support Fund”, “Assistance*
22 *for Eastern Europe and the Baltic States” and “Assistance*
23 *for the Independent States of the Former Soviet Union” in*
24 *this Act may be transferred to and merged with funds ap-*
25 *propriated under this heading: Provided further, That of*

1 *the funds appropriated under this heading, \$20,000,000*
2 *may be apportioned directly to the Peace Corps to remain*
3 *available until expended for necessary expenses to carry out*
4 *activities to combat HIV/AIDS, tuberculosis and malaria:*
5 *Provided further, That of the funds appropriated under this*
6 *heading, funds shall be made available to the World Health*
7 *Organization's HIV/AIDS, Tuberculosis and Malaria Clus-*
8 *ter: Provided further, That of the funds appropriated under*
9 *this heading, not more than \$8,000,000 may be made avail-*
10 *able for administrative expenses of the office of the "Coordi-*
11 *nator of United States Government Activities to Combat*
12 *HIV/AIDS Globally" of the Department of State: Provided*
13 *further, That of the funds appropriated under this heading,*
14 *not less than \$28,000,000 shall be made available for a*
15 *United States contribution to UNAIDS: Provided further,*
16 *That the Coordinator should seek to ensure that an appro-*
17 *priate percent of the budget for prevention and treatment*
18 *programs of the Global Fund to Fight AIDS, Tuberculosis*
19 *and Malaria is made available to support technical assist-*
20 *ance to ensure the quality of such programs: Provided fur-*
21 *ther, That of the funds appropriated under this heading,*
22 *not less than \$29,000,000 shall be made available for injec-*
23 *tion safety programs, including national planning, the pro-*
24 *vision and international transport of nonreusable*
25 *autodisposable syringes or other safe injection equipment,*

1 *public education, training of health providers, waste man-*
2 *agement, and publication of quantitative results: Provided*
3 *further, That of the funds appropriated under this heading,*
4 *not less than \$46,000,000 shall be made available for blood*
5 *safety programs, including the establishment and support*
6 *of national blood services, the provision of rapid HIV test*
7 *kits, staff training, and quality assurance programs.*

8 *ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC*
9 *STATES*

10 *(a) For necessary expenses to carry out the provisions*
11 *of the Foreign Assistance Act of 1961 and the Support for*
12 *East European Democracy (SEED) Act of 1989,*
13 *\$445,000,000, to remain available until September 30,*
14 *2005, which shall be available, notwithstanding any other*
15 *provision of law, for assistance and for related programs*
16 *for Eastern Europe and the Baltic States: Provided, That*
17 *of the funds appropriated under this heading that are made*
18 *available for assistance for Bulgaria, \$3,000,000 should be*
19 *made available to enhance safety at nuclear power plants:*
20 *Provided further, That of the funds appropriated under this*
21 *heading, and under the headings “Assistance for the Inde-*
22 *pendent States of the Former Soviet Union” and “Eco-*
23 *nomics Support Fund”, not less than \$50,000,000 shall be*
24 *made available for programs for the prevention, treatment,*
25 *and control of, and research on, HIV/AIDS, tuberculosis,*
26 *and malaria.*

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

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

17 (d) *With regard to funds appropriated under this*
18 *heading for the economic revitalization program in Bosnia*
19 *and Herzegovina, and local currencies generated by such*
20 *funds (including the conversion of funds appropriated*
21 *under this heading into currency used by Bosnia and*
22 *Herzegovina as local currency and local currency returned*
23 *or repaid under such program) the Administrator of the*
24 *United States Agency for International Development shall*
25 *provide written approval for grants and loans prior to the*

1 *obligation and expenditure of funds for such purposes, and*
2 *prior to the use of funds that have been returned or repaid*
3 *to any lending facility or grantee.*

4 *(e) The provisions of section 629 of this Act shall apply*
5 *to funds made available under subsection (d) and to funds*
6 *appropriated under this heading: Provided, That notwith-*
7 *standing any provision of this or any other Act, including*
8 *provisions in this subsection regarding the application of*
9 *section 629 of this Act, local currencies generated by, or con-*
10 *verted from, funds appropriated by this Act and by previous*
11 *appropriations Acts and made available for the economic*
12 *revitalization program in Bosnia may be used in Eastern*
13 *Europe and the Baltic States to carry out the provisions*
14 *of the Foreign Assistance Act of 1961 and the Support for*
15 *East European Democracy (SEED) Act of 1989.*

16 *(f) The President is authorized to withhold funds ap-*
17 *propriated under this heading made available for economic*
18 *revitalization programs in Bosnia and Herzegovina, if he*
19 *determines and certifies to the Committees on Appropria-*
20 *tions that the Federation of Bosnia and Herzegovina has*
21 *not complied with article III of annex 1–A of the General*
22 *Framework Agreement for Peace in Bosnia and*
23 *Herzegovina concerning the withdrawal of foreign forces,*
24 *and that intelligence cooperation on training, investiga-*
25 *tions, and related activities between state sponsors of ter-*

1 *rorism and terrorist organizations and Bosnian officials*
2 *has not been terminated.*

3 *ASSISTANCE FOR THE INDEPENDENT STATES OF THE*
4 *FORMER SOVIET UNION*

5 *(a) For necessary expenses to carry out the provisions*
6 *of chapters 11 and 12 of part I of the Foreign Assistance*
7 *Act of 1961 and the FREEDOM Support Act, for assistance*
8 *for the Independent States of the former Soviet Union and*
9 *for related programs, \$596,000,000, to remain available*
10 *until September 30, 2005: Provided, That the provisions of*
11 *such chapters shall apply to funds appropriated by this*
12 *paragraph: Provided further, That of the funds made avail-*
13 *able for the Southern Caucasus region, notwithstanding any*
14 *other provision of law, funds may be used for confidence-*
15 *building measures and other activities in furtherance of the*
16 *peaceful resolution of the regional conflicts, especially those*
17 *in the vicinity of Abkhazia and Nagorno-Karabagh: Pro-*
18 *vided further, That of the funds appropriated under this*
19 *heading, \$20,000,000 shall be made available solely for as-*
20 *sistance for the Russian Far East: Provided further, That*
21 *\$5,000,000 shall be made available to promote freedom of*
22 *the media and an independent media in Russia: Provided*
23 *further, That not less than \$3,000,000 shall be made avail-*
24 *able for programs and activities authorized under section*
25 *307 of the FREEDOM Support Act (Public Law 102–511):*
26 *Provided further, That of the funds appropriated under this*

1 heading, \$500,000 shall be made available to support de-
2 mocracy building programs in Russia through the
3 Sakharov Archives: Provided further, That, notwith-
4 standing any other provision of law, funds appropriated
5 under this heading in this Act or prior Acts making appro-
6 priations for foreign operations, export financing, and re-
7 lated programs, that are made available pursuant to the
8 provisions of section 807 of Public Law 102–511 shall be
9 subject to a 6 percent ceiling on administrative expenses.

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

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

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

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

1 *ing to the Committees on Appropriations that the Govern-*
2 *ment of the Russian Federation:*

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

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

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

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

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

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

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

1 *for project purposes when authorized by the board of direc-*
2 *tors of the Foundation: Provided further, That interest*
3 *earned shall be used only for the purposes for which the*
4 *grant was made: Provided further, That notwithstanding*
5 *section 505(a)(2) of the African Development Foundation*
6 *Act, in exceptional circumstances the board of directors of*
7 *the Foundation may waive the \$250,000 limitation con-*
8 *tained in that section with respect to a project: Provided*
9 *further, That the Foundation shall provide a report to the*
10 *Committees on Appropriations after each time such waiver*
11 *authority is exercised.*

12 *PEACE CORPS*

13 *For necessary expenses to carry out the provisions of*
14 *the Peace Corps Act (75 Stat. 612), \$310,000,000, including*
15 *the purchase of not to exceed five passenger motor vehicles*
16 *for administrative purposes for use outside of the United*
17 *States: Provided, That none of the funds appropriated*
18 *under this heading shall be used to pay for abortions: Pro-*
19 *vided further, That funds appropriated under this heading*
20 *shall remain available until September 30, 2005: Provided*
21 *further, That during fiscal year 2004 and any subsequent*
22 *fiscal year, the Director of the Peace Corps may make ap-*
23 *pointments or assignments, or extend current appointments*
24 *or assignments, to permit United States citizens to serve*
25 *for periods in excess of 5 years in the case of individuals*
26 *whose appointment or assignment, such as regional safety*

1 *security officers and employees within the Office of the In-*
2 *spector General, involves the safety of Peace Corps volun-*
3 *teers: Provided further, That the Director of the Peace Corps*
4 *may make such appointments or assignments notwith-*
5 *standing the provisions of section 7 of the Peace Corps Act*
6 *limiting the length of an appointment or assignment, the*
7 *circumstances under which such an appointment or assign-*
8 *ment may exceed 5 years, and the percentage of appoint-*
9 *ments or assignments that can be made in excess of 5 years.*

10

DEPARTMENT OF STATE

11

INTERNATIONAL NARCOTICS CONTROL AND LAW

12

ENFORCEMENT

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For necessary expenses to carry out section 481 of the
Foreign Assistance Act of 1961, \$284,550,000, to remain
available until expended: Provided, That during fiscal year
2004, the Department of State may also use the authority
of section 608 of the Foreign Assistance Act of 1961, without
regard to its restrictions, to receive excess property from an
agency of the United States Government for the purpose of
providing it to a foreign country under chapter 8 of part
I of that Act subject to the regular notification procedures
of the Committees on Appropriations: Provided further,
That of the funds appropriated under this heading,
\$20,000,000 should be made available for anti-trafficking
in persons programs, including trafficking prevention, pro-

1 *tection and assistance for victims, and prosecution of traf-*
2 *fickers: Provided further, That of the funds appropriated*
3 *under this heading, \$7,105,000 should be made available*
4 *for the International Law Enforcement Academy in*
5 *Roswell, New Mexico, of which \$2,105,000 should be made*
6 *available for construction and completion of a new facility:*
7 *Provided further, That of the funds appropriated under this*
8 *heading, not more than \$25,117,000 may be available for*
9 *administrative expenses: Provided further, That \$5,000,000*
10 *of amounts made available under this heading shall be for*
11 *combating piracy of United States intellectual property.*

12 *ANDEAN COUNTERDRUG INITIATIVE*

13 *For necessary expenses to carry out section 481 of the*
14 *Foreign Assistance Act of 1961 to support counterdrug ac-*
15 *tivities in the Andean region of South America,*
16 *\$660,000,000, to remain available until expended: Pro-*
17 *vided, That in addition to the funds appropriated under*
18 *this heading and subject to the regular notification proce-*
19 *dures of the Committees on Appropriations, the President*
20 *may make available up to an additional \$37,000,000 for*
21 *the Andean Counterdrug Initiative, which may be derived*
22 *from funds appropriated under the heading “International*
23 *Narcotics Control and Law Enforcement” in this Act and*
24 *in prior Acts making appropriations for foreign operations,*
25 *export financing, and related programs: Provided further,*
26 *That in fiscal year 2004, funds available to the Department*

1 *of State for assistance to the Government of Colombia shall*
2 *be available to support a unified campaign against nar-*
3 *cotics trafficking, against activities by organizations des-*
4 *ignated as terrorist organizations such as the Revolutionary*
5 *Armed Forces of Colombia (FARC), the National Liberation*
6 *Army (ELN), and the United Self-Defense Forces of Colom-*
7 *bia (AUC), and to take actions to protect human health*
8 *and welfare in emergency circumstances, including under-*
9 *taking rescue operations: Provided further, That this au-*
10 *thority shall cease to be effective if the Secretary of State*
11 *has credible evidence that the Colombian Armed Forces are*
12 *not conducting vigorous operations to restore government*
13 *authority and respect for human rights in areas under the*
14 *effective control of paramilitary and guerrilla organiza-*
15 *tions: Provided further, That the President shall ensure that*
16 *if any helicopter procured with funds under this heading*
17 *is used to aid or abet the operations of any illegal self-de-*
18 *fense group or illegal security cooperative, such helicopter*
19 *shall be immediately returned to the United States: Pro-*
20 *vided further, That the Secretary of State, in consultation*
21 *with the Administrator of the United States Agency for*
22 *International Development, shall provide to the Committees*
23 *on Appropriations not later than 45 days after the date*
24 *of the enactment of this Act and prior to the initial obliga-*
25 *tion of funds appropriated under this heading, a report on*

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

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

1 than \$2,500,000 shall be made available for continued
2 training, equipment, and other assistance for the Colombian
3 National Park Service: Provided further, That none of the
4 funds appropriated by this Act shall be made available for
5 aerial fumigation within Colombia's national parks: Pro-
6 vided further, That section 482(b) of the Foreign Assistance
7 Act of 1961 shall not apply to funds appropriated under
8 this heading: Provided further, That assistance provided
9 with funds appropriated under this heading that is made
10 available notwithstanding section 482(b) of the Foreign As-
11 sistance Act of 1961, as amended, and funds appropriated
12 by this Act that are made available for Colombia, shall be
13 made available subject to the regular notification proce-
14 dures of the Committees on Appropriations: Provided fur-
15 ther, That the provisions of section 3204(b) through (d) of
16 Public Law 106-246, as amended by Public Law 107-115,
17 shall be applicable to funds appropriated for fiscal year
18 2004: Provided further, That no United States Armed
19 Forces personnel or United States civilian contractor em-
20 ployed by the United States will participate in any combat
21 operation in connection with assistance made available by
22 this Act for Colombia: Provided further, That funds appro-
23 priated under this heading that are available for the Boliv-
24 ian military and police may be made available if the Sec-
25 retary of State determines and reports to the Committees

1 *on Appropriations that (1) the Bolivian Government is vig-*
2 *orously investigating and prosecuting members of the Boliv-*
3 *ian military and police who have been credibly alleged to*
4 *have committed gross violations of human rights and is*
5 *promptly punishing those found to have committed such*
6 *violations; and (2) the Bolivian military and police are co-*
7 *operating with such investigations and prosecutions: Pro-*
8 *vided further, That of the funds appropriated under this*
9 *heading, not more than \$16,285,000 may be available for*
10 *administrative expenses of the Department of State, and not*
11 *more than \$4,500,000 may be available, in addition to*
12 *amounts otherwise available for such purposes, for adminis-*
13 *trative expenses of the United States Agency for Inter-*
14 *national Development.*

15 *MIGRATION AND REFUGEE ASSISTANCE*

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

1 *as authorized by section 3109 of title 5, United States Code,*
2 *\$760,197,000, which shall remain available until expended:*
3 *Provided, That not more than \$21,000,000 may be available*
4 *for administrative expenses: Provided further, That not less*
5 *than \$50,000,000 of the funds made available under this*
6 *heading shall be made available for refugees from the former*
7 *Soviet Union and Eastern Europe and other refugees reset-*
8 *ting in Israel: Provided further, That funds appropriated*
9 *under this heading may be made available for a head-*
10 *quarters contribution to the International Committee of the*
11 *Red Cross only if the Secretary of State determines (and*
12 *so reports to the appropriate committees of Congress) that*
13 *the Magen David Adom Society of Israel is not being denied*
14 *participation in the activities of the International Red*
15 *Cross and Red Crescent Movement: Provided further, That*
16 *funds made available under this heading should be made*
17 *available to international organizations for assistance for*
18 *refugees from North Korea: Provided further, That funds*
19 *made available under this heading should be made available*
20 *for assistance for persons in Thailand who fled Burma for*
21 *humanitarian or other reasons: Provided further, That none*
22 *of the funds appropriated by this Act shall be provided to*
23 *the central Government of Nepal until the Secretary of*
24 *State determines and reports to the Committees on Appro-*
25 *priations that the Government of Nepal is cooperating with*

1 *the United Nations High Commissioner for Refugees and*
2 *other appropriate international organizations on issues*
3 *concerning the protection of refugees from Tibet.*

4 *UNITED STATES EMERGENCY REFUGEE AND MIGRATION*
5 *ASSISTANCE FUND*

6 *For necessary expenses to carry out the provisions of*
7 *section 2(c) of the Migration and Refugee Assistance Act*
8 *of 1962, as amended (22 U.S.C. 2601(c)), \$40,000,000, to*
9 *remain available until expended: Provided, That funds*
10 *made available under this heading are appropriated not-*
11 *withstanding the provisions contained in section 2(c)(2) of*
12 *such Act which would limit the amount of funds which*
13 *could be appropriated for this purpose.*

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

16 *For necessary expenses for nonproliferation, anti-ter-*
17 *rorism, demining and related programs and activities,*
18 *\$385,200,000, to carry out the provisions of chapter 8 of*
19 *part II of the Foreign Assistance Act of 1961 for anti-ter-*
20 *rorism assistance, chapter 9 of part II of the Foreign Assist-*
21 *ance Act of 1961, section 504 of the FREEDOM Support*
22 *Act, section 23 of the Arms Export Control Act or the For-*
23 *oreign Assistance Act of 1961 for demining activities, the*
24 *clearance of unexploded ordnance, the destruction of small*
25 *arms, and related activities, notwithstanding any other*
26 *provision of law, including activities implemented through*

1 nongovernmental and international organizations, and sec-
2 tion 301 of the Foreign Assistance Act of 1961 for a vol-
3 untary contribution to the International Atomic Energy
4 Agency (IAEA), and for a United States contribution to
5 the Comprehensive Nuclear Test Ban Treaty Preparatory
6 Commission: Provided, That of this amount not to exceed
7 \$35,000,000, to remain available until expended, may be
8 made available for the Nonproliferation and Disarmament
9 Fund, notwithstanding any other provision of law, to pro-
10 mote bilateral and multilateral activities relating to non-
11 proliferation and disarmament: Provided further, That
12 such funds may also be used for such countries other than
13 the Independent States of the former Soviet Union and
14 international organizations when it is in the national secu-
15 rity interest of the United States to do so: Provided further,
16 That funds appropriated under this heading may be made
17 available for the International Atomic Energy Agency only
18 if the Secretary of State determines (and so reports to the
19 Congress) that Israel is not being denied its right to partici-
20 pate in the activities of that Agency: Provided further, That
21 of the funds appropriated under this heading, \$19,300,000
22 shall be made available for a United States contribution
23 to the Comprehensive Nuclear Test Ban Treaty Preparatory
24 Commission: Provided further, That notwithstanding the
25 previous proviso, funds earmarked in the previous proviso

1 *that are not made available during fiscal year 2004 for a*
2 *contribution to the Comprehensive Nuclear Test Ban Treaty*
3 *Preparatory Commission and that are not necessary to*
4 *make the United States contribution to the Commission in*
5 *the amount assessed for fiscal year 2004 shall be made*
6 *available for a voluntary contribution to the International*
7 *Atomic Energy Agency and shall remain available until*
8 *September 30, 2005: Provided further, That of the funds*
9 *made available for demining and related activities, not to*
10 *exceed \$690,000, in addition to funds otherwise available*
11 *for such purposes, may be used for administrative expenses*
12 *related to the operation and management of the demining*
13 *program: Provided further, That the Secretary of State is*
14 *authorized to provide not to exceed \$250,000 for public-pri-*
15 *vate partnerships for mine action by grant, cooperative*
16 *agreement, or contract.*

17

DEPARTMENT OF THE TREASURY

18

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

19

20 *For necessary expenses to carry out the provisions of*
21 *section 129 of the Foreign Assistance Act of 1961 (relating*
22 *to international affairs technical assistance activities),*
23 *\$12,000,000, to remain available until September 30, 2006,*
24 *which shall be available notwithstanding any other provi-*
sion of law.

DEBT RESTRUCTURING

1
2 *For the cost, as defined in section 502 of the Congres-*
3 *sional Budget Act of 1974, of modifying loans and loan*
4 *guarantees, as the President may determine, for which*
5 *funds have been appropriated or otherwise made available*
6 *for programs within the International Affairs Budget Func-*
7 *tion 150, including the cost of selling, reducing, or canceling*
8 *amounts owed to the United States as a result of*
9 *concessional loans made to eligible countries, pursuant to*
10 *parts IV and V of the Foreign Assistance Act of 1961, and*
11 *of modifying concessional credit agreements with least de-*
12 *veloped countries, as authorized under section 411 of the*
13 *Agricultural Trade Development and Assistance Act of*
14 *1954, as amended, and concessional loans, guarantees and*
15 *credit agreements, as authorized under section 572 of the*
16 *Foreign Operations, Export Financing, and Related Pro-*
17 *grams Appropriations Act, 1989 (Public Law 100-461),*
18 *and of canceling amounts owed, as a result of loans or guar-*
19 *antees made pursuant to the Export-Import Bank Act of*
20 *1945, by countries that are eligible for debt reduction pursu-*
21 *ant to title V of H.R. 3425 as enacted into law by section*
22 *1000(a)(5) of Public Law 106-113, \$195,000,000, to re-*
23 *main available until expended: Provided, That not less than*
24 *\$20,000,000 of the funds appropriated under this heading*
25 *shall be made available to carry out the provisions of part*

1 *V of the Foreign Assistance Act of 1961: Provided further,*
2 *That \$75,000,000 of the funds appropriated under this*
3 *heading may be used by the Secretary of the Treasury to*
4 *pay to the Heavily Indebted Poor Countries (HIPC) Trust*
5 *Fund administered by the International Bank for Recon-*
6 *struction and Development amounts for the benefit of coun-*
7 *tries that are eligible for debt reduction pursuant to title*
8 *V of H.R. 3425 as enacted into law by section 1000(a)(5)*
9 *of Public Law 106–113: Provided further, That amounts*
10 *paid to the HIPC Trust Fund may be used only to fund*
11 *debt reduction under the enhanced HIPC initiative by—*

- 12 (1) *the Inter-American Development Bank;*
13 (2) *the African Development Fund;*
14 (3) *the African Development Bank; and*
15 (4) *the Central American Bank for Economic In-*
16 *tegration:*

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

1 *Secretary of the Treasury shall consult with the Committees*
2 *on Appropriations concerning which countries and inter-*
3 *national financial institutions are expected to benefit from*
4 *a United States contribution to the HIPC Trust Fund dur-*
5 *ing the fiscal year: Provided further, That the Secretary of*
6 *the Treasury shall inform the Committees on Appropria-*
7 *tions not less than 15 days in advance of the signature of*
8 *an agreement by the United States to make payments to*
9 *the HIPC Trust Fund of amounts for such countries and*
10 *institutions: Provided further, That the Secretary of the*
11 *Treasury may disburse funds designated for debt reduction*
12 *through the HIPC Trust Fund only for the benefit of coun-*
13 *tries that—*

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

22 (2) *have documented and demonstrated their*
23 *commitment to redirect their budgetary resources*
24 *from international debt repayments to programs to*
25 *alleviate poverty and promote economic growth that*

1 *are additional to or expand upon those previously*
2 *available for such purposes:*

3 *Provided further, That any limitation of subsection (e) of*
4 *section 411 of the Agricultural Trade Development and As-*
5 *sistance Act of 1954 shall not apply to funds appropriated*
6 *under this heading: Provided further, That none of the*
7 *funds made available under this heading in this or any*
8 *other appropriations Act shall be made available for Sudan*
9 *or Burma unless the Secretary of the Treasury determines*
10 *and notifies the Committees on Appropriations that a*
11 *democratically elected government has taken office.*

12 *TITLE III—MILLENNIUM CHALLENGE*

13 *ASSISTANCE*

14 *SEC. 301. SHORT TITLE. This title may be cited as*
15 *the “Millennium Challenge Act of 2003”.*

16 *SEC. 302. FINDINGS AND PURPOSES. (a) FINDINGS.—*
17 *Congress makes the following findings:*

18 (1) *On March 14, 2002, President George W.*
19 *Bush stated that “America supports the international*
20 *development goals in the U.N. Millennium Declara-*
21 *tion, and believes that the goals are a shared responsi-*
22 *bility of developed and developing countries.” The*
23 *President also called for a “new compact for global*
24 *development, defined by new accountability for both*
25 *rich and poor nations” and pledged support for in-*

1 *creased assistance from the United States through the*
2 *establishment of a Millennium Challenge Account for*
3 *countries that govern justly, invest in their own peo-*
4 *ple, and encourage economic freedom.*

5 *(2) The elimination of extreme poverty and the*
6 *achievement of the other international development*
7 *goals of the United Nations Millennium Declaration*
8 *adopted by the United Nations General Assembly on*
9 *September 8, 2000, are important objectives and it is*
10 *appropriate for the United States to make develop-*
11 *ment assistance available in a manner that will assist*
12 *in achieving such goals.*

13 *(3) The availability of financial assistance*
14 *through a Millennium Challenge Account, linked to*
15 *performance by developing countries, can contribute*
16 *significantly to the achievement of the international*
17 *development goals of the United Nations Millennium*
18 *Declaration.*

19 *(b) PURPOSES.—The purposes of this title are—*

20 *(1) to provide United States assistance for global*
21 *development through the Millennium Challenge Cor-*
22 *poration, as described in section 305; and*

23 *(2) to provide such assistance in a manner that*
24 *promotes economic growth and the elimination of ex-*

1 *treme poverty and strengthens good governance, eco-*
2 *nomie freedom, and investments in people.*

3 *SEC. 303. DEFINITIONS. In this title:*

4 (1) *BOARD.*—*The term “Board” means the Mil-*
5 *lennium Challenge Board established by section*
6 *304(c).*

7 (2) *CANDIDATE COUNTRY.*—*The term “candidate*
8 *country” means a country that meets the criteria set*
9 *out in section 306.*

10 (3) *CEO.*—*The term “CEO” means the chief ex-*
11 *ecutive officer of the Corporation established by sec-*
12 *tion 304(b).*

13 (4) *CORPORATION.*—*The term “Corporation”*
14 *means the Millennium Challenge Corporation estab-*
15 *lished by section 304(a).*

16 (5) *ELIGIBLE COUNTRY.*—*The term “eligible*
17 *country” means a candidate country that is deter-*
18 *mined, under section 307, as being eligible to receive*
19 *assistance under this title.*

20 (6) *MILLENNIUM CHALLENGE ACCOUNT.*—*The*
21 *term “Millennium Challenge Account” means the ac-*
22 *count established under section 322.*

23 *SEC. 304. ESTABLISHMENT AND MANAGEMENT OF THE*
24 *MILLENNIUM CHALLENGE CORPORATION. (a) ESTABLISH-*
25 *MENT OF THE CORPORATION.*—*There is established in the*

1 *executive branch a corporation within the meaning of sec-*
2 *tion 103 of title 5, United States Code, to be known as the*
3 *Millennium Challenge Corporation with the powers and au-*
4 *thorities described in this title.*

5 (b) *CEO OF THE CORPORATION.*—

6 (1) *IN GENERAL.*—*There shall be a chief execu-*
7 *tive officer of the Corporation who shall be responsible*
8 *for the management of the Corporation.*

9 (2) *APPOINTMENT.*—*The President shall appoint,*
10 *by and with the advice and consent of the Senate, the*
11 *CEO.*

12 (3) *RELATIONSHIP TO THE SECRETARY OF*
13 *STATE.*—*The CEO shall report to and be under the*
14 *direct authority and foreign policy guidance of the*
15 *Secretary of State. The Secretary of State shall co-*
16 *ordinate the provision of United States foreign assist-*
17 *ance.*

18 (4) *DUTIES.*—*The CEO shall, in consultation*
19 *with the Board, direct the performance of all func-*
20 *tions and the exercise of all powers of the Corpora-*
21 *tion, including ensuring that assistance under this*
22 *title is coordinated with other United States economic*
23 *assistance programs.*

1 (5) *EXECUTIVE LEVEL II.*—Section 5313 of title
2 5, United States Code, is amended by adding at the
3 end the following:

4 “Chief Executive Officer, Millennium Challenge
5 Corporation.”.

6 (c) *MILLENNIUM CHALLENGE BOARD.*—

7 (1) *ESTABLISHMENT OF THE BOARD.*—There is
8 established a Millennium Challenge Board.

9 (2) *COMPOSITION.*—The Board shall be composed
10 of the following members:

11 (A) The Secretary of State, who shall serve
12 as the Chair of the Board.

13 (B) The Secretary of the Treasury.

14 (C) The Administrator of the United States
15 Agency for International Development.

16 (D) The CEO.

17 (E) The United States Trade Representa-
18 tive.

19 (2) *FUNCTIONS OF THE BOARD.*—The Board
20 shall perform the functions specified to be carried out
21 by the Board in this title.

22 SEC. 305. *AUTHORIZATION FOR MILLENNIUM CHAL-*
23 *LENGE ASSISTANCE.* (a) *AUTHORITY.*—The Corporation is
24 authorized to provide assistance to an eligible entity con-
25 sistent with the purposes of this title set out in section

1 302(b) to conduct programs or projects consistent with the
2 objectives of a Millennium Challenge Contract. Assistance
3 provided under this title may be provided notwithstanding
4 any other provision of law, except that the Corporation is
5 prohibited from providing assistance to any entity for any
6 project which is likely to—

7 (1) cause the substantial loss of United States
8 jobs or the displacement of United States production;
9 or

10 (2) pose an unreasonable or major environ-
11 mental, health, or safety hazard.

12 (b) *EXCEPTION.*—Assistance under this title may not
13 be used for military assistance or training.

14 (c) *FORM OF ASSISTANCE.*—Assistance under this title
15 may be provided in the form of grants to eligible entities.

16 (d) *COORDINATION.*—The provision of assistance
17 under this title shall be coordinated with other United
18 States foreign assistance programs.

19 (e) *APPLICATIONS.*—An eligible entity seeking assist-
20 ance under this title to conduct programs or projects con-
21 sistent with the objectives of a Millennium Challenge Con-
22 tract shall submit a proposal for the use of such assistance
23 to the Board in such manner and accompanied by such in-
24 formation as the Board may reasonably require.

1 *SEC. 306. CANDIDATE COUNTRY. (a) IN GENERAL.—*

2 *A country is a candidate country for the purposes of this*
3 *title—*

4 *(1) during fiscal year 2004, if such country is el-*
5 *igible to receive loans from the International Develop-*
6 *ment Association;*

7 *(2) during fiscal year 2005, if the per capita in-*
8 *come of such country is less than the historical per*
9 *capita income cutoff of the International Development*
10 *Association for that year; and*

11 *(3) during any fiscal year after 2005—*

12 *(A) for which more than \$5,000,000,000 has*
13 *been appropriated to the Millennium Challenge*
14 *Account, if the country is classified as a lower*
15 *middle income country by the World Bank on*
16 *the first day of such fiscal year; or*

17 *(B) for which not more than \$5,000,000,000*
18 *has been appropriated to such Millennium Chal-*
19 *lenge Account, the per capita income of such*
20 *country is less than the historical per capita in-*
21 *come cutoff of the International Development As-*
22 *sociation for that year.*

23 *(b) LIMITATION ON ASSISTANCE TO CERTAIN CAN-*
24 *DIDATE COUNTRIES.—In a fiscal year in which subpara-*
25 *graph (A) of subsection (a)(3) applies with respect to deter-*

1 *mining candidate countries, not more than 20 percent of*
2 *the amounts appropriated to the Millennium Challenge Ac-*
3 *count shall be available for assistance to countries that*
4 *would not be candidate countries if subparagraph (B) of*
5 *subsection (a)(3) applied during such year.*

6 *SEC. 307. ELIGIBLE COUNTRY. (a) DETERMINATION*
7 *BY THE BOARD.—The Board shall determine whether a can-*
8 *didate country is an eligible country by evaluating the dem-*
9 *onstrated commitment of the government of the candidate*
10 *country to—*

11 *(1) just and democratic governance, including a*
12 *demonstrated commitment to—*

13 *(A) promote political pluralism and the*
14 *rule of law;*

15 *(B) respect human and civil rights;*

16 *(C) protect private property rights;*

17 *(D) encourage transparency and account-*
18 *ability of government; and*

19 *(E) limit corruption;*

20 *(2) economic freedom, including a demonstrated*
21 *commitment to economic policies that—*

22 *(A) encourage citizens and firms to partici-*
23 *pate in global trade and international capital*
24 *markets;*

1 (B) promote private sector growth and the
2 sustainable use of natural resources; and

3 (C) strengthen market forces in the econ-
4 omy; and

5 (3) investments in the people of such country, in-
6 cluding improving the availability of educational op-
7 portunities and health care for all citizens of such
8 country.

9 (b) ASSESSING ELIGIBILITY.—

10 (1) IN GENERAL.—To evaluate the demonstrated
11 commitment of a candidate country for the purposes
12 of subsection (a), the CEO shall recommend objective
13 and quantifiable indicators, to be approved by the
14 Board, of a candidate country's performance with re-
15 spect to the criteria described in paragraphs (1), (2),
16 and (3) of such subsection. In recognition of the essen-
17 tial role of women in developing countries, the CEO
18 shall ensure that such indicators, where appropriate,
19 take into account and assess the role of women and
20 girls. The approved indicators shall be used in select-
21 ing eligible countries.

22 (2) ANNUAL PUBLICATION OF INDICATORS.—

23 (A) INITIAL PUBLICATION.—Not later than
24 45 days prior to the final publication of indica-
25 tors under subparagraph (B) in any year, the

1 *Board shall publish in the Federal Register and*
2 *make available on the Internet the indicators*
3 *that the Board proposes to use for the purposes*
4 *of paragraph (1) in such year.*

5 *(B) FINAL PUBLICATION.—Not later than*
6 *15 days prior to the selection of eligible countries*
7 *in any year, the Board shall publish in the Fed-*
8 *eral Register and make available on the Internet*
9 *the indicators that are to be used for the pur-*
10 *poses of paragraph (1) in such year.*

11 *(3) CONSIDERATION OF PUBLIC COMMENT.—The*
12 *Board shall consider any comments on the proposed*
13 *indicators published under paragraph (2)(A) that are*
14 *received within 30 days after the publication of such*
15 *indicators when selecting the indicators to be used for*
16 *the purposes of paragraph (1).*

17 *SEC. 308. ELIGIBLE ENTITY. (a) ASSISTANCE.—Any*
18 *eligible entity may receive assistance under this title to*
19 *carry out a project in an eligible country for the purpose*
20 *of making progress toward achieving an objective of a Mil-*
21 *lennium Challenge Contract.*

22 *(b) DETERMINATIONS OF ELIGIBILITY.—The Board*
23 *shall determine whether a person or governmental entity*
24 *is an eligible entity for the purposes of this section.*

1 (c) *ELIGIBLE ENTITIES.*—*For the purposes of this sec-*
2 *tion, an eligible entity is—*

3 (1) *a government, including a local or regional*
4 *government; or*

5 (2) *a nongovernmental organization or other pri-*
6 *vate entity.*

7 *SEC. 309. MILLENNIUM CHALLENGE CONTRACT. (a) IN*
8 *GENERAL.*—*The Board shall invite the government of an*
9 *eligible country to enter into a Millennium Challenge Con-*
10 *tract with the Corporation. A Millennium Challenge Con-*
11 *tract shall establish a multiyear plan for the eligible coun-*
12 *try to achieve specific objectives consistent with the purposes*
13 *set out in section 302(b).*

14 (b) *CONTENT.*—*A Millennium Challenge Contract*
15 *shall include—*

16 (1) *specific objectives to be achieved by the eligi-*
17 *ble country during the term of the Contract;*

18 (2) *a description of the actions to be taken by the*
19 *government of the eligible country and the United*
20 *States Government for achieving such objectives;*

21 (3) *the role and contribution of private entities,*
22 *nongovernmental organizations, and other organiza-*
23 *tions in achieving such objectives;*

24 (4) *a description of beneficiaries, to the extent*
25 *possible disaggregated by gender;*

1 (5) *regular benchmarks for measuring progress*
2 *toward achieving such objectives;*

3 (6) *a schedule for achieving such objectives;*

4 (7) *a schedule of evaluations to be performed to*
5 *determine whether the country is meeting its commit-*
6 *ments under the Contract;*

7 (8) *a statement that the Corporation intends to*
8 *consider the eligible country's performance in achiev-*
9 *ing such objectives in making decisions about pro-*
10 *viding continued assistance under the Contract;*

11 (9) *the strategy of the eligible country to sustain*
12 *progress made toward achieving such objectives after*
13 *the expiration of the Contract;*

14 (10) *a plan to ensure financial accountability*
15 *for any assistance provided to a person or government*
16 *in the eligible country under this title; and*

17 (11) *a statement that nothing in the Contract*
18 *may be construed to create a legally binding or en-*
19 *forceable obligation on the United States Government*
20 *or on the Corporation.*

21 (c) *REQUIREMENT FOR CONSULTATION.*—*The Cor-*
22 *poration shall seek to ensure that the government of an eli-*
23 *gible country consults with private entities and nongovern-*
24 *mental organizations in the eligible country for the purpose*
25 *of ensuring that the terms of a Millennium Challenge Con-*

1 tract entered into by the Corporation and the eligible
2 country—

3 (1) reflect the needs of the rural and urban poor
4 in the eligible country; and

5 (2) provide means to assist poor men and women
6 in the eligible country to escape poverty through their
7 own efforts.

8 (d) *REQUIREMENT FOR APPROVAL BY THE BOARD.*—
9 A Millennium Challenge Contract shall be approved by the
10 Board before the Corporation enters into the Contract.

11 *SEC. 310. SUSPENSION OF ASSISTANCE TO AN ELIGI-*
12 *BLE COUNTRY.* The Secretary of State shall direct the CEO
13 to suspend the provision of assistance to an eligible country
14 under a Millennium Challenge Contract during any period
15 for which such eligible country is ineligible to receive assist-
16 ance under a provision of the Foreign Assistance Act of
17 1961 (22 U.S.C. 2151 et seq.).

18 *SEC. 311. DISCLOSURE. (a) REQUIREMENT FOR DIS-*
19 *CLOSURE.*—The Corporation shall make available to the
20 public on a continuous basis and on the earliest possible
21 date, but not later than 15 days after the information is
22 available to the Corporation, the following information:

23 (1) A list of the candidate countries determined
24 to be eligible countries during any year.

1 (2) *The text of each Millennium Challenge Con-*
2 *tract entered into by the Corporation.*

3 (3) *For assistance provided under this title—*

4 (A) *the name of each entity to which assist-*
5 *ance is provided;*

6 (B) *the amount of assistance provided to the*
7 *entity; and*

8 (C) *a description of the program or project*
9 *for which assistance was provided.*

10 (4) *For each eligible country, an assessment of—*

11 (A) *the progress made during each year by*
12 *an eligible country toward achieving the objec-*
13 *tives set out in the Millennium Challenge Con-*
14 *tract entered into by the eligible country; and*

15 (B) *the extent to which assistance provided*
16 *under this title has been effective in helping the*
17 *eligible country to achieve such objectives.*

18 (b) *DISSEMINATION.—The information required to be*
19 *disclosed under subsection (a) shall be made available to*
20 *the public by means of publication in the Federal Register*
21 *and posting on the Internet, as well as by any other methods*
22 *that the Board determines appropriate.*

23 *SEC. 312. MILLENNIUM CHALLENGE ASSISTANCE TO*
24 *CANDIDATE COUNTRIES. (a) AUTHORITY.—Notwith-*
25 *standing any other provision of this title and subject to the*

1 *limitation in subsection (c), the Corporation is authorized*
2 *to provide assistance to a candidate country that meets the*
3 *conditions in subsection (b) for the purpose of assisting such*
4 *country to become an eligible country.*

5 (b) *CONDITIONS.—Assistance under subsection (a)*
6 *may be provided to a candidate country that is not an eligi-*
7 *ble country under section 307 because of—*

8 (1) *the unreliability of data used to assess its eli-*
9 *gibility under section 307; or*

10 (2) *the failure of the government of the candidate*
11 *country to perform adequately with respect to only 1*
12 *of the indicators described in subsection (a) of section*
13 *307.*

14 (c) *LIMITATION.—The total amount of assistance pro-*
15 *vided under subsection (a) in a fiscal year may not exceed*
16 *10 percent of the funds made available to the Millennium*
17 *Challenge Account during such fiscal year.*

18 *SEC. 313. ANNUAL REPORT TO CONGRESS. Not later*
19 *than January 31 of each year, the President shall submit*
20 *to Congress a report on the assistance provided under this*
21 *title during the prior fiscal year. The report shall include—*

22 (1) *information regarding obligations and ex-*
23 *penditures for assistance provided to each eligible*
24 *country in the prior fiscal year;*

1 (2) a discussion, for each eligible country, of the
2 objectives of such assistance;

3 (3) a description of the coordination of assist-
4 ance under this title with other United States foreign
5 assistance and related trade policies;

6 (4) a description of the coordination of assist-
7 ance under this title with the contributions of other
8 donors; and

9 (5) any other information the President con-
10 siders relevant to assistance provided under this title.

11 SEC. 314. POWERS OF THE CORPORATION. (a) POW-
12 ERS.—*The Corporation—*

13 (1) shall have perpetual succession unless dis-
14 solved by an Act of Congress;

15 (2) may adopt, alter, and use a seal, which shall
16 be judicially noticed;

17 (3) may prescribe, amend, and repeal such rules,
18 regulations, and procedures as may be necessary for
19 carrying out the functions of the Corporation;

20 (4) may make and perform such contracts,
21 grants, and other agreements with any person or gov-
22 ernment however designated and wherever situated, as
23 may be necessary for carrying out the functions of the
24 Corporation;

1 (5) may determine and prescribe the manner in
2 which its obligations shall be incurred and its ex-
3 penses allowed and paid, including expenses for rep-
4 resentation;

5 (6) may lease, purchase, or otherwise acquire,
6 improve, and use such real property wherever situ-
7 ated, as may be necessary for carrying out the func-
8 tions of the Corporation;

9 (7) may accept cash gifts or donations of services
10 or of property (real, personal, or mixed), tangible or
11 intangible, for the purpose of carrying out the provi-
12 sions of this title;

13 (8) may use the United States mails in the same
14 manner and on the same conditions as the executive
15 departments of Government;

16 (9) may contract with individuals for personal
17 services, who shall not be considered Federal employ-
18 ees for any provision of law administered by the Of-
19 fice of Personnel Management;

20 (10) may hire or obtain passenger motor vehi-
21 cles; and

22 (11) shall have such other powers as may be nec-
23 essary and incident to carrying out this title.

24 (b) *CONTRACTING AUTHORITY.*—The functions and
25 powers authorized by this title may be performed without

1 regard to any provision of law regulating the making, per-
2 formance, amendment, or modification of contracts, grants,
3 and other agreements.

4 *SEC. 315. COORDINATION WITH USAID. (a) REQUIRE-*
5 *MENT FOR COORDINATION.—An employee of the Corpora-*
6 *tion assigned to a United States diplomatic mission or con-*
7 *sular post or a United States Agency for International De-*
8 *velopment field mission in a foreign country shall, in a*
9 *manner that is consistent with the authority of the Chief*
10 *of Mission, coordinate the performance of the functions of*
11 *the Corporation in such country with the officer in charge*
12 *of the United States Agency of International Development*
13 *programs located in such country.*

14 *(b) USAID PROGRAMS.—The Administrator of the*
15 *United States Agency for International Development shall*
16 *seek to ensure that appropriate programs of the Agency play*
17 *a primary role in preparing candidate countries to become*
18 *eligible countries under section 307.*

19 *SEC. 316. PRINCIPAL OFFICE. The Corporation shall*
20 *maintain its principal office in the metropolitan area of*
21 *Washington, District of Columbia.*

22 *SEC. 317. PERSONNEL AUTHORITIES. (a) REQUIRE-*
23 *MENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT*
24 *SYSTEM.—The CEO shall, jointly with the Director of the*
25 *Office of Personnel Management, prescribe regulations that*

1 *establish a human resources management system, including*
2 *a retirement benefits program, for the Corporation.*

3 *(b) RELATIONSHIP TO OTHER LAWS.—*

4 *(1) INAPPLICABILITY OF CERTAIN LAWS.—Except*
5 *as provided in paragraph (2), the provisions of title*
6 *5, United States Code, and of the Foreign Service Act*
7 *of 1980 (22 U.S.C. 3901 et seq.) shall not apply to*
8 *the human resource management program established*
9 *pursuant to paragraph (1).*

10 *(2) APPLICATION OF CERTAIN LAWS.—The*
11 *human resources management system established pur-*
12 *suant to subsection (a) may not waive, modify, or*
13 *otherwise affect the application to employees of the*
14 *Corporation of the following provisions:*

15 *(A) Section 2301 of title 5, United States*
16 *Code.*

17 *(B) Section 2302(b) of such title.*

18 *(C) Chapter 63 of such title (relating to*
19 *leave).*

20 *(D) Chapter 72 of such title (relating to*
21 *antidiscrimination).*

22 *(E) Chapter 73 of such title (relating to*
23 *suitability, security, and conduct).*

24 *(F) Chapter 81 of such title (relating to*
25 *compensation for work injuries).*

1 (G) Chapter 85 of such title (relating to un-
2 employment compensation).

3 (H) Chapter 87 of such title (relating to life
4 insurance).

5 (I) Chapter 89 of such title (relating to
6 health insurance).

7 (J) Chapter 90 of such title (relating to
8 long-term care insurance).

9 (3) *RELATIONSHIP TO RETIREMENT BENEFITS*
10 *LAWS.—The retirement benefits program referred to*
11 *in subsection (a) shall permit the employees of the*
12 *Corporation to be eligible, unless the CEO determines*
13 *otherwise, for benefits under—*

14 (A) *subchapter III of chapter 83 and chap-*
15 *ter 84 of title 5, United States Code (relating to*
16 *retirement benefits); or*

17 (B) *chapter 8 of title I of the Foreign Serv-*
18 *ice Act of 1980 (22 U.S.C. 4041 et seq.) (relating*
19 *to the Foreign Service Retirement and Disability*
20 *System).*

21 (c) *APPOINTMENT AND TERMINATION.—Except as oth-*
22 *erwise provided in this section, the CEO may, without re-*
23 *gard to any civil service or Foreign Service law or regula-*
24 *tion, appoint and terminate employees as may be necessary*
25 *to enable the Corporation to perform its duties.*

1 (d) *COMPENSATION.*—

2 (1) *AUTHORITY TO FIX COMPENSATION.*—Subject
3 to the provisions of paragraph (2), the CEO may fix
4 the compensation of employees of the Corporation.

5 (2) *LIMITATIONS ON COMPENSATION.*—The com-
6 pensation for an employee of the Corporation may
7 not exceed the lesser of—

8 (A) the rate of compensation established
9 under title 5, United States Code, or any For-
10 eign Service law for an employee of the Federal
11 Government who holds a position that is com-
12 parable to the position held by the employee of
13 the Corporation; or

14 (B) the rate of pay prescribed for level IV
15 of the Executive Schedule under section 5315 of
16 title 5, United States Code.

17 (e) *TERM OF EMPLOYMENT.*—

18 (1) *IN GENERAL.*—Except as provided in para-
19 graphs (2) and (3), no individual may be employed
20 by the Corporation for a total period of employment
21 that exceeds 5 years.

22 (2) *EXCEPTED POSITIONS.*—The CEO, and not
23 more than 3 other employees of the Corporation who
24 are designated by the CEO, may be employed by the
25 Corporation for an unlimited period of employment.

1 (3) *WAIVER.*—*The CEO may waive the maximum*
2 *term of employment described in paragraph (1)*
3 *if the CEO determines that such waiver is essential*
4 *to the achievement of the purposes of this title.*

5 (f) *AUTHORITY FOR TEMPORARY EMPLOYEES.*—*The*
6 *CEO may procure temporary and intermittent services*
7 *under section 3109(b) of title 5, United States Code, at rates*
8 *for individuals which do not exceed the daily equivalent of*
9 *the annual rate of basic pay prescribed for level V of the*
10 *Executive Schedule under section 5316 of such title.*

11 (g) *DETAIL OF FEDERAL EMPLOYEES TO THE COR-*
12 *PORATION.*—*Any Federal Government employee may be de-*
13 *tailed to the Corporation on a fully or partially reimburs-*
14 *able or on a nonreimbursable basis, and such detail shall*
15 *be without interruption or loss of civil service or Foreign*
16 *Service status or privilege.*

17 (h) *REINSTATEMENT.*—*An employee of the Federal*
18 *Government serving under a career or career conditional*
19 *appointment, or the equivalent, in a Federal agency who*
20 *transfers to or converts to an appointment in the Corpora-*
21 *tion with the consent of the head of the agency is entitled*
22 *to be returned to the employee's former position or a posi-*
23 *tion of like seniority, status, and pay without grade or pay*
24 *reduction in the agency if the employee—*

1 (1) *is being separated from the Corporation for*
2 *reasons other than misconduct, neglect of duty, or*
3 *malfeasance; and*

4 (2) *applies for return to the agency not later*
5 *than 30 days before the date of the termination of the*
6 *employment in the Corporation.*

7 *SEC. 318. PERSONNEL OUTSIDE THE UNITED STATES.*

8 *(a) ASSIGNMENT TO UNITED STATES EMBASSIES.—An em-*
9 *ployee of the Corporation, including an individual detailed*
10 *to or contracted by the Corporation, may be assigned to*
11 *a United States diplomatic mission or consular post or a*
12 *United States Agency for International Development field*
13 *mission.*

14 *(b) PRIVILEGES AND IMMUNITIES.—The Secretary of*
15 *State shall seek to ensure that an employee of the Corpora-*
16 *tion, including an individual detailed to or contracted by*
17 *the Corporation, and the members of the family of such em-*
18 *ployee, while the employee is performing duties in any*
19 *country or place outside the United States, enjoy the privi-*
20 *leges and immunities that are enjoyed by a member of the*
21 *Foreign Service, or the family of a member of the Foreign*
22 *Service, as appropriate, of comparable rank and salary of*
23 *such employee, if such employee or a member of the family*
24 *of such employee is not a national of or permanently resi-*
25 *dent in such country or place.*

1 (c) *RESPONSIBILITY OF CHIEF OF MISSION.*—An em-
2 ployee of the Corporation, including an individual detailed
3 to or contracted by the Corporation, and a member of the
4 family of such employee, shall be subject to section 207 of
5 the Foreign Service Act of 1980 (22 U.S.C. 3927) in the
6 same manner as United States Government employees while
7 the employee is performing duties in any country or place
8 outside the United States if such employee or member of
9 the family of such employee is not a national of or perma-
10 nently resident in such country or place.

11 *SEC. 319. USE OF SERVICES OF OTHER AGENCIES.*
12 The Corporation may utilize the information services, fa-
13 cilities and personnel of, or procure commodities from, any
14 agency of the United States Government on a fully or par-
15 tially reimbursable or nonreimbursable basis under such
16 terms and conditions as may be agreed to by the head of
17 such agency and the Corporation for carrying out this title.

18 *SEC. 320. ADMINISTRATIVE AUTHORITIES.* The Cor-
19 poration is authorized to use any of the administrative au-
20 thorities contained in the State Department Basic Authori-
21 ties Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign
22 Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such
23 authority is inconsistent with a provision of this title.

1 *SEC. 321. APPLICABILITY OF CHAPTER 91 OF TITLE*
2 *31, UNITED STATES CODE. The Corporation shall be subject*
3 *to chapter 91 of title 31, United States Code.*

4 *SEC. 322. ESTABLISHMENT OF THE MILLENNIUM*
5 *CHALLENGE ACCOUNT. There is established on the books of*
6 *the Treasury an account to be known as the Millennium*
7 *Challenge Account that shall be administered by the CEO*
8 *under the direction of the Board. All amounts made avail-*
9 *able to carry out the provisions of this title shall be depos-*
10 *ited into such Account and such amounts shall be available*
11 *to carry out such provisions.*

12 *SEC. 323. AUTHORIZATION OF APPROPRIATIONS. (a)*
13 *IN GENERAL.—There are authorized to be appropriated to*
14 *carry out the provisions of this title \$1,000,000,000 for fis-*
15 *cal year 2004, \$2,300,000,000 for fiscal year 2005, and*
16 *\$5,000,000,000 for fiscal year 2006.*

17 *(b) AVAILABILITY.—Funds appropriated under sub-*
18 *section (a)—*

19 *(1) are authorized to remain available until ex-*
20 *pended, subject to appropriations acts; and*

21 *(2) are in addition to funds otherwise available*
22 *for such purposes.*

23 *(c) ALLOCATION OF FUNDS.—*

24 *(1) IN GENERAL.—The Corporation may allocate*
25 *or transfer to any agency of the United States Gov-*

1 *ernment any of the funds available for carrying out*
2 *this title. Such funds shall be available for obligation*
3 *and expenditure for the purposes for which author-*
4 *ized, in accordance with authority granted in this*
5 *title or under authority governing the activities of the*
6 *agencies of the United States Government to which*
7 *such funds are allocated or transferred.*

8 (2) *NOTIFICATION.—The notification require-*
9 *ments of section 634A(a) of the Foreign Assistance*
10 *Act of 1961 (22 U.S.C. 2394–1(a)) shall apply to any*
11 *allocation or transfer of funds made pursuant to*
12 *paragraph (1).*

13 *SEC. 324. APPROPRIATIONS. (a) IN GENERAL.—There*
14 *is hereby appropriated \$1,000,000,000 for fiscal year 2004,*
15 *to remain available until expended, to carry out the provi-*
16 *sions of this title to provide assistance for countries that*
17 *have demonstrated commitment to—*

18 (1) *just and democratic governance;*

19 (2) *economic freedom; and*

20 (3) *investing in the well-being of their own peo-*
21 *ple.*

22 (b) *NOTIFICATION.—Funds appropriated under this*
23 *title shall be available for obligation only pursuant to the*
24 *regular notification procedures of the Committees on Appro-*
25 *priations.*

1 *TITLE IV—MILITARY ASSISTANCE*2 *FUNDS APPROPRIATED TO THE PRESIDENT*3 *INTERNATIONAL MILITARY EDUCATION AND TRAINING*

4 *For necessary expenses to carry out the provisions of*
5 *section 541 of the Foreign Assistance Act of 1961,*
6 *\$91,700,000, of which up to \$3,000,000 may remain avail-*
7 *able until expended: Provided, That the civilian personnel*
8 *for whom military education and training may be provided*
9 *under this heading may include civilians who are not mem-*
10 *bers of a government whose participation would contribute*
11 *to improved civil-military relations, civilian control of the*
12 *military, or respect for human rights: Provided further,*
13 *That funds appropriated under this heading for military*
14 *education and training for Guatemala may only be avail-*
15 *able for expanded international military education and*
16 *training, and funds made available for Algeria, Cambodia,*
17 *Nigeria and Guatemala may only be provided through the*
18 *regular notification procedures of the Committees on Appro-*
19 *priations.*

20 *FOREIGN MILITARY FINANCING PROGRAM*21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For expenses necessary for grants to enable the Presi-*
23 *dent to carry out the provisions of section 23 of the Arms*
24 *Export Control Act, \$4,384,000,000: Provided, That of the*
25 *funds appropriated under this heading, not less than*
26 *\$2,160,000,000 shall be available for grants only for Israel,*

1 *and not less than \$1,300,000,000 shall be made available*
2 *for grants only for Egypt: Provided further, That the funds*
3 *appropriated by this paragraph for Israel shall be disbursed*
4 *within 30 days of the enactment of this Act: Provided fur-*
5 *ther, That to the extent that the Government of Israel re-*
6 *quests that funds be used for such purposes, grants made*
7 *available for Israel by this paragraph shall, as agreed by*
8 *Israel and the United States, be available for advanced*
9 *weapons systems, of which not less than \$568,000,000 shall*
10 *be available for the procurement in Israel of defense articles*
11 *and defense services, including research and development:*
12 *Provided further, That of the funds appropriated by this*
13 *paragraph, \$206,000,000 shall be made available for assist-*
14 *ance for Jordan: Provided further, That of the funds appro-*
15 *priated by this paragraph, \$27,000,000 shall be made avail-*
16 *able for assistance for Poland: Provided further, That of the*
17 *funds appropriated by this paragraph, \$2,500,000 shall be*
18 *made available for assistance for Armenia: Provided fur-*
19 *ther, That of the funds appropriated by this paragraph,*
20 *\$15,000,000 shall be transferred to and merged with funds*
21 *appropriated under the heading “Nonproliferation, Anti-*
22 *Terrorism, Demining and Related Programs”, and made*
23 *available, in addition to amounts otherwise available for*
24 *such purposes, as follows: \$10,000,000, to remain available*
25 *until expended, shall be made available to carry out the*

1 *provisions of section 504 of the FREEDOM Support Act*
2 *for the Nonproliferation and Disarmament Fund, notwith-*
3 *standing any other provision of law, to promote bilateral*
4 *and multilateral activities relating to nonproliferation and*
5 *disarmament; \$2,000,000 shall be made available to carry*
6 *out the provisions of chapter 8 of part II of the Foreign*
7 *Assistance Act of 1961 for the Small Arms/Light Weapons*
8 *Destruction program; and \$3,000,000 shall be made avail-*
9 *able as an additional contribution to the International*
10 *Atomic Energy Agency: Provided further, That of the funds*
11 *appropriated by this paragraph, not less than \$17,000,000*
12 *shall be transferred to and merged with funds appropriated*
13 *under the heading “Andean Counterdrug Initiative” and*
14 *made available for aircraft and related assistance for the*
15 *Colombian National Police: Provided further, That funds*
16 *appropriated by this paragraph shall be nonrepayable not-*
17 *withstanding any requirement in section 23 of the Arms*
18 *Export Control Act: Provided further, That funds made*
19 *available under this paragraph shall be obligated upon ap-*
20 *portionment in accordance with paragraph (5)(C) of title*
21 *31, United States Code, section 1501(a).*

22 *None of the funds made available under this heading*
23 *shall be available to finance the procurement of defense arti-*
24 *cles, defense services, or design and construction services*
25 *that are not sold by the United States Government under*

1 *the Arms Export Control Act unless the foreign country pro-*
2 *posing to make such procurements has first signed an agree-*
3 *ment with the United States Government specifying the*
4 *conditions under which such procurements may be financed*
5 *with such funds: Provided, That all country and funding*
6 *level increases in allocations shall be submitted through the*
7 *regular notification procedures of section 615 of this Act:*
8 *Provided further, That none of the funds appropriated*
9 *under this heading shall be available for assistance for*
10 *Sudan, Guatemala and Liberia: Provided further, That*
11 *funds made available under this heading may be used, not-*
12 *withstanding any other provision of law, for demining, the*
13 *clearance of unexploded ordnance, and related activities,*
14 *and may include activities implemented through non-*
15 *governmental and international organizations: Provided*
16 *further, That the authority contained in the previous pro-*
17 *viso or any other provision of law relating to the use of*
18 *funds for programs under this heading, including provi-*
19 *sions contained in previously enacted appropriations Acts,*
20 *shall not apply to activities relating to the clearance of*
21 *unexploded ordnance resulting from United States Armed*
22 *Forces testing or training exercises: Provided further, That*
23 *the previous proviso shall not apply to San Jose Island,*
24 *Republic of Panama: Provided further, That only those*
25 *countries for which assistance was justified for the “Foreign*

1 *Military Sales Financing Program” in the fiscal year 1989*
2 *congressional presentation for security assistance programs*
3 *may utilize funds made available under this heading for*
4 *procurement of defense articles, defense services or design*
5 *and construction services that are not sold by the United*
6 *States Government under the Arms Export Control Act:*
7 *Provided further, That funds appropriated under this head-*
8 *ing shall be expended at the minimum rate necessary to*
9 *make timely payment for defense articles and services: Pro-*
10 *vided further, That not more than \$40,500,000 of the funds*
11 *appropriated under this heading may be obligated for nec-*
12 *essary expenses, including the purchase of passenger motor*
13 *vehicles for replacement only for use outside of the United*
14 *States, for the general costs of administering military as-*
15 *sistance and sales: Provided further, That not more than*
16 *\$361,000,000 of funds realized pursuant to section*
17 *21(e)(1)(A) of the Arms Export Control Act may be obli-*
18 *gated for expenses incurred by the Department of Defense*
19 *during fiscal year 2004 pursuant to section 43(b) of the*
20 *Arms Export Control Act, except that this limitation may*
21 *be exceeded only through the regular notification procedures*
22 *of the Committees on Appropriations: Provided further,*
23 *That foreign military financing program funds estimated*
24 *to be outlayed for Egypt during fiscal year 2004 shall be*
25 *transferred to an interest bearing account for Egypt in the*

1 *Federal Reserve Bank of New York within 30 days of enact-*
 2 *ment of this Act.*

3 *PEACEKEEPING OPERATIONS*

4 *For necessary expenses to carry out the provisions of*
 5 *section 551 of the Foreign Assistance Act of 1961,*
 6 *\$84,900,000: Provided, That none of the funds appropriated*
 7 *under this heading shall be obligated or expended except as*
 8 *provided through the regular notification procedures of the*
 9 *Committees on Appropriations.*

10 *TITLE V—MULTILATERAL ECONOMIC*

11 *ASSISTANCE*

12 *FUNDS APPROPRIATED TO THE PRESIDENT*

13 *INTERNATIONAL FINANCIAL INSTITUTIONS*

14 *GLOBAL ENVIRONMENT FACILITY*

15 *For the United States contribution for the Global En-*
 16 *vironment Facility, \$170,997,000 to the International Bank*
 17 *for Reconstruction and Development as trustee for the Glob-*
 18 *al Environment Facility, by the Secretary of the Treasury,*
 19 *to remain available until expended.*

20 *CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT*

21 *ASSOCIATION*

22 *For payment to the International Development Asso-*
 23 *ciation by the Secretary of the Treasury, \$976,825,000, to*
 24 *remain available until expended.*

1 *CONTRIBUTION TO THE MULTILATERAL INVESTMENT*
 2 *GUARANTEE AGENCY*

3 *For payment to the Multilateral Investment Guarantee*
 4 *Agency by the Secretary of the Treasury, \$1,124,000, for*
 5 *the United States paid-in share of the increase in capital*
 6 *stock, to remain available until expended.*

7 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

8 *The United States Governor of the Multilateral Invest-*
 9 *ment Guarantee Agency may subscribe without fiscal year*
 10 *limitation for the callable capital portion of the United*
 11 *States share of such capital stock in an amount not to ex-*
 12 *ceed \$16,340,000.*

13 *CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT*
 14 *CORPORATION*

15 *For payment to the Inter-American Investment Cor-*
 16 *poration, by the Secretary of the Treasury, \$898,000, for*
 17 *the United States share of the increase in subscriptions to*
 18 *capital stock, to remain available until expended.*

19 *CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS*
 20 *MULTILATERAL INVESTMENT FUND*

21 *For payment to the Enterprise for the Americas Multi-*
 22 *lateral Investment Fund by the Secretary of the Treasury,*
 23 *for the United States contribution to the fund, \$30,614,000,*
 24 *to remain available until expended.*

1 *CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND*

2 *For the United States contribution by the Secretary*
3 *of the Treasury to the increase in resources of the Asian*
4 *Development Fund, as authorized by the Asian Develop-*
5 *ment Bank Act, as amended, \$136,921,000, to remain*
6 *available until expended.*

7 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK*

8 *For payment to the African Development Bank by the*
9 *Secretary of the Treasury, \$5,105,000, for the United States*
10 *paid-in share of the increase in capital stock, to remain*
11 *available until expended.*

12 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

13 *The United States Governor of the African Develop-*
14 *ment Bank may subscribe without fiscal year limitation for*
15 *the callable capital portion of the United States share of*
16 *such capital stock in an amount not to exceed \$79,610,000.*

17 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND*

18 *For the United States contribution by the Secretary*
19 *of the Treasury to the increase in resources of the African*
20 *Development Fund, \$118,081,000, to remain available until*
21 *expended.*

22 *CONTRIBUTION TO THE EUROPEAN BANK FOR*23 *RECONSTRUCTION AND DEVELOPMENT*

24 *For payment to the European Bank for Reconstruction*
25 *and Development by the Secretary of the Treasury,*
26 *\$35,431,000, for the United States share of the paid-in por-*

1 *tion of the increase in capital stock, to remain available*
2 *until expended.*

3 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

4 *The United States Governor of the European Bank for*
5 *Reconstruction and Development may subscribe without fis-*
6 *cal year limitation to the callable capital portion of the*
7 *United States share of such capital stock in an amount not*
8 *to exceed \$122,085,000.*

9 *CONTRIBUTION TO THE INTERNATIONAL FUND FOR*

10 *AGRICULTURAL DEVELOPMENT*

11 *For the United States contribution by the Secretary*
12 *of the Treasury to increase the resources of the International*
13 *Fund for Agricultural Development, \$15,004,000, to remain*
14 *available until expended.*

15 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

16 *For necessary expenses to carry out the provisions of*
17 *section 301 of the Foreign Assistance Act of 1961, and of*
18 *section 2 of the United Nations Environment Program Par-*
19 *ticipation Act of 1973, \$322,550,000: Provided, That of the*
20 *funds appropriated under this heading, \$120,000,000 shall*
21 *be made available for a contribution to the United Nations*
22 *Children's Fund, \$11,428,500 shall be made available for*
23 *a contribution to the United Nations Environment Pro-*
24 *gram, \$5,465,875 shall be made available for the United*
25 *Nations Voluntary Fund for Victims of Torture, \$3,621,250*
26 *shall be made available for the Organization of American*

1 *States Fund for Strengthening Democracy, \$1,937,975 shall*
2 *be made available for International Contributions for Sci-*
3 *entific, Educational and Cultural Activities, \$1,000,000*
4 *shall be made available for the United Nations Center for*
5 *Human Settlements, \$1,500,000 shall be made available for*
6 *the United Nations Fund for Human Rights, \$6,732,750*
7 *shall be made available for International Conservation Pro-*
8 *grams, and \$5,600,000 shall be made available for the*
9 *Intergovernmental Panel on Climate Change/United Na-*
10 *tions Framework Convention on Climate Change: Provided*
11 *further, That none of the funds appropriated under this*
12 *heading may be made available to the International Atomic*
13 *Energy Agency (IAEA).*

14 *TITLE VI—GENERAL PROVISIONS*

15 *OBLIGATIONS DURING LAST MONTH OF AVAILABILITY*

16 *SEC. 601. Except for the appropriations entitled*
17 *“International Disaster Assistance” and “United States*
18 *Emergency Refugee and Migration Assistance Fund”, not*
19 *more than 15 percent of any appropriation item made*
20 *available by this Act shall be obligated during the last*
21 *month of availability.*

22 *PRIVATE AND VOLUNTARY ORGANIZATIONS*

23 *SEC. 602. (a) None of the funds appropriated or other-*
24 *wise made available by this Act for development assistance*
25 *may be made available to any United States private and*
26 *voluntary organization, except any cooperative development*

1 organization, which obtains less than 20 percent of its total
2 annual funding for international activities from sources
3 other than the United States Government: Provided, That
4 the Administrator of the United States Agency for Inter-
5 national Development, after informing the Committees on
6 Appropriations, may, on a case-by-case basis, waive the re-
7 striction contained in this subsection, after taking into ac-
8 count the effectiveness of the overseas development activities
9 of the organization, its level of volunteer support, its finan-
10 cial viability and stability, and the degree of its dependence
11 for its financial support on the agency.

12 (b) Funds appropriated or otherwise made available
13 under title II of this Act should be made available to private
14 and voluntary organizations at a level which is at least
15 equivalent to the level provided in fiscal year 1995.

16 *LIMITATION ON RESIDENCE EXPENSES*

17 *SEC. 603. Of the funds appropriated or made available*
18 *pursuant to this Act, not to exceed \$100,500 shall be for*
19 *official residence expenses of the United States Agency for*
20 *International Development during the current fiscal year:*
21 *Provided, That appropriate steps shall be taken to assure*
22 *that, to the maximum extent possible, United States-owned*
23 *foreign currencies are utilized in lieu of dollars.*

24 *LIMITATION ON EXPENSES*

25 *SEC. 604. Of the funds appropriated or made available*
26 *pursuant to this Act, not to exceed \$5,000 shall be for enter-*

1 *tainment expenses of the United States Agency for Inter-*
2 *national Development during the current fiscal year.*

3 *LIMITATION ON REPRESENTATIONAL ALLOWANCES*

4 *SEC. 605. Of the funds appropriated or made available*
5 *pursuant to this Act, not to exceed \$125,000 shall be avail-*
6 *able for representation allowances for the United States*
7 *Agency for International Development during the current*
8 *fiscal year: Provided, That appropriate steps shall be taken*
9 *to assure that, to the maximum extent possible, United*
10 *States-owned foreign currencies are utilized in lieu of dol-*
11 *lars: Provided further, That of the funds made available by*
12 *this Act for general costs of administering military assist-*
13 *ance and sales under the heading "Foreign Military Fi-*
14 *nancing Program", not to exceed \$2,000 shall be available*
15 *for entertainment expenses and not to exceed \$125,000 shall*
16 *be available for representation allowances: Provided further,*
17 *That of the funds made available by this Act under the*
18 *heading "International Military Education and Training",*
19 *not to exceed \$50,000 shall be available for entertainment*
20 *allowances: Provided further, That of the funds made avail-*
21 *able by this Act for the Inter-American Foundation, not to*
22 *exceed \$2,000 shall be available for entertainment and rep-*
23 *resentation allowances: Provided further, That of the funds*
24 *made available by this Act for the Peace Corps, not to exceed*
25 *a total of \$4,000 shall be available for entertainment ex-*
26 *penses: Provided further, That of the funds made available*

1 *by this Act under the heading “Trade and Development*
2 *Agency”, not to exceed \$2,000 shall be available for rep-*
3 *resentation and entertainment allowances.*

4 *PROHIBITION ON FINANCING NUCLEAR GOODS*

5 *SEC. 606. None of the funds appropriated or made*
6 *available (other than funds for “Nonproliferation, Anti-ter-*
7 *rorism, Demining and Related Programs”) pursuant to this*
8 *Act, for carrying out the Foreign Assistance Act of 1961,*
9 *may be used, except for purposes of nuclear safety, to fi-*
10 *nance the export of nuclear equipment, fuel, or technology.*

11 *PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN*
12 *COUNTRIES*

13 *SEC. 607. None of the funds appropriated or otherwise*
14 *made available pursuant to this Act shall be obligated or*
15 *expended to finance directly any assistance or reparations*
16 *to Cuba, Libya, North Korea, Iran, Sudan, or Syria: Pro-*
17 *vided, That, for the purposes of section 501 of Public Law*
18 *106–570, the terms “areas outside of control of the Govern-*
19 *ment of Sudan” and “area in Sudan outside of control of*
20 *the Government of Sudan” shall, upon conclusion of a peace*
21 *agreement between the Government of Sudan and the Sudan*
22 *People’s Liberation Movement, have the same meaning and*
23 *application as was the case immediately prior to the con-*
24 *clusion of such agreement: Provided further, That for pur-*
25 *poses of this section, the prohibition on obligations or ex-*

1 *penditures shall include direct loans, credits, insurance and*
 2 *guarantees of the Export-Import Bank or its agents.*

3 *MILITARY COUPS*

4 *SEC. 608. None of the funds appropriated or otherwise*
 5 *made available pursuant to this Act shall be obligated or*
 6 *expended to finance directly any assistance to the govern-*
 7 *ment of any country whose duly elected head of government*
 8 *is deposed by decree or military coup: Provided, That as-*
 9 *sistance may be resumed to such government if the Presi-*
 10 *dent determines and certifies to the Committees on Appro-*
 11 *priations that subsequent to the termination of assistance*
 12 *a democratically elected government has taken office: Pro-*
 13 *vided further, That the provisions of this section shall not*
 14 *apply to assistance to promote democratic elections or pub-*
 15 *lic participation in democratic processes: Provided further,*
 16 *That funds made available pursuant to the previous pro-*
 17 *visos shall be subject to the regular notification procedures*
 18 *of the Committees on Appropriations.*

19 *TRANSFERS*

20 *SEC. 609. (a) TRANSFERS BETWEEN ACCOUNTS.—*
 21 *None of the funds made available by this Act may be obli-*
 22 *gated under an appropriation account to which they were*
 23 *not appropriated, except for transfers specifically provided*
 24 *for in this Act, unless the President, not less than five days*
 25 *prior to the exercise of any authority contained in the For-*
 26 *eign Assistance Act of 1961 to transfer funds, consults with*

1 *and provides a written policy justification to the Commit-*
2 *tees on Appropriations of the House of Representatives and*
3 *the Senate.*

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

16 *DEOBLIGATION/REOBLIGATION AUTHORITY*

17 *SEC. 610. Obligated balances of funds appropriated to*
18 *carry out section 23 of the Arms Export Control Act as*
19 *of the end of the fiscal year immediately preceding the cur-*
20 *rent fiscal year are, if deobligated, hereby continued avail-*
21 *able during the current fiscal year for the same purpose*
22 *under any authority applicable to such appropriations*
23 *under this Act: Provided, That the authority of this section*
24 *may not be used in fiscal year 2004.*

1 AVAILABILITY OF FUNDS

2 *SEC. 611. No part of any appropriation contained in*
3 *this Act shall remain available for obligation after the expi-*
4 *ration of the current fiscal year unless expressly so provided*
5 *in this Act: Provided, That funds appropriated for the pur-*
6 *poses of chapters 1, 8, 11, and 12 of part I, section 667,*
7 *chapter 4 of part II of the Foreign Assistance Act of 1961,*
8 *as amended, section 23 of the Arms Export Control Act,*
9 *and funds provided under the heading “Assistance for East-*
10 *ern Europe and the Baltic States”, shall remain available*
11 *for an additional four years from the date on which the*
12 *availability of such funds would otherwise have expired, if*
13 *such funds are initially obligated before the expiration of*
14 *their respective periods of availability contained in this Act:*
15 *Provided further, That, notwithstanding any other provi-*
16 *sion of this Act, any funds made available for the purposes*
17 *of chapter 1 of part I and chapter 4 of part II of the Foreign*
18 *Assistance Act of 1961 which are allocated or obligated for*
19 *cash disbursements in order to address balance of payments*
20 *or economic policy reform objectives, shall remain available*
21 *until expended.*

22 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

23 *SEC. 612. No part of any appropriation contained in*
24 *this Act shall be used to furnish assistance to the govern-*
25 *ment of any country which is in default during a period*
26 *in excess of one calendar year in payment to the United*

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

7
8 *COMMERCE AND TRADE*

9 *SEC. 613. (a) None of the funds appropriated or made*
10 *available pursuant to this Act for direct assistance and*
11 *none of the funds otherwise made available pursuant to this*
12 *Act to the Export-Import Bank and the Overseas Private*
13 *Investment Corporation shall be obligated or expended to*
14 *finance any loan, any assistance or any other financial*
15 *commitments for establishing or expanding production of*
16 *any commodity for export by any country other than the*
17 *United States, if the commodity is likely to be in surplus*
18 *on world markets at the time the resulting productive ca-*
19 *capacity is expected to become operative and if the assistance*
20 *will cause substantial injury to United States producers of*
21 *the same, similar, or competing commodity: Provided, That*
22 *such prohibition shall not apply to the Export-Import Bank*
23 *if in the judgment of its Board of Directors the benefits to*
24 *industry and employment in the United States are likely*
25 *to outweigh the injury to United States producers of the*
26 *same, similar, or competing commodity, and the Chairman*
of the Board so notifies the Committees on Appropriations.

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

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

15 **(2)** *research activities intended primarily to ben-*
 16 *efit American producers.*

17 **SURPLUS COMMODITIES**

18 **SEC. 614.** *The Secretary of the Treasury shall instruct*
 19 *the United States Executive Directors of the International*
 20 *Bank for Reconstruction and Development, the Inter-*
 21 *national Development Association, the International Fi-*
 22 *nance Corporation, the Inter-American Development Bank,*
 23 *the International Monetary Fund, the Asian Development*
 24 *Bank, the Inter-American Investment Corporation, the*
 25 *North American Development Bank, the European Bank for*
 26 *Reconstruction and Development, the African Development*

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

9 *NOTIFICATION REQUIREMENTS*

10 *SEC. 615. For the purposes of providing the executive*
11 *branch with the necessary administrative flexibility, none*
12 *of the funds made available under this Act for “Child Sur-*
13 *vival and Health Programs Fund”, “Development Assist-*
14 *ance”, “International Organizations and Programs”,*
15 *“Trade and Development Agency”, “International Nar-*
16 *cotics Control and Law Enforcement”, “Andean*
17 *Counterdrug Initiative”, “Assistance for Eastern Europe*
18 *and the Baltic States”, “Assistance for the Independent*
19 *States of the Former Soviet Union”, “Economic Support*
20 *Fund”, “Peacekeeping Operations”, “Capital Investment*
21 *Fund”, “Operating Expenses of the United States Agency*
22 *for International Development”, “Operating Expenses of*
23 *the United States Agency for International Development*
24 *Office of Inspector General”, “Nonproliferation, Anti-ter-*
25 *rorism, Demining and Related Programs”, “Foreign Mili-*
26 *tary Financing Program”, “International Military Edu-*

1 *cation and Training*”, “*Peace Corps*”, and “*Migration and*
2 *Refugee Assistance*”, shall be available for obligation for ac-
3 *tivities, programs, projects, type of materiel assistance,*
4 *countries, or other operations not justified or in excess of*
5 *the amount justified to the Committees on Appropriations*
6 *for obligation under any of these specific headings unless*
7 *the Committees on Appropriations of both Houses of Con-*
8 *gress are previously notified 15 days in advance: Provided,*
9 *That the President shall not enter into any commitment*
10 *of funds appropriated for the purposes of section 23 of the*
11 *Arms Export Control Act for the provision of major defense*
12 *equipment, other than conventional ammunition, or other*
13 *major defense items defined to be aircraft, ships, missiles,*
14 *or combat vehicles, not previously justified to Congress or*
15 *20 percent in excess of the quantities justified to Congress*
16 *unless the Committees on Appropriations are notified 15*
17 *days in advance of such commitment: Provided further,*
18 *That this section shall not apply to any reprogramming*
19 *for an activity, program, or project under chapter 1 of part*
20 *I of the Foreign Assistance Act of 1961 of less than 10 per-*
21 *cent of the amount previously justified to the Congress for*
22 *obligation for such activity, program, or project for the cur-*
23 *rent fiscal year: Provided further, That the requirements of*
24 *this section or any similar provision of this Act or any*
25 *other Act, including any prior Act requiring notification*

1 *in accordance with the regular notification procedures of*
2 *the Committees on Appropriations, may be waived if failure*
3 *to do so would pose a substantial risk to human health or*
4 *welfare: Provided further, That in case of any such waiver,*
5 *notification to the Congress, or the appropriate congres-*
6 *sional committees, shall be provided as early as practicable,*
7 *but in no event later than 3 days after taking the action*
8 *to which such notification requirement was applicable, in*
9 *the context of the circumstances necessitating such waiver:*
10 *Provided further, That any notification provided pursuant*
11 *to such a waiver shall contain an explanation of the emer-*
12 *gency circumstances.*

13 *LIMITATION ON AVAILABILITY OF FUNDS FOR*

14 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

15 *SEC. 616. Subject to the regular notification proce-*
16 *dures of the Committees on Appropriations, funds appro-*
17 *priated under this Act or any previously enacted Act mak-*
18 *ing appropriations for foreign operations, export financing,*
19 *and related programs, which are returned or not made*
20 *available for organizations and programs because of the im-*
21 *plementation of section 307(a) of the Foreign Assistance Act*
22 *of 1961, shall remain available for obligation until Sep-*
23 *tember 30, 2005.*

24 *INDEPENDENT STATES OF THE FORMER SOVIET UNION*

25 *SEC. 617. (a) None of the funds appropriated under*
26 *the heading "Assistance for the Independent States of the*

1 *Former Soviet Union” shall be made available for assist-*
2 *ance for a government of an Independent State of the former*
3 *Soviet Union—*

4 (1) *unless that government is making progress in*
5 *implementing comprehensive economic reforms based*
6 *on market principles, private ownership, respect for*
7 *commercial contracts, and equitable treatment of for-*
8 *ign private investment; and*

9 (2) *if that government applies or transfers*
10 *United States assistance to any entity for the purpose*
11 *of expropriating or seizing ownership or control of as-*
12 *sets, investments, or ventures.*

13 *Assistance may be furnished without regard to this sub-*
14 *section if the President determines that to do so is in the*
15 *national interest.*

16 (b) *None of the funds appropriated under the heading*
17 *“Assistance for the Independent States of the Former Soviet*
18 *Union” shall be made available for assistance for a govern-*
19 *ment of an Independent State of the former Soviet Union*
20 *if that government directs any action in violation of the*
21 *territorial integrity or national sovereignty of any other*
22 *Independent State of the former Soviet Union, such as those*
23 *violations included in the Helsinki Final Act: Provided,*
24 *That such funds may be made available without regard to*
25 *the restriction in this subsection if the President determines*

1 *that to do so is in the national security interest of the*
2 *United States.*

3 (c) *None of the funds appropriated under the heading*
4 *“Assistance for the Independent States of the Former Soviet*
5 *Union” shall be made available for any state to enhance*
6 *its military capability: Provided, That this restriction does*
7 *not apply to demilitarization, demining or nonproliferation*
8 *programs.*

9 (d) *Funds appropriated under the heading “Assistance*
10 *for the Independent States of the Former Soviet Union” for*
11 *the Russian Federation, Armenia, Georgia, and Ukraine*
12 *shall be subject to the regular notification procedures of the*
13 *Committees on Appropriations.*

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

19 (f) *Funds appropriated in this or prior appropriations*
20 *Acts that are or have been made available for an Enterprise*
21 *Fund in the Independent States of the Former Soviet Union*
22 *may be deposited by such Fund in interest-bearing accounts*
23 *prior to the disbursement of such funds by the Fund for*
24 *program purposes. The Fund may retain for such program*
25 *purposes any interest earned on such deposits without re-*

1 *turning such interest to the Treasury of the United States*
2 *and without further appropriation by the Congress. Funds*
3 *made available for Enterprise Funds shall be expended at*
4 *the minimum rate necessary to make timely payment for*
5 *projects and activities.*

6 *(g) In issuing new task orders, entering into contracts,*
7 *or making grants, with funds appropriated in this Act or*
8 *prior appropriations Acts under the heading “Assistance*
9 *for the Independent States of the Former Soviet Union” and*
10 *under comparable headings in prior appropriations Acts,*
11 *for projects or activities that have as one of their primary*
12 *purposes the fostering of private sector development, the Co-*
13 *ordinator for United States Assistance to the New Inde-*
14 *pendent States and the implementing agency shall encour-*
15 *age the participation of and give significant weight to con-*
16 *tractors and grantees who propose investing a significant*
17 *amount of their own resources (including volunteer services*
18 *and in-kind contributions) in such projects and activities.*

19 *PROHIBITION ON FUNDING FOR ABORTIONS AND*

20 *INVOLUNTARY STERILIZATION*

21 *SEC. 618. None of the funds made available to carry*
22 *out part I of the Foreign Assistance Act of 1961, as amend-*
23 *ed, may be used to pay for the performance of abortions*
24 *as a method of family planning or to motivate or coerce*
25 *any person to practice abortions. None of the funds made*
26 *available to carry out part I of the Foreign Assistance Act*

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

16 *EXPORT FINANCING TRANSFER AUTHORITIES*

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

1 *be subject to the regular notification procedures of the Com-*
2 *mittees on Appropriations.*

3 *SPECIAL NOTIFICATION REQUIREMENTS*

4 *SEC. 620. None of the funds appropriated by this Act*
5 *shall be obligated or expended for Colombia, Liberia, Ser-*
6 *bia, Sudan, Zimbabwe, Pakistan, or the Democratic Repub-*
7 *lic of the Congo except as provided through the regular noti-*
8 *fication procedures of the Committees on Appropriations.*

9 *DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY*

10 *SEC. 621. For the purpose of this Act, “program,*
11 *project, and activity” shall be defined at the appropriations*
12 *Act account level and shall include all appropriations and*
13 *authorizations Acts earmarks, ceilings, and limitations*
14 *with the exception that for the following accounts: Economic*
15 *Support Fund and Foreign Military Financing Program,*
16 *“program, project, and activity” shall also be considered*
17 *to include country, regional, and central program level*
18 *funding within each such account; for the development as-*
19 *sistance accounts of the United States Agency for Inter-*
20 *national Development “program, project, and activity”*
21 *shall also be considered to include central, country, re-*
22 *gional, and program level funding, either as: (1) justified*
23 *to the Congress; or (2) allocated by the executive branch in*
24 *accordance with a report, to be provided to the Committees*
25 *on Appropriations within 30 days of the enactment of this*

1 *Act, as required by section 653(a) of the Foreign Assistance*
2 *Act of 1961.*

3 *CHILD SURVIVAL AND HEALTH ACTIVITIES*

4 *SEC. 622. Up to \$15,500,000 of the funds made avail-*
5 *able by this Act for assistance under the heading “Child*
6 *Survival and Health Programs Fund”, may be used to re-*
7 *imburse United States Government agencies, agencies of*
8 *State governments, institutions of higher learning, and pri-*
9 *vate and voluntary organizations for the full cost of indi-*
10 *viduals (including for the personal services of such individ-*
11 *uals) detailed or assigned to, or contracted by, as the case*
12 *may be, the United States Agency for International Devel-*
13 *opment for the purpose of carrying out activities under that*
14 *heading: Provided, That up to \$3,500,000 of the funds made*
15 *available by this Act for assistance under the heading “De-*
16 *velopment Assistance” may be used to reimburse such agen-*
17 *cies, institutions, and organizations for such costs of such*
18 *individuals carrying out other development assistance ac-*
19 *tivities: Provided further, That funds appropriated by this*
20 *Act that are made available for child survival activities or*
21 *disease programs including activities relating to research*
22 *on, and the prevention, treatment and control of, HIV/*
23 *AIDS may be made available notwithstanding any other*
24 *provision of law except for the United States Leadership*
25 *Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003*
26 *(117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by sec-*

1 *tion 699J of this Act: Provided further, That funds appro-*
2 *priated under title II of this Act may be made available*
3 *pursuant to section 301 of the Foreign Assistance Act of*
4 *1961 if a primary purpose of the assistance is for child*
5 *survival and related programs: Provided further, That of*
6 *the funds appropriated under title II of this Act, not less*
7 *than \$445,000,000 shall be made available for family plan-*
8 *ning/reproductive health.*

9 *AFGHANISTAN*

10 *SEC. 623. Of the funds appropriated by this Act,*
11 *\$600,000,000 shall be made available for assistance for Af-*
12 *ghanistan, of which not less than \$395,000,000 shall be*
13 *made available for humanitarian, reconstruction, and re-*
14 *lated assistance: Provided, That of the funds made available*
15 *pursuant to this section, not less than \$164,000,000 should*
16 *be from funds appropriated under the heading "Economic*
17 *Support Fund" for rehabilitation of primary roads, imple-*
18 *mentation of the Bonn Agreement and women's develop-*
19 *ment programs: Provided further, That of the funds made*
20 *available pursuant to this section, not less than \$5,000,000*
21 *shall be made available for a reforestation program in Af-*
22 *ghanistan which should utilize, as appropriate, the tech-*
23 *nical expertise of American universities: Provided further,*
24 *That funds made available pursuant to the previous proviso*
25 *should be matched, to the maximum extent possible, with*
26 *contributions from American and Afghan businesses: Pro-*

1 *vided further, That of the funds made available pursuant*
2 *to this section, not less than \$4,500,000 shall be made avail-*
3 *able for the Afghan Independent Human Rights Commis-*
4 *sion and not less than \$2,500,000 shall be made available*
5 *for the Afghan Judicial Reform Commission: Provided fur-*
6 *ther, That of the funds made available pursuant to this sec-*
7 *tion, not less than \$25,000,000 shall be made available to*
8 *support activities of the Afghan Ministry of Women's Af-*
9 *fairs, including to improve the capacity and effectiveness*
10 *of the Ministry, and to support programs aimed at address-*
11 *ing the needs of Afghan women in consultation with other*
12 *Afghan ministries: Provided further, That funds made*
13 *available pursuant to this section shall be made available*
14 *for training and equipment to improve the capacity of*
15 *women-led Afghan nongovernmental organizations and to*
16 *support the activities of such organizations: Provided fur-*
17 *ther, That not less than \$2,500,000 shall be made available*
18 *for assistance for Afghan communities and families that*
19 *suffer losses as a result of the military operations.*

20 *NOTIFICATION ON EXCESS DEFENSE EQUIPMENT*

21 *SEC. 624. Prior to providing excess Department of De-*
22 *fense articles in accordance with section 516(a) of the For-*
23 *ign Assistance Act of 1961, the Department of Defense shall*
24 *notify the Committees on Appropriations to the same extent*
25 *and under the same conditions as are other committees pur-*
26 *suant to subsection (f) of that section: Provided, That before*

1 *issuing a letter of offer to sell excess defense articles under*
2 *the Arms Export Control Act, the Department of Defense*
3 *shall notify the Committees on Appropriations in accord-*
4 *ance with the regular notification procedures of such Com-*
5 *mittees if such defense articles are significant military*
6 *equipment (as defined in section 47(9) of the Arms Export*
7 *Control Act) or are valued (in terms of original acquisition*
8 *cost) at \$7,000,000 or more, or if notification is required*
9 *elsewhere in this Act for the use of appropriated funds for*
10 *specific countries that would receive such excess defense ar-*
11 *ticles: Provided further, That such Committees shall also be*
12 *informed of the original acquisition cost of such defense ar-*
13 *ticles.*

14 *AUTHORIZATION REQUIREMENT*

15 *SEC. 625. Funds appropriated by this Act, except*
16 *funds appropriated under the headings “Trade and Devel-*
17 *opment Agency”, “International Military Education and*
18 *Training”, “Foreign Military Financing Program”, “Mi-*
19 *gration and Refugee Assistance”, “Peace Corps”, “Millen-*
20 *nium Challenge Assistance”, and “Nonproliferation, Anti-*
21 *Terrorism, Demining and Related Programs”, may be obli-*
22 *gated and expended notwithstanding section 10 of Public*
23 *Law 91–672 and section 15 of the State Department Basic*
24 *Authorities Act of 1956.*

DEMOCRACY PROGRAMS

1
2 *SEC. 626. (a) Notwithstanding any other provision of*
3 *law, of the funds appropriated by this Act to carry out the*
4 *provisions of chapter 4 of part II of the Foreign Assistance*
5 *Act of 1961, not less than \$35,000,000 shall be made avail-*
6 *able for assistance for activities to support democracy,*
7 *human rights, and the rule of law in the People's Republic*
8 *of China, Hong Kong and Tibet: Provided, That not to ex-*
9 *ceed \$4,000,000 shall be provided to nongovernmental orga-*
10 *nizations to support activities which preserve cultural tra-*
11 *ditions and promote sustainable development and environ-*
12 *mental conservation in Tibetan communities in the Tibetan*
13 *Autonomous Region and in other Tibetan communities in*
14 *China, of which up to \$3,000,000 may be made available*
15 *for the Bridge Fund of the Rockefeller Philanthropic Advi-*
16 *sors to support such activities: Provided further, That funds*
17 *appropriated under the heading "Economic Support Fund"*
18 *should be made available for assistance for Taiwan for the*
19 *purposes of furthering political and legal reforms: Provided*
20 *further, That such funds shall only be made available to*
21 *the extent that they are matched from sources other than*
22 *the United States Government: Provided further, That*
23 *funds made available pursuant to the authority of this sub-*
24 *section shall be subject to the regular notification procedures*
25 *of the Committees on Appropriations.*

1 (b) *In addition to the funds made available in sub-*
2 *section (a), of the funds appropriated by this Act under the*
3 *heading “Economic Support Fund” not less than*
4 *\$25,000,000 shall be made available for programs and ac-*
5 *tivities to foster democracy, human rights, civic education,*
6 *women’s development, press freedoms, and the rule of law*
7 *in countries with a significant Muslim population, and*
8 *where such programs and activities would be important to*
9 *United States efforts to respond to, deter, or prevent acts*
10 *of international terrorism: Provided, That funds made*
11 *available pursuant to the authority of this subsection should*
12 *support new initiatives or bolster ongoing programs and*
13 *activities in those countries: Provided further, That not less*
14 *than \$3,000,000 of such funds shall be made available for*
15 *programs and activities that provide professional training*
16 *for journalists: Provided further, That notwithstanding any*
17 *other provision of law, not to exceed \$5,000,000 of such*
18 *funds may be used in coordination with the Middle East*
19 *Partnership Initiative for making grants to educational,*
20 *humanitarian and nongovernmental organizations and in-*
21 *dividuals inside Iran to support the advancement of democ-*
22 *racy and human rights in Iran: Provided further, That*
23 *funds made available pursuant to this subsection shall be*
24 *subject to the regular notification procedures of the Commit-*
25 *tees on Appropriations.*

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

12 (d) *Of the funds made available under subsection (a),*
13 *not less than \$10,000,000 shall be made available for the*
14 *National Endowment for Democracy to support the activi-*
15 *ties described in subsection (a), and of the funds made*
16 *available under subsection (b), not less than \$5,000,000*
17 *shall be made available for the National Endowment for*
18 *Democracy to support the activities described in subsection*
19 *(b): Provided, That the funds appropriated by this Act that*
20 *are made available for the National Endowment for Democ-*
21 *racy may be made available notwithstanding any other*
22 *provision of law or regulation, and the Secretary of State*
23 *shall provide a report to the Committees on Appropriations*
24 *within 120 days of the date of enactment of this Act on*

1 *the status of the allocation, obligation, and expenditure of*
2 *such funds.*

3 *PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST*
4 *COUNTRIES*

5 *SEC. 627. (a) Funds appropriated for bilateral assist-*
6 *ance under any heading of this Act and funds appropriated*
7 *under any such heading in a provision of law enacted prior*
8 *to the enactment of this Act, shall not be made available*
9 *to any country which the President determines—*

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

13 *(2) otherwise supports international terrorism.*

14 *(b) The President may waive the application of sub-*
15 *section (a) to a country if the President determines that*
16 *national security or humanitarian reasons justify such*
17 *waiver. The President shall publish each waiver in the Fed-*
18 *eral Register and, at least 15 days before the waiver takes*
19 *effect, shall notify the Committees on Appropriations of the*
20 *waiver (including the justification for the waiver) in ac-*
21 *cordance with the regular notification procedures of the*
22 *Committees on Appropriations.*

23 *DEBT-FOR-DEVELOPMENT*

24 *SEC. 628. In order to enhance the continued participa-*
25 *tion of nongovernmental organizations in economic assist-*
26 *ance activities under the Foreign Assistance Act of 1961,*

1 *including endowments, debt-for-development and debt-for-*
2 *nature exchanges, a nongovernmental organization which*
3 *is a grantee or contractor of the United States Agency for*
4 *International Development may place in interest bearing*
5 *accounts funds made available under this Act or prior Acts*
6 *or local currencies which accrue to that organization as a*
7 *result of economic assistance provided under title II of this*
8 *Act and any interest earned on such investment shall be*
9 *used for the purpose for which the assistance was provided*
10 *to that organization.*

11 *SEPARATE ACCOUNTS*

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

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

21 *(B) enter into an agreement with that govern-*
22 *ment which sets forth—*

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

1 (ii) *the terms and conditions under which*
2 *the currencies so deposited may be utilized, con-*
3 *sistent with this section; and*

4 (C) *establish by agreement with that government*
5 *the responsibilities of the United States Agency for*
6 *International Development and that government to*
7 *monitor and account for deposits into and disburse-*
8 *ments from the separate account.*

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

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

17 (i) *project and sector assistance activities;*

18 *or*

19 (ii) *debt and deficit financing; or*

20 (B) *for the administrative requirements of the*
21 *United States Government.*

22 (3) *PROGRAMMING ACCOUNTABILITY.—The United*
23 *States Agency for International Development shall take all*
24 *necessary steps to ensure that the equivalent of the local cur-*
25 *rencies disbursed pursuant to subsection (a)(2)(A) from the*

1 *separate account established pursuant to subsection (a)(1)*
2 *are used for the purposes agreed upon pursuant to sub-*
3 *section (a)(2).*

4 (4) *TERMINATION OF ASSISTANCE PROGRAMS.*—Upon
5 *termination of assistance to a country under chapter 1 or*
6 *10 of part I or chapter 4 of part II (as the case may be),*
7 *any unencumbered balances of funds which remain in a*
8 *separate account established pursuant to subsection (a)*
9 *shall be disposed of for such purposes as may be agreed to*
10 *by the government of that country and the United States*
11 *Government.*

12 (5) *REPORTING REQUIREMENT.*—*The Administrator of*
13 *the United States Agency for International Development*
14 *shall report on an annual basis as part of the justification*
15 *documents submitted to the Committees on Appropriations*
16 *on the use of local currencies for the administrative require-*
17 *ments of the United States Government as authorized in*
18 *subsection (a)(2)(B), and such report shall include the*
19 *amount of local currency (and United States dollar equiva-*
20 *lent) used and/or to be used for such purpose in each appli-*
21 *cable country.*

22 (b) *SEPARATE ACCOUNTS FOR CASH TRANSFERS.*—(1)
23 *If assistance is made available to the government of a for-*
24 *foreign country, under chapter 1 or 10 of part I or chapter*
25 *4 of part II of the Foreign Assistance Act of 1961, as cash*

1 *transfer assistance or as nonproject sector assistance, that*
2 *country shall be required to maintain such funds in a sepa-*
3 *rate account and not commingle them with any other funds.*

4 (2) *APPLICABILITY OF OTHER PROVISIONS OF LAW.—*
5 *Such funds may be obligated and expended notwithstanding*
6 *provisions of law which are inconsistent with the nature*
7 *of this assistance including provisions which are referenced*
8 *in the Joint Explanatory Statement of the Committee of*
9 *Conference accompanying House Joint Resolution 648*
10 *(House Report No. 98–1159).*

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

21 (4) *EXEMPTION.—Nonproject sector assistance funds*
22 *may be exempt from the requirements of subsection (b)(1)*
23 *only through the notification procedures of the Committees*
24 *on Appropriations.*

1 *COMPENSATION FOR UNITED STATES EXECUTIVE*
2 *DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS*

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

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

1 *DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN*
2 *THE RUSSIAN FEDERATION*

3 *SEC. 631. None of the funds appropriated under this*
4 *Act may be made available for the Government of the Rus-*
5 *sian Federation, after 180 days from the date of the enact-*
6 *ment of this Act, unless the President determines and cer-*
7 *tifies in writing to the Committees on Appropriations that*
8 *the Government of the Russian Federation has implemented*
9 *no statute, executive order, regulation or similar govern-*
10 *ment action that would discriminate, or who have as its*
11 *principal effect discrimination, against religious groups or*
12 *religious communities in the Russian Federation in viola-*
13 *tion of accepted international agreements on human rights*
14 *and religious freedoms to which the Russian Federation is*
15 *a party.*

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

18 *SEC. 632. Unless expressly provided to the contrary,*
19 *provisions of this or any other Act, including provisions*
20 *contained in prior Acts authorizing or making appropri-*
21 *ations for foreign operations, export financing, and related*
22 *programs, shall not be construed to prohibit activities au-*
23 *thorized by or conducted under the Peace Corps Act, the*
24 *Inter-American Foundation Act or the African Develop-*
25 *ment Foundation Act. The agency shall promptly report to*
26 *the Committees on Appropriations whenever it is con-*

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

3 *IMPACT ON JOBS IN THE UNITED STATES*

4 *SEC. 633. None of the funds appropriated by this Act*
5 *may be obligated or expended to provide—*

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

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

1 *SPECIAL AUTHORITIES*

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

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

1 (c) *PERSONAL SERVICES CONTRACTORS.*—Funds ap-
2 propriated by this Act to carry out chapter 1 of part I,
3 chapter 4 of part II, and section 667 of the Foreign Assist-
4 ance Act of 1961, and title II of the Agricultural Trade
5 Development and Assistance Act of 1954, may be used by
6 the United States Agency for International Development to
7 employ up to 25 personal services contractors in the United
8 States, notwithstanding any other provision of law, for the
9 purpose of providing direct, interim support for new or ex-
10 panded overseas programs and activities managed by the
11 agency until permanent direct hire personnel are hired and
12 trained: Provided, That not more than 10 of such contrac-
13 tors shall be assigned to any bureau or office: Provided fur-
14 ther, That such funds appropriated to carry out title II of
15 the Agricultural Trade Development and Assistance Act of
16 1954, may be made available only for personal services con-
17 tractors assigned to the Office of Food for Peace.

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

24 (2) *PERIOD OF APPLICATION OF WAIVER.*—Any waiver
25 pursuant to paragraph (1) 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 (e) *CONTINGENCIES.—During fiscal year 2004, the*
4 *President may use up to \$50,000,000 under the authority*
5 *of section 451 of the Foreign Assistance Act, notwith-*
6 *standing the funding ceiling in section 451(a).*

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

14 (g) *SHIPMENT OF HUMANITARIAN ASSISTANCE.—Dur-*
15 *ing fiscal year 2004, of the amounts made available by the*
16 *United States Agency for International Development to*
17 *carry out the provisions of section 123(b) of the Foreign*
18 *Assistance Act of 1961, funds may be made available to*
19 *nongovernmental organizations for administrative costs*
20 *necessary to implement a program to obtain available do-*
21 *nated space on commercial ships for the shipment of hu-*
22 *manitarian assistance overseas.*

23 (h) *RECONSTITUTING CIVILIAN POLICE AUTHORITY.—*
24 *In providing assistance with funds appropriated by this*
25 *Act under section 660(b)(6) of the Foreign Assistance Act*

1 of 1961, support for a nation emerging from instability
2 may be deemed to mean support for regional, district, mu-
3 nicipal, or other sub-national entity emerging from insta-
4 bility, as well as a nation emerging from instability.

5 (i) *WORLD FOOD PROGRAM.*—Of the funds managed
6 by the Bureau for Democracy, Conflict, and Humanitarian
7 Assistance of the United States Agency for International
8 Development, from this or any other Act, not less than
9 \$6,000,000 shall be made available as a general contribu-
10 tion to the World Food Program, notwithstanding any other
11 provision of law.

12 (j) *WAIVER.*—The prohibition in section 694 of this
13 Act may be waived on a country by country basis if the
14 President determines that doing so is in the national secu-
15 rity interest of the United States: Provided, That prior to
16 exercising such waiver authority, the President shall submit
17 a report to the Committees on Appropriations describing:

18 (1) the steps the Administration is taking to ob-
19 tain the cooperation of the government in surren-
20 dering the indictee in question to the Special Court
21 for Sierra Leone (SCSL) or the International Crimi-
22 nal Tribunal for Rwanda (ICTR);

23 (2) a strategy for bringing the indictee before
24 ICTR or SCSL; and

1 (3) *the justification for exercising the waiver au-*
2 *thority.*

3 *ARAB LEAGUE BOYCOTT OF ISRAEL*

4 *SEC. 635. It is the sense of the Congress that—*

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

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

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

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

22 (5) *the President and the Secretary of State*
23 *should continue to vigorously oppose the Arab League*
24 *boycott of Israel and find concrete steps to dem-*
25 *onstrate that opposition by, for example, taking into*
26 *consideration the participation of any recipient coun-*

1 *try in the boycott when determining to sell weapons*
2 *to said country; and*

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

12 *ADMINISTRATION OF JUSTICE ACTIVITIES*

13 *SEC. 636. Of the funds appropriated or otherwise made*
14 *available by this Act for "Economic Support Fund", assist-*
15 *ance may be provided to strengthen the administration of*
16 *justice in countries in Latin America and the Caribbean*
17 *and in other regions consistent with the provisions of sec-*
18 *tion 534(b) of the Foreign Assistance Act of 1961, except*
19 *that programs to enhance protection of participants in ju-*
20 *dicial cases may be conducted notwithstanding section 660*
21 *of that Act. Funds made available pursuant to this section*
22 *may be made available notwithstanding section 534(c) and*
23 *the second and third sentences of section 534(e) of the For-*
24 *eign Assistance Act of 1961.*

1 *ELIGIBILITY FOR ASSISTANCE*

2 *SEC. 637. (a) ASSISTANCE THROUGH NONGOVERN-*
3 *MENTAL ORGANIZATIONS.—Restrictions contained in this*
4 *or any other Act with respect to assistance for a country*
5 *shall not be construed to restrict assistance in support of*
6 *programs of nongovernmental organizations from funds ap-*
7 *propriated by this Act to carry out the provisions of chap-*
8 *ters 1, 10, 11, and 12 of part I and chapter 4 of part II*
9 *of the Foreign Assistance Act of 1961, and from funds ap-*
10 *propriated under the heading “Assistance for Eastern Eu-*
11 *rope and the Baltic States”: Provided, That before using*
12 *the authority of this subsection to furnish assistance in sup-*
13 *port of programs of nongovernmental organizations, the*
14 *President shall notify the Committees on Appropriations*
15 *under the regular notification procedures of those commit-*
16 *tees, including a description of the program to be assisted,*
17 *the assistance to be provided, and the reasons for furnishing*
18 *such assistance: Provided further, That nothing in this sub-*
19 *section shall be construed to alter any existing statutory*
20 *prohibitions against abortion or involuntary sterilizations*
21 *contained in this or any other Act.*

22 *(b) PUBLIC LAW 480.—During fiscal year 2004, re-*
23 *strictions contained in this or any other Act with respect*
24 *to assistance for a country shall not be construed to restrict*
25 *assistance under the Agricultural Trade Development and*

1 *Assistance Act of 1954: Provided, That none of the funds*
 2 *appropriated to carry out title I of such Act and made*
 3 *available pursuant to this subsection may be obligated or*
 4 *expended except as provided through the regular notifica-*
 5 *tion procedures of the Committees on Appropriations.*

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

7 (1) *with respect to section 620A of the Foreign*
 8 *Assistance Act of 1961 or any comparable provision*
 9 *of law prohibiting assistance to countries that support*
 10 *international terrorism; or*

11 (2) *with respect to section 116 of the Foreign As-*
 12 *sistance Act of 1961 or any comparable provision of*
 13 *law prohibiting assistance to the government of a*
 14 *country that violates internationally recognized*
 15 *human rights.*

16 *EARMARKS*

17 *SEC. 638. (a) Funds appropriated by this Act which*
 18 *are earmarked may be reprogrammed for other programs*
 19 *within the same account notwithstanding the earmark if*
 20 *compliance with the earmark is made impossible by oper-*
 21 *ation of any provision of this or any other Act: Provided,*
 22 *That any such reprogramming shall be subject to the reg-*
 23 *ular notification procedures of the Committees on Appro-*
 24 *priations: Provided further, That assistance that is repro-*
 25 *grammed pursuant to this subsection shall be made avail-*

1 *PROHIBITION ON PUBLICITY OR PROPAGANDA*

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

8 *PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS*

9 *SEC. 641. None of the funds appropriated or made*
10 *available pursuant to this Act for carrying out the Foreign*
11 *Assistance Act of 1961, may be used to pay in whole or*
12 *in part any assessments, arrearages, or dues of any member*
13 *of the United Nations or, from funds appropriated by this*
14 *Act to carry out chapter 1 of part I of the Foreign Assist-*
15 *ance Act of 1961, the costs for participation of another*
16 *country's delegation at international conferences held under*
17 *the auspices of multilateral or international organizations.*

18 *NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION*

19 *SEC. 642. None of the funds appropriated or made*
20 *available pursuant to this Act shall be available to a non-*
21 *governmental organization which fails to provide upon*
22 *timely request any document, file, or record necessary to*
23 *the auditing requirements of the United States Agency for*
24 *International Development.*

1 *PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS*
2 *THAT EXPORT LETHAL MILITARY EQUIPMENT TO*
3 *COUNTRIES SUPPORTING INTERNATIONAL TERRORISM*

4 *SEC. 643. (a) None of the funds appropriated or other-*
5 *wise made available by this Act may be available to any*
6 *foreign government which provides lethal military equip-*
7 *ment to a country the government of which the Secretary*
8 *of State has determined is a terrorist government for pur-*
9 *poses of section 6(j) of the Export Administration Act. The*
10 *prohibition under this section with respect to a foreign gov-*
11 *ernment shall terminate 12 months after that government*
12 *ceases to provide such military equipment. This section ap-*
13 *plies with respect to lethal military equipment provided*
14 *under a contract entered into after October 1, 1997.*

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

19 *(c) Whenever the waiver authority of subsection (b) is*
20 *exercised, the President shall submit to the appropriate con-*
21 *gressional committees a report with respect to the fur-*
22 *nishing of such assistance. Any such report shall include*
23 *a detailed explanation of the assistance to be provided, in-*
24 *cluding the estimated dollar amount of such assistance, and*

1 *an explanation of how the assistance furthers United States*
2 *national interests.*

3 *WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED*
4 *BY FOREIGN COUNTRIES*

5 *SEC. 644. (a) Subject to subsection (c), of the funds*
6 *appropriated by this Act that are made available for assist-*
7 *ance for a foreign country, an amount equal to 110 percent*
8 *of the total amount of the unpaid fully adjudicated parking*
9 *finances and penalties owed by such country shall be withheld*
10 *from obligation for such country until the Secretary of State*
11 *submits a certification to the appropriate congressional*
12 *committees stating that such parking fines and penalties*
13 *are fully paid.*

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

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

24 *(d) The Secretary of State may waive the requirements*
25 *set forth in subsection (a) with respect to a country if the*
26 *Secretary—*

1 (1) *determines that the waiver is in the national*
2 *security interests of the United States; and*

3 (2) *submits to the appropriate congressional*
4 *committees a written justification for such determina-*
5 *tion that includes a description of the steps being*
6 *taken to collect the parking fines and penalties owed*
7 *by such country.*

8 (e) *In this section:*

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

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

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

18 (ii) *has not followed the appropriate adju-*
19 *ication procedure to challenge the summons;*
20 *and*

21 (B) *the period of time for payment or chal-*
22 *lenge the summons has lapsed.*

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

25 (A) *owed to—*

- 1 (i) *the District of Columbia; or*
2 (ii) *New York, New York; and*
3 (B) *incurred during the period April 1,*
4 *1997 through September 30, 2003.*

5 LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST
6 BANK AND GAZA

7 SEC. 645. *None of the funds appropriated by this Act*
8 *may be obligated for assistance for the Palestine Liberation*
9 *Organization for the West Bank and Gaza unless the Presi-*
10 *dent has exercised the authority under section 604(a) of the*
11 *Middle East Peace Facilitation Act of 1995 (title VI of Pub-*
12 *lic Law 104–107) or any other legislation to suspend or*
13 *make inapplicable section 307 of the Foreign Assistance Act*
14 *of 1961 and that suspension is still in effect: Provided, That*
15 *if the President fails to make the certification under section*
16 *604(b)(2) of the Middle East Peace Facilitation Act of 1995*
17 *or to suspend the prohibition under other legislation, funds*
18 *appropriated by this Act may not be obligated for assistance*
19 *for the Palestine Liberation Organization for the West Bank*
20 *and Gaza.*

21 WAR CRIMES TRIBUNALS DRAWDOWN

22 SEC. 646. *If the President determines that doing so*
23 *will contribute to a just resolution of charges regarding*
24 *genocide or other violations of international humanitarian*
25 *law, the President may direct a drawdown pursuant to sec-*
26 *tion 552(c) of the Foreign Assistance Act of 1961, as amend-*

1 *ed, of up to \$30,000,000 of commodities and services for*
2 *the United Nations War Crimes Tribunal established with*
3 *regard to the former Yugoslavia by the United Nations Se-*
4 *curity Council or such other tribunals or commissions as*
5 *the Council may establish or authorize to deal with such*
6 *violations, without regard to the ceiling limitation con-*
7 *tained in paragraph (2) thereof: Provided, That the deter-*
8 *mination required under this section shall be in lieu of any*
9 *determinations otherwise required under section 552(c):*
10 *Provided further, That the drawdown made under this sec-*
11 *tion for any tribunal shall not be construed as an endorse-*
12 *ment or precedent for the establishment of any standing or*
13 *permanent international criminal tribunal or court: Pro-*
14 *vided further, That funds made available for tribunals other*
15 *than Yugoslavia, Rwanda, or the Special Court for Sierra*
16 *Leone shall be made available subject to the regular notifi-*
17 *cation procedures of the Committees on Appropriations.*

18

LANDMINES

19 *SEC. 647. Notwithstanding any other provision of law,*
20 *demining equipment available to the United States Agency*
21 *for International Development and the Department of State*
22 *and used in support of the clearance of landmines and*
23 *unexploded ordnance for humanitarian purposes may be*
24 *disposed of on a grant basis in foreign countries, subject*
25 *to such terms and conditions as the President may pre-*
26 *scribe.*

1 *RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY*

2 *SEC. 648. None of the funds appropriated by this Act*
3 *may be obligated or expended to create in any part of Jeru-*
4 *salem a new office of any department or agency of the*
5 *United States Government for the purpose of conducting of-*
6 *ficial United States Government business with the Pales-*
7 *tinian Authority over Gaza and Jericho or any successor*
8 *Palestinian governing entity provided for in the Israel-PLO*
9 *Declaration of Principles: Provided, That this restriction*
10 *shall not apply to the acquisition of additional space for*
11 *the existing Consulate General in Jerusalem: Provided fur-*
12 *ther, That meetings between officers and employees of the*
13 *United States and officials of the Palestinian Authority, or*
14 *any successor Palestinian governing entity provided for in*
15 *the Israel-PLO Declaration of Principles, for the purpose*
16 *of conducting official United States Government business*
17 *with such authority should continue to take place in loca-*
18 *tions other than Jerusalem. As has been true in the past,*
19 *officers and employees of the United States Government*
20 *may continue to meet in Jerusalem on other subjects with*
21 *Palestinians (including those who now occupy positions in*
22 *the Palestinian Authority), have social contacts, and have*
23 *incidental discussions.*

24 *PROHIBITION OF PAYMENT OF CERTAIN EXPENSES*

25 *SEC. 649. None of the funds appropriated or otherwise*
26 *made available by this Act under the heading "Inter-*

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

3 *LIMITATION ON ASSISTANCE TO THE PALESTINIAN*

4 *AUTHORITY*

5 *SEC. 652. (a) PROHIBITION OF FUNDS.—None of the*
6 *funds appropriated by this Act to carry out the provisions*
7 *of chapter 4 of part II of the Foreign Assistance Act of 1961*
8 *may be obligated or expended with respect to providing*
9 *funds to the Palestinian Authority.*

10 *(b) WAIVER.—The prohibition included in subsection*
11 *(a) shall not apply if the President certifies in writing to*
12 *the Speaker of the House of Representatives and the Presi-*
13 *dent pro tempore of the Senate that waiving such prohibi-*
14 *tion is important to the national security interests of the*
15 *United States and that the Palestinian Authority has taken*
16 *steps to arrest terrorists, confiscate weapons and dismantle*
17 *the terrorist infrastructure.*

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

22 *(d) REPORT.—Whenever the waiver authority pursu-*
23 *ant to subsection (b) is exercised, the President shall submit*
24 *a report to the Committees on Appropriations detailing the*
25 *steps the Palestinian Authority has taken to arrest terror-*
26 *ists, confiscate weapons and dismantle the terrorist infra-*

1 *structure. The report shall also include a description of how*
2 *funds will be spent and the accounting procedures in place*
3 *to ensure that they are properly disbursed.*

4 *LIMITATION ON ASSISTANCE TO SECURITY FORCES*

5 *SEC. 653. None of the funds made available by this*
6 *Act may be provided to any unit of the security forces of*
7 *a foreign country if the Secretary of State has credible evi-*
8 *dence that such unit has committed gross violations of*
9 *human rights, unless the Secretary determines and reports*
10 *to the Committees on Appropriations that the government*
11 *of such country is taking effective measures to bring the re-*
12 *sponsible members of the security forces unit to justice: Pro-*
13 *vided, That nothing in this section shall be construed to*
14 *withhold funds made available by this Act from any unit*
15 *of the security forces of a foreign country not credibly al-*
16 *leged to be involved in gross violations of human rights:*
17 *Provided further, That in the event that funds are withheld*
18 *from any unit pursuant to this section, the Secretary of*
19 *State shall promptly inform the foreign government of the*
20 *basis for such action and shall, to the maximum extent*
21 *practicable, assist the foreign government in taking effective*
22 *measures to bring the responsible members of the security*
23 *forces to justice.*

24 *ENVIRONMENT PROGRAMS*

25 *SEC. 654. (a) FUNDING.—Of the funds appropriated*
26 *by this Act, not less than \$485,000,000 shall be made avail-*

1 *able for environment programs: Provided, That of the funds*
2 *appropriated under the heading “Development Assistance”,*
3 *not less than \$165,000,000 shall be made available for pro-*
4 *grams and activities which directly protect biodiversity, in-*
5 *cluding forests, in developing countries: Provided further,*
6 *That of the funds made available under the previous pro-*
7 *viso, \$1,500,000 shall be made available to improve the ca-*
8 *capacity of indigenous groups and local environmental orga-*
9 *nizations and law enforcement agencies to protect the bio-*
10 *diversity of indigenous reserves in the Amazon Basin region*
11 *of Brazil, which amount shall be in addition to the amount*
12 *requested in this Act for assistance for Brazil for fiscal year*
13 *2004: Provided further, That not later than one year after*
14 *enactment of this Act, the Secretary of State, in coordina-*
15 *tion with the Administrator of the United States Agency*
16 *for International Development and other appropriate de-*
17 *partments and agencies, and after consultation with appro-*
18 *priate governments and nongovernmental organizations,*
19 *shall submit to the Committees on Appropriations a strat-*
20 *egy for biodiversity conservation in the Amazon Basin re-*
21 *gion of South America: Provided further, That of the funds*
22 *appropriated under the headings “Development Assistance”*
23 *and “Andean Counterdrug Initiative”, not less than*
24 *\$5,000,000 shall be made available in fiscal year 2004 to*
25 *develop the strategy described in the previous proviso: Pro-*

1 vided further, That funds appropriated by this Act under
2 the heading “Child Survival and Health Programs Fund”
3 should be used to fund child survival, health, and family
4 planning activities of integrated population-health-envi-
5 ronment programs, including in areas where biodiversity and
6 endangered species are threatened, and funds appropriated
7 by this Act under the heading “Development Assistance”
8 should be used to fund environment, conservation, natural
9 resource management, and sustainable agriculture activi-
10 ties of such integrated programs: Provided further, That of
11 the funds appropriated by this Act, not less than
12 \$185,000,000 shall be made available to support policies
13 and programs in developing countries and countries in
14 transition that directly (1) promote a wide range of energy
15 conservation, energy efficiency and clean energy programs
16 and activities, including the transfer of clean and environ-
17 mentally sustainable energy technologies; (2) measure, mon-
18 itor, and reduce greenhouse gas emissions; (3) increase car-
19 bon sequestration activities; and (4) enhance climate change
20 mitigation and adaptation programs.

21 (b) *CLIMATE CHANGE REPORT*.—Not later than 45
22 days after the date on which the President’s fiscal year 2005
23 budget request is submitted to Congress, the President shall
24 submit a report to the Committees on Appropriations de-
25 scribing in detail the following—

1 (1) *all Federal agency obligations and expendi-*
2 *tures, domestic and international, for climate change*
3 *programs and activities in fiscal year 2004, including*
4 *an accounting of expenditures by agency with each*
5 *agency identifying climate change activities and asso-*
6 *ciated costs by line item as presented in the Presi-*
7 *dent’s Budget Appendix; and*

8 (2) *all fiscal year 2003 obligations and estimated*
9 *expenditures, fiscal year 2004 estimated expenditures*
10 *and estimated obligations, and fiscal year 2005 re-*
11 *quested funds by the United States Agency for Inter-*
12 *national Development, by country and central pro-*
13 *gram, for each of the following: (i) to promote the*
14 *transfer and deployment of a wide range of United*
15 *States clean energy and energy efficiency technologies;*
16 *(ii) to assist in the measurement, monitoring, report-*
17 *ing, verification, and reduction of greenhouse gas*
18 *emissions; (iii) to promote carbon capture and seques-*
19 *tration measures; (iv) to help meet such countries’ re-*
20 *responsibilities under the Framework Convention on*
21 *Climate Change; and (v) to develop assessments of the*
22 *vulnerability to impacts of climate change and miti-*
23 *gation and adaptation response strategies.*

24 *REGIONAL PROGRAMS FOR EAST ASIA AND THE PACIFIC*

25 *SEC. 655. Funds appropriated by this Act under the*
26 *heading “Economic Support Fund” that are allocated for*

1 *“Regional Democracy” and “ASEAN Regional” assistance*
2 *for East Asia and the Pacific shall be made available for*
3 *the Human Rights and Democracy Fund of the Bureau for*
4 *Democracy, Human Rights and Labor, Department of*
5 *State to support democracy programs in Iraq.*

6 *ZIMBABWE*

7 *SEC. 656. The Secretary of the Treasury shall instruct*
8 *the United States executive director to each international*
9 *financial institution to vote against any extension by the*
10 *respective institution of any loans, to the Government of*
11 *Zimbabwe, except to meet basic human needs or to promote*
12 *democracy, unless the Secretary of State determines and*
13 *certifies to the Committees on Appropriations that the rule*
14 *of law has been restored in Zimbabwe, including respect*
15 *for ownership and title to property, freedom of speech and*
16 *association.*

17 *NIGERIA*

18 *SEC. 657. None of the funds appropriated under the*
19 *headings “International Military Education and Train-*
20 *ing” and “Foreign Military Financing Program” may be*
21 *made available for assistance for Nigeria until the Presi-*
22 *dent certifies to the Committees on Appropriations that the*
23 *Nigerian Minister of Defense, the Chief of the Army Staff,*
24 *and the Minister of State for Defense/Army are suspending*
25 *from the Armed Forces those members, of whatever rank,*
26 *against whom there is credible evidence of gross violations*

1 *of human rights in Benue State in October 2001, and the*
2 *Government of Nigeria and the Nigerian Armed Forces are*
3 *taking effective measures to bring such individuals to jus-*
4 *tice: Provided, That the President may waive such prohibi-*
5 *tion if he determines that doing so is in the national secu-*
6 *rity interest of the United States: Provided further, That*
7 *prior to exercising such waiver authority, the President*
8 *shall submit a report to the Committees on Appropriations*
9 *describing the involvement of the Nigerian Armed Forces*
10 *in the incident in Benue State, the measures that are being*
11 *taken to bring such individuals to justice, and whether any*
12 *Nigerian Armed Forces units involved with the incident in*
13 *Benue State are receiving United States assistance.*

14 *BURMA*

15 *SEC. 658. (a) The Secretary of the Treasury shall in-*
16 *struct the United States executive director to each appro-*
17 *priate international financial institution in which the*
18 *United States participates, to oppose and vote against the*
19 *extension by such institution of any loan or financial or*
20 *technical assistance or any other utilization of funds of the*
21 *respective bank to and for Burma.*

22 *(b) Of the funds appropriated under the heading "Eco-*
23 *nomics Support Fund", not less than \$15,000,000 shall be*
24 *made available to support democracy activities in Burma,*
25 *along the Burma-Thailand border, for activities of Burmese*
26 *student groups and other organizations located outside*

1 *Burma, and for the purpose of supporting the provision of*
2 *humanitarian assistance to displaced Burmese along Bur-*
3 *ma's borders: Provided, That funds made available under*
4 *this heading may be made available notwithstanding any*
5 *other provision of law: Provided further, That not more*
6 *than 60 days after enactment of this Act, the Secretary of*
7 *State, in consultation with the Administrator of the United*
8 *States Agency for International Development, shall submit*
9 *a report to the Committees on Appropriations detailing the*
10 *amount and rate of disbursement of fiscal years 2002 and*
11 *2003 funding for HIV/AIDS programs and activities in*
12 *Burma, the amount of funds expended by the State Peace*
13 *and Development Council (SPDC) on HIV/AIDS programs*
14 *and activities in calendar years 2001, 2002, and 2003, and*
15 *the extent to which international nongovernmental organi-*
16 *zations are able to conduct HIV/AIDS programs throughout*
17 *Burma, including the ability of expatriate staff to freely*
18 *travel through the country and to conduct programmatic*
19 *oversight independent of SPDC handling and monitoring:*
20 *Provided further, That funds made available by this section*
21 *shall be subject to the regular notification procedures of the*
22 *Committees on Appropriations.*

23 *(c) It is the sense of the Senate that the United Nations*
24 *Security Council should debate and consider sanctions*
25 *against Burma as a result of the threat to regional stability*

1 *and peace posed by the repressive and illegitimate rule of*
2 *the State Peace and Development Council.*

3 *ENTERPRISE FUND RESTRICTIONS*

4 *SEC. 659. Prior to the distribution of any assets result-*
5 *ing from any liquidation, dissolution, or winding up of an*
6 *Enterprise Fund, in whole or in part, the President shall*
7 *submit to the Committees on Appropriations, in accordance*
8 *with the regular notification procedures of the Committees*
9 *on Appropriations, a plan for the distribution of the assets*
10 *of the Enterprise Fund.*

11 *CAMBODIA*

12 *SEC. 660. (a) The Secretary of the Treasury shall in-*
13 *struct the United States executive directors of the inter-*
14 *national financial institutions to use the voice and vote of*
15 *the United States to oppose loans to the Central Govern-*
16 *ment of Cambodia, except loans to meet basic human needs.*

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

20 *(2) Paragraph (1) shall not apply to assistance for*
21 *basic education, reproductive and maternal and child*
22 *health, cultural and historic preservation, programs for the*
23 *prevention, treatment, and control of, and research on,*
24 *HIV/AIDS, tuberculosis, malaria, polio and other infectious*
25 *diseases, programs to combat human trafficking that are*
26 *provided through nongovernmental organizations, and for*

1 *the Ministry of Women and Veterans Affairs to combat*
2 *human trafficking.*

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

8 (d) *Funds appropriated by this Act to carry out provi-*
9 *sions of section 541 of the Foreign Assistance Act of 1961*
10 *may be made available notwithstanding subsection (b) only*
11 *if at least 15 days prior to the obligation of such funds,*
12 *the Secretary of State provides to the Committees on Appro-*
13 *priations a list of those individuals who have been credibly*
14 *alleged to have ordered or carried out extrajudicial and po-*
15 *litical killings that occurred during the March 1997 grenade*
16 *attack against the Khmer Nation Party, the July 1997 coup*
17 *d’etat, and election related violence that occurred during the*
18 *1998, 2002, and 2003 elections in Cambodia.*

19 (e) *None of the funds appropriated or otherwise made*
20 *available by this Act may be used to provide assistance to*
21 *any tribunal established by the Government of Cambodia*
22 *unless the Secretary of State certifies to the Committees on*
23 *Appropriations that the perpetrators of the March 1997 gre-*
24 *nade attack and election-related killings, including former*

1 *parliamentarian Om Radsady, have been arrested and*
2 *prosecuted.*

3 *FOREIGN MILITARY TRAINING REPORT*

4 *SEC. 661. (a) Notwithstanding any other provision of*
5 *law, the Secretary of Defense and the Secretary of State*
6 *shall jointly provide to the Congress by May 1, 2004, a re-*
7 *port on all military training provided to foreign military*
8 *personnel (excluding sales and training provided to the*
9 *military personnel of countries belonging to the North At-*
10 *lantic Treaty Organization (NATO) or of a country that*
11 *has concluded a protocol with NATO for accession to*
12 *NATO) under programs administered by the Department*
13 *of Defense and the Department of State during fiscal year*
14 *2003 and those proposed for fiscal year 2004. This report*
15 *shall include, for each such military training activity, the*
16 *foreign policy justification and purpose for the training ac-*
17 *tivity, the cost of the training activity, the number of for-*
18 *ign students trained and their units of operation, and the*
19 *location of the training. In addition, this report shall also*
20 *include, with respect to United States personnel, the oper-*
21 *ational benefits to United States forces derived from each*
22 *such training activity and the United States military units*
23 *involved in each such training activity. This report may*
24 *include a classified annex if deemed necessary and appro-*
25 *priate.*

1 (b) *For purposes of this section a report to Congress*
2 *shall be deemed to mean a report to the Appropriations and*
3 *Foreign Relations Committees of the Senate and the Appro-*
4 *priations and International Relations Committees of the*
5 *House of Representatives.*

6 *ENTERPRISE FUNDS IN THE MIDDLE EAST REGION*

7 *SEC. 662. (a) Funds appropriated by this Act under*
8 *the heading “Economic Support Fund” may be made avail-*
9 *able, notwithstanding any other provision of law, to estab-*
10 *lish and operate one or more enterprise funds in the Middle*
11 *East region for the purpose of supporting the private sectors*
12 *in that region: Provided, That provisions contained in sec-*
13 *tion 201 of the Support for East European Democracy*
14 *(SEED) Act of 1989 (excluding the authorizations of appro-*
15 *priations provided in subsection (b) of that section) shall*
16 *apply with respect to such enterprise funds: Provided fur-*
17 *ther, That prior to obligating any funds for purposes other*
18 *than the administrative support of any such enterprise*
19 *fund, and every six months after the establishment of such*
20 *fund, the President shall certify and report to the Commit-*
21 *tees on Appropriations that—*

22 (1) *the enterprise fund has taken all appropriate*
23 *steps to ensure that amounts appropriated by this Act*
24 *that are provided to the fund for the purpose of assist-*
25 *ing the development of the private sector are not pro-*
26 *vided to or through any individual or entity that the*

1 *management of the fund knows or has reason to be-*
 2 *lieve advocates, plans, sponsors, or engages in, or has*
 3 *engaged in, terrorist activity;*

4 *(2) the enterprise fund furthers United States*
 5 *commercial interests in the region; and*

6 *(3) the enterprise fund is managed in a fiscally*
 7 *responsible manner.*

8 *PALESTINIAN STATEHOOD*

9 *SEC. 663. (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, that has not supported acts of terrorism, has*
 16 *been democratically elected through credible and com-*
 17 *petitive elections;*

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

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

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

1 (1) *Up to 50 percent of such funds may be obli-*
2 *gated prior to a determination and certification by*
3 *the Secretary of State pursuant to paragraph (2).*

4 (2) *Up to 25 percent of such funds may be obli-*
5 *gated only after the Secretary of State certifies and*
6 *reports to the appropriate congressional committees*
7 *that:*

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

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

1 *violations of human rights or to have aided or*
2 *abetted paramilitary organizations.*

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

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

21 *(E) The Colombian Armed Forces are dis-*
22 *mantling paramilitary leadership and financial*
23 *networks by arresting commanders and financial*
24 *backers, especially in regions where these net-*
25 *works have a significant presence.*

1 (3) *The balance of such funds may be obligated*
2 *after July 31, 2004, if the Secretary of State certifies*
3 *and reports to the appropriate congressional commit-*
4 *tees, after such date, that the Colombian Armed*
5 *Forces are continuing to meet the conditions con-*
6 *tained in paragraph (2) and are conducting vigorous*
7 *operations to restore government authority and re-*
8 *spect for human rights in areas under the effective*
9 *control of paramilitary and guerrilla organizations.*

10 (b) *CONSULTATIVE PROCESS.—At least 10 days prior*
11 *to making the certifications required by subsection (a), the*
12 *Secretary of State shall consult with internationally recog-*
13 *nized human rights organizations regarding progress in*
14 *meeting the conditions contained in that subsection.*

15 (c) *DEFINITIONS.—In this section:*

16 (1) *AIDED OR ABETTED.—The term “aided or*
17 *abetted” means to provide any support to para-*
18 *military groups, including taking actions which*
19 *allow, facilitate, or otherwise foster the activities of*
20 *such groups.*

21 (2) *PARAMILITARY GROUPS.—The term “para-*
22 *military groups” means illegal self-defense groups*
23 *and illegal security cooperatives.*

24 *ILLEGAL ARMED GROUPS*

25 *SEC. 665. (a) DENIAL OF VISAS TO SUPPORTERS OF*
26 *COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to sub-*

1 *section (b), the Secretary of State shall not issue a visa to*
2 *any alien who the Secretary determines, based on credible*
3 *evidence—*

4 (1) *has willfully provided any support to the*
5 *Revolutionary Armed Forces of Colombia (FARC), the*
6 *National Liberation Army (ELN), or the United Self-*
7 *Defense Forces of Colombia (AUC), including taking*
8 *actions or failing to take actions which allow, facili-*
9 *tate, or otherwise foster the activities of such groups;*
10 *or*

11 (2) *has committed, ordered, incited, assisted, or*
12 *otherwise participated in the commission of gross vio-*
13 *lations of human rights, including extra-judicial*
14 *killings, in Colombia.*

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

21 *PROHIBITION ON ASSISTANCE TO THE PALESTINIAN*

22 *BROADCASTING CORPORATION*

23 *SEC. 666. None of the funds appropriated or otherwise*
24 *made available by this Act may be used to provide equip-*
25 *ment, technical support, consulting services, or any other*

1 *form of assistance to the Palestinian Broadcasting Corpora-*
2 *tion.*

3 IRAQ

4 SEC. 667. *Notwithstanding any other provision of law,*
5 *funds appropriated under the heading “Economic Support*
6 *Fund” may be made available for assistance for Iraq: Pro-*
7 *vided, That the provisions of section 620G of the Foreign*
8 *Assistance Act of 1961, or any other provision of law that*
9 *applies to countries that have supported terrorism, shall not*
10 *apply with respect to countries that provide assistance to*
11 *Iraq: Provided further, That funds appropriated by this Act*
12 *or prior appropriations Acts for Iraq should be made avail-*
13 *able for the removal and safe disposal in Iraq of unexploded*
14 *ordnance, low level radioactive waste, and other environ-*
15 *mental hazards: Provided further, That not less than*
16 *\$10,000,000 of the funds appropriated by this Act or prior*
17 *appropriations Acts that are available for assistance for*
18 *Iraq should be made available for investigations of human*
19 *rights violations by the former Iraq regime including the*
20 *excavation of mass graves: Provided further, That funds*
21 *made available under this section are made available sub-*
22 *ject to the regular notification procedures of the Committees*
23 *on Appropriations.*

24 WEST BANK AND GAZA PROGRAM

25 SEC. 668. (a) OVERSIGHT.—*For fiscal year 2004, 30*
26 *days prior to the initial obligation of funds for the bilateral*

1 *West Bank and Gaza Program, the Secretary of State shall*
2 *certify to the appropriate committees of Congress that pro-*
3 *cedures have been established to assure the Comptroller Gen-*
4 *eral of the United States will have access to appropriate*
5 *United States financial information in order to review the*
6 *uses of United States assistance for the Program funded*
7 *under the heading “Economic Support Fund” for the West*
8 *Bank and Gaza.*

9 (b) *VETTING.*—*Prior to the obligation of funds appro-*
10 *priated by this Act under the heading “Economic Support*
11 *Fund” for assistance for the West Bank and Gaza, the Sec-*
12 *retary of State shall take all appropriate steps to ensure*
13 *that such assistance is not provided to or through any indi-*
14 *vidual or entity that the Secretary knows or has reason to*
15 *believe advocates, plans, sponsors, engages in, or has en-*
16 *gaged in, terrorist activity. The Secretary of State shall,*
17 *as appropriate, establish procedures specifying the steps to*
18 *be taken in carrying out this subsection.*

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

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

9 INDONESIA

10 SEC. 669. *Funds appropriated by this Act under the*
11 *heading “Foreign Military Financing Program” may be*
12 *made available for assistance for Indonesia, and licenses*
13 *may be issued for the export of lethal defense articles for*
14 *the Indonesian Armed Forces, only if the President certifies*
15 *to the appropriate congressional committees that—*

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

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

1 *found to have committed such violations of human*
2 *rights or to have aided or abetted militia groups;*

3 *(3) the Indonesian Armed Forces are cooperating*
4 *with civilian prosecutors and judicial authorities in*
5 *Indonesia and with the joint United Nations-East*
6 *Timor Serious Crimes Unit (SCU) in such cases (in-*
7 *cluding extraditing those indicted by the SCU to East*
8 *Timor and providing access to witnesses, relevant*
9 *military documents, and other requested informa-*
10 *tion);*

11 *(4) the Indonesian Government and Armed*
12 *Forces are cooperating with the Federal Bureau of In-*
13 *vestigation's investigation of the killings and wound-*
14 *ing of American and Indonesian citizens in Papua on*
15 *August 31, 2002; and*

16 *(5) the Minister of Defense is making publicly*
17 *available audits of receipts and expenditures of the*
18 *Indonesian Armed Forces.*

19 *RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS*

20 *DESTABILIZING WEST AFRICA*

21 *SEC. 670. (a) None of the funds appropriated by this*
22 *Act may be made available for assistance for the govern-*
23 *ment of any country for which the Secretary of State deter-*
24 *mines there is credible evidence that such government has*
25 *aided or abetted, within the previous 6 months, in the illicit*

1 *distribution, transportation, or sale of diamonds mined in*
2 *Sierra Leone or Liberia.*

3 *(b) Whenever the prohibition on assistance required*
4 *under subsection (a) is exercised, the Secretary of State*
5 *shall notify the Committees on Appropriations in a timely*
6 *manner.*

7 *SPECIAL DEBT RELIEF FOR THE POOREST*

8 *SEC. 671. (a) AUTHORITY TO REDUCE DEBT.—The*
9 *President may reduce amounts owed to the United States*
10 *(or any agency of the United States) by an eligible country*
11 *as a result of—*

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

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

16 *(3) any obligation or portion of such obligation,*
17 *to pay for purchases of United States agricultural*
18 *commodities guaranteed by the Commodity Credit*
19 *Corporation under export credit guarantee programs*
20 *authorized pursuant to section 5(f) of the Commodity*
21 *Credit Corporation Charter Act of June 29, 1948, as*
22 *amended, section 4(b) of the Food for Peace Act of*
23 *1966, as amended (Public Law 89–808), or section*
24 *202 of the Agricultural Trade Act of 1978, as amend-*
25 *ed (Public Law 95–501).*

26 *(b) LIMITATIONS.—*

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

5 (2) *The authority provided by subsection (a)*
6 *may be exercised only in such amounts or to such ex-*
7 *tent as is provided in advance by appropriations*
8 *Acts.*

9 (3) *The authority provided by subsection (a)*
10 *may be exercised only with respect to countries with*
11 *heavy debt burdens that are eligible to borrow from*
12 *the International Development Association, but not*
13 *from the International Bank for Reconstruction and*
14 *Development, commonly referred to as “IDA-only”*
15 *countries.*

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

19 (1) *does not have an excessive level of military*
20 *expenditures;*

21 (2) *has not repeatedly provided support for acts*
22 *of international terrorism;*

23 (3) *is not failing to cooperate on international*
24 *narcotics control matters;*

1 (4) *(including its military or other security*
2 *forces) does not engage in a consistent pattern of gross*
3 *violations of internationally recognized human rights;*
4 *and*

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

8 (d) *AVAILABILITY OF FUNDS.—The authority provided*
9 *by subsection (a) may be used only with regard to the funds*
10 *appropriated by this Act under the heading “Debt Restruc-*
11 *turing”.*

12 (e) *CERTAIN PROHIBITIONS INAPPLICABLE.—A reduc-*
13 *tion of debt pursuant to subsection (a) shall not be consid-*
14 *ered assistance for the purposes of any provision of law lim-*
15 *iting assistance to a country. The authority provided by*
16 *subsection (a) may be exercised notwithstanding section*
17 *620(r) of the Foreign Assistance Act of 1961 or section 321*
18 *of the International Development and Food Assistance Act*
19 *of 1975.*

20 *AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES*

21 *SEC. 672. (a) LOANS ELIGIBLE FOR SALE, REDUC-*
22 *TION, OR CANCELLATION.—*

23 (1) *AUTHORITY TO SELL, REDUCE, OR CANCEL*
24 *CERTAIN LOANS.—Notwithstanding any other provi-*
25 *sion of law, the President may, in accordance with*
26 *this section, sell to any eligible purchaser any*

1 *concessional loan or portion thereof made before Jan-*
2 *uary 1, 1995, pursuant to the Foreign Assistance Act*
3 *of 1961, to the government of any eligible country as*
4 *defined in section 702(6) of that Act or on receipt of*
5 *payment from an eligible purchaser, reduce or cancel*
6 *such loan or portion thereof, only for the purpose of*
7 *facilitating—*

8 *(A) debt-for-equity swaps, debt-for-develop-*
9 *ment swaps, or debt-for-nature swaps; or*

10 *(B) a debt buyback by an eligible country*
11 *of its own qualified debt, only if the eligible*
12 *country uses an additional amount of the local*
13 *currency of the eligible country, equal to not less*
14 *than 40 percent of the price paid for such debt*
15 *by such eligible country, or the difference between*
16 *the price paid for such debt and the face value*
17 *of such debt, to support activities that link con-*
18 *servation and sustainable use of natural re-*
19 *sources with the local community development,*
20 *and child survival and other child development,*
21 *in a manner consistent with sections 707*
22 *through 710 of the Foreign Assistance Act of*
23 *1961, if the sale, reduction, or cancellation would*
24 *not contravene any term or condition of any*
25 *prior agreement relating to such loan.*

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

6 (3) *ADMINISTRATION.*—*The Facility, as defined*
7 *in section 702(8) of the Foreign Assistance Act of*
8 *1961, shall notify the administrator of the agency*
9 *primarily responsible for administering part I of the*
10 *Foreign Assistance Act of 1961 of purchasers that the*
11 *President has determined to be eligible, and shall di-*
12 *rect such agency to carry out the sale, reduction, or*
13 *cancellation of a loan pursuant to this section. Such*
14 *agency shall make adjustment in its accounts to re-*
15 *flect the sale, reduction, or cancellation.*

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

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

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

6 (d) *DEBTOR CONSULTATIONS.*—Before the sale to any
 7 eligible purchaser, or any reduction or cancellation pursu-
 8 ant to this section, of any loan made to an eligible country,
 9 the President should consult with the country concerning
 10 the amount of loans to be sold, reduced, or canceled and
 11 their uses for debt-for-equity swaps, debt-for-development
 12 swaps, or debt-for-nature swaps.

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

17 *CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND*

18 *SEC. 673. Funds appropriated in Public Law 107–115*
 19 *and Public Law 108–7 that were available for the United*
 20 *Nations Population Fund (UNFPA), and \$35,000,000 in*
 21 *this Act, shall be made available for the UNFPA unless the*
 22 *President determines that the UNFPA supports or partici-*
 23 *pates in the management of a program of coercive abortion*
 24 *or involuntary sterilization: Provided, That none of the*
 25 *funds made available for the UNFPA may be used in the*
 26 *People’s Republic of China: Provided further, That the other*

1 *conditions on availability of funds for abortion and abor-*
2 *tion-related activities contained in this Act shall apply to*
3 *any assistance provided for the UNFPA in this Act: Pro-*
4 *vided further, That the conditions on availability of funds*
5 *for the UNFPA as contained in section 576(c) of Public*
6 *Law 107–115 shall apply to any assistance provided for*
7 *the UNFPA in this Act.*

8 *CENTRAL ASIA*

9 *SEC. 674. (a) Funds appropriated by this Act may*
10 *be made available for assistance for the central Government*
11 *of Uzbekistan only if the Secretary of State determines and*
12 *reports to the Committees on Appropriations that the Gov-*
13 *ernment of Uzbekistan is making substantial and con-*
14 *tinuing progress in meeting its commitments under the*
15 *“Declaration on the Strategic Partnership and Cooperation*
16 *Framework Between the Republic of Uzbekistan and the*
17 *United States of America”, including respect for human*
18 *rights, establishing a genuine multi-party system, and en-*
19 *suring free and fair elections, freedom of expression, and*
20 *the independence of the media.*

21 *(b) Funds appropriated by this Act may be made*
22 *available for assistance for the Government of Kazakhstan*
23 *only if the Secretary of State determines and reports to the*
24 *Committees on Appropriations that the Government of*
25 *Kazakhstan has made significant improvements in the pro-*

1 *tection of human rights during the preceding 6 month pe-*
2 *riod.*

3 *(c) The Secretary of State may waive the requirements*
4 *under subsection (b) if he determines and reports to the*
5 *Committees on Appropriations that such a waiver is in the*
6 *national security interests of the United States.*

7 *(d) Not later than October 1, 2004, the Secretary of*
8 *State shall submit a report to the Committees on Appro-*
9 *priations describing the following:*

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

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

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

23 *COMMERCIAL LEASING OF DEFENSE ARTICLES*

24 *SEC. 675. Notwithstanding any other provision of law,*
25 *and subject to the regular notification procedures of the*
26 *Committees on Appropriations, the authority of section*

1 *23(a) of the Arms Export Control Act may be used to pro-*
2 *vide financing to Israel, Egypt and NATO and major non-*
3 *NATO allies for the procurement by leasing (including leas-*
4 *ing with an option to purchase) of defense articles from*
5 *United States commercial suppliers, not including Major*
6 *Defense Equipment (other than helicopters and other types*
7 *of aircraft having possible civilian application), if the*
8 *President determines that there are compelling foreign pol-*
9 *icy or national security reasons for those defense articles*
10 *being provided by commercial lease rather than by govern-*
11 *ment-to-government sale under such Act.*

12

WAR CRIMINALS

13 *SEC. 676. (a)(1) None of the funds appropriated or*
14 *otherwise made available pursuant to this Act may be made*
15 *available for assistance, and the Secretary of the Treasury*
16 *shall instruct the United States executive directors to the*
17 *international financial institutions to vote against any new*
18 *project involving the extension by such institutions of any*
19 *financial or technical assistance, to any country, entity, or*
20 *municipality whose competent authorities have failed, as*
21 *determined by the Secretary of State, to take necessary and*
22 *significant steps to implement its international legal obli-*
23 *gations to apprehend and transfer to the International*
24 *Criminal Tribunal for the former Yugoslavia (the “Tri-*
25 *bunal”) all persons in their territory who have been in-*

1 *dicted by the Tribunal and to otherwise cooperate with the*
2 *Tribunal.*

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

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

10 (1) *cooperating with the Tribunal, including ac-*
11 *cess for investigators to archives and witnesses, the*
12 *provision of documents, and the surrender and trans-*
13 *fer of indictees or assistance in their apprehension;*
14 *and*

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

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

1 *the location of the proposed assistance by municipality, its*
2 *purpose, and its intended beneficiaries.*

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

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

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

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

19 (2) *ENTITY.—The term “entity” refers to the*
20 *Federation of Bosnia and Herzegovina, Kosovo, Mon-*
21 *tenegro and the Republika Srpska.*

22 (3) *MUNICIPALITY.—The term “municipality”*
23 *means a city, town or other subdivision within a*
24 *country or entity as defined herein.*

1 (4) *DAYTON ACCORDS*.—*The term “Dayton Ac-*
2 *cords” means the General Framework Agreement for*
3 *Peace in Bosnia and Herzegovina, together with an-*
4 *nexes relating thereto, done at Dayton, November 10*
5 *through 16, 1995.*

6 *USER FEES*

7 *SEC. 677. The Secretary of the Treasury shall instruct*
8 *the United States Executive Director at each international*
9 *financial institution (as defined in section 1701(c)(2) of the*
10 *International Financial Institutions Act) and the Inter-*
11 *national Monetary Fund to oppose any loan, grant, strat-*
12 *egy or policy of these institutions that would require user*
13 *fees or service charges on poor people for primary education*
14 *or primary healthcare, including prevention and treatment*
15 *efforts for HIV/AIDS, malaria, tuberculosis, and infant,*
16 *child, and maternal well-being, in connection with the in-*
17 *stitutions’ financing programs.*

18 *FUNDING FOR SERBIA*

19 *SEC. 678. (a) Funds appropriated by this Act may*
20 *be made available for assistance for Serbia after March 31,*
21 *2004, if the President has made the determination and cer-*
22 *tification contained in subsection (c).*

23 *(b) After March 31, 2004, the Secretary of the Treasury*
24 *should instruct the United States executive directors to the*
25 *international financial institutions to support loans and*
26 *assistance to the Government of the Federal Republic of*

1 *Yugoslavia (or a government of a successor state) subject*
2 *to the conditions in subsection (c): Provided, That section*
3 *576 of the Foreign Operations, Export Financing, and Re-*
4 *lated Programs Appropriations Act, 1997, as amended,*
5 *shall not apply to the provision of loans and assistance to*
6 *the Federal Republic of Yugoslavia (or a successor state)*
7 *through international financial institutions.*

8 *(c) The determination and certification referred to in*
9 *subsection (a) is a determination by the President and a*
10 *certification to the Committees on Appropriations that the*
11 *Government of the Federal Republic of Yugoslavia (or a*
12 *government of a successor state) is—*

13 *(1) cooperating with the International Criminal*
14 *Tribunal for the former Yugoslavia including access*
15 *for investigators, the provision of documents, and the*
16 *surrender and transfer of indictees, including Ratko*
17 *Mladic, or assistance in their apprehension;*

18 *(2) taking steps that are consistent with the*
19 *Dayton Accords to end Serbian financial, political,*
20 *security and other support which has served to main-*
21 *tain separate Republika Srpska institutions; and*

22 *(3) taking steps to implement policies which re-*
23 *fect a respect for minority rights and the rule of law,*
24 *including the release of political prisoners from Ser-*
25 *bian jails and prisons.*

1 (d) *This section shall not apply to Montenegro, Kosovo,*
2 *humanitarian assistance or assistance to promote democ-*
3 *racy in municipalities.*

4 MULTILATERAL DEVELOPMENT BANK ACCOUNTABILITY

5 SEC. 679. *Beginning not more than 180 days after the*
6 *date of enactment of this Act, the Secretary of the Treasury*
7 *shall instruct the United States Executive Director of each*
8 *multilateral development bank or subsidiary or window*
9 *thereof (hereinafter “Bank”), not to vote in favor of any*
10 *action proposed to be taken by such Bank unless not less*
11 *than 45 days before consideration by the board of directors*
12 *of such Bank, the Secretary of State, in consultation with*
13 *the Secretary of the Treasury, has determined that—*

14 (1) *such Bank is implementing regular, inde-*
15 *pendent external audits of internal management con-*
16 *trols and procedures for meeting operational objec-*
17 *tives, complying with Bank policies, and preventing*
18 *fraud, and is making reports describing the scope and*
19 *findings of such audits available to the public on at*
20 *least an annual basis;*

21 (2) *any proposed loan, credit, or grant agree-*
22 *ment has been published and includes the resources*
23 *and conditionality necessary to ensure that the bor-*
24 *rower complies with applicable laws in carrying out*
25 *such loan, credit, or grant agreement, including laws*
26 *pertaining to the integrity and transparency of the*

1 *process such as public consultation, and to public*
 2 *health and safety and environmental protection; and*
 3 (3) *such Bank is implementing effective proce-*
 4 *dures for the receipt, retention, and treatment of (A)*
 5 *complaints received by the Bank regarding fraud, ac-*
 6 *counting, mismanagement, internal accounting con-*
 7 *trols, or auditing matters; and (B) the confidential,*
 8 *anonymous submission by employees of the Bank of*
 9 *concerns regarding fraud, accounting, mismanage-*
 10 *ment, internal accounting controls, or auditing mat-*
 11 *ters.*

12 *COOPERATION WITH CUBA ON COUNTER-NARCOTICS*

13 *MATTERS*

14 *SEC. 680. (a) Subject to subsection (b), of the funds*
 15 *appropriated under the heading “International Narcotics*
 16 *Control and Law Enforcement”, \$5,000,000 should be made*
 17 *available for the purposes of preliminary work by the De-*
 18 *partment of State, or such other entity as the Secretary of*
 19 *State may designate, to establish cooperation with appro-*
 20 *priate agencies of the Government of Cuba on counter-nar-*
 21 *cotics matters, including matters relating to cooperation,*
 22 *coordination, and mutual assistance in the interdiction of*
 23 *illicit drugs being transported through Cuba airspace or*
 24 *over Cuba waters.*

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

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

5 (2) *there is evidence of involvement of the Gov-*
6 *ernment of Cuba in drug trafficking.*

7 COMMUNITY-BASED POLICE ASSISTANCE

8 SEC. 681. (a) *AUTHORITY.—Funds made available to*
9 *carry out the provisions of chapter 1 of part I and chapter*
10 *4 of part II of the Foreign Assistance Act of 1961, may*
11 *be used, notwithstanding section 660 of that Act, to enhance*
12 *the effectiveness and accountability of civilian police au-*
13 *thority through training and technical assistance in inter-*
14 *nationally recognized human rights, the rule of law, stra-*
15 *tegic planning, and through assistance to foster civilian po-*
16 *lice roles that support democratic governance including as-*
17 *sistance for programs to prevent conflict and foster im-*
18 *proved police relations with the communities they serve.*

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

22 (c) *Report.—The requirement for an annual report,*
23 *contained in section 582 (b)(1) of Division E of Public Law*
24 *108–7, shall be applicable to all programs for which funds*
25 *are provided under the authority of this subsection.*

1 *OVERSEAS PRIVATE INVESTMENT CORPORATION AND*
2 *EXPORT-IMPORT BANK RESTRICTIONS*

3 *SEC. 682. (a) LIMITATION ON USE OF FUNDS BY*
4 *OPIIC.—None of the funds made available in this Act may*
5 *be used by the Overseas Private Investment Corporation to*
6 *insure, reinsure, guarantee, or finance any investment in*
7 *connection with a project involving the mining, polishing*
8 *or other processing, or sale of diamonds in a country that*
9 *fails to meet the requirements of subsection (c).*

10 *(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-*
11 *IMPORT BANK.—None of the funds made available in this*
12 *Act may be used by the Export-Import Bank of the United*
13 *States to guarantee, insure, extend credit, or participate in*
14 *an extension of credit in connection with the export of any*
15 *goods to a country for use in an enterprise involving the*
16 *mining, polishing or other processing, or sale of diamonds*
17 *in a country that fails to meet the requirements of sub-*
18 *section (c).*

19 *(c) REQUIREMENTS.—The requirements referred to in*
20 *subsections (a) and (b) are that the country concerned is*
21 *implementing the recommendations, obligations and re-*
22 *quirements developed by the Kimberley Process on conflict*
23 *diamonds.*

1 *AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL*
2 *SALVADOR AND GUATEMALA*

3 *SEC. 683. (a) Information relevant to the December 2,*
4 *1980, murders of four American churchwomen in El Sal-*
5 *vador, and the May 5, 2001, murder of Sister Barbara Ann*
6 *Ford and the murders of other American citizens in Guate-*
7 *mala since December 1999, should be declassified and made*
8 *public as soon as possible.*

9 *(b) In making determinations concerning declassifica-*
10 *tion and release of relevant information, all Federal agen-*
11 *cies and departments should use the discretion contained*
12 *within such existing standards and procedures on classi-*
13 *fication in support of releasing, rather than withholding,*
14 *such information.*

15 *CONFLICT RESOLUTION*

16 *SEC. 684. Of the funds appropriated under the head-*
17 *ings "Economic Support Fund" and "Assistance for East-*
18 *ern Europe and the Baltic States", \$15,000,000 shall be*
19 *made available to support conflict resolution programs and*
20 *activities which bring together individuals of different eth-*
21 *nic, religious, and political backgrounds from areas of civil*
22 *conflict and war.*

23 *NICARAGUA*

24 *SEC. 685. Of the funds appropriated under the head-*
25 *ings "Economic Support Fund", "Development Assist-*
26 *ance", and "Child Survival and Health Programs Fund",*

1 *not less than \$35,000,000 shall be made available for assist-*
2 *ance for Nicaragua, of which not less than \$5,000,000 shall*
3 *be made available from funds appropriated under the head-*
4 *ing “Economic Support Fund”: Provided, That with re-*
5 *spect to funds made available pursuant to this section, pri-*
6 *ority shall be given to programs to provide alternative*
7 *means of income for subsistence farmers and to promote ju-*
8 *dicial reform.*

9 *REPORT ON INTERNATIONAL COFFEE CRISIS*

10 *SEC. 686. Not later than 120 days after enactment of*
11 *this Act, the Secretary of State, in consultation with the*
12 *Administrator of the United States Agency for Inter-*
13 *national Development and the Secretary of the Treasury,*
14 *shall submit a report to the Committees on Appropriations*
15 *describing the progress the United States is making toward*
16 *meeting the objectives set forth in paragraph (1) of S. Res.*
17 *368 (107th Congress) and paragraph (1) of H. Res. 604*
18 *(107th Congress), including adopting a global strategy to*
19 *deal with the international coffee crisis and measures to*
20 *support and complement multilateral efforts to respond to*
21 *the international coffee crisis.*

22 *VENEZUELA*

23 *SEC. 687. (a) None of the funds appropriated or other-*
24 *wise made available pursuant by this Act may be made*
25 *available for assistance for the central Government of Ven-*
26 *ezuela if the Secretary of State certifies to the Committees*

1 *on Appropriations that the central Government of Ven-*
2 *euela is assisting, harboring, or providing sanctuary for*
3 *Colombian terrorist organizations.*

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

6 *(c) Of the funds appropriated by this Act under the*
7 *heading “Economic Support Fund”, not less than*
8 *\$5,000,000 shall be made available for democracy and rule*
9 *of assistance for Venezuela.*

10 *DISABILITY ACCESS*

11 *SEC. 688. The Administrator of the United States*
12 *Agency for International Development (“USAID”) shall*
13 *seek to ensure that programs, projects, and activities ad-*
14 *ministered by USAID in Iraq and Afghanistan comply*
15 *fully with USAID’s “Policy Paper: Disability” issued on*
16 *September 12, 1997: Provided, That the Administrator shall*
17 *submit a report to the Committees on Appropriations not*
18 *later than December 31, 2004, describing the manner in*
19 *which the needs of people with disabilities were met in the*
20 *development and implementation of USAID programs,*
21 *projects, and activities in Iraq and Afghanistan in fiscal*
22 *year 2004: Provided further, That the Administrator, not*
23 *later than 180 days after enactment of this Act and in con-*
24 *sultation, as appropriate, with other appropriate depart-*
25 *ments and agencies, the Architectural and Transportation*
26 *Barriers Compliance Board, and nongovernmental organi-*

1 *zations with expertise in the needs of people with disabil-*
2 *ities, shall develop and implement appropriate standards*
3 *for access for people with disabilities for construction*
4 *projects funded by USAID.*

5 *THAILAND*

6 *SEC. 689. Funds appropriated by this Act that are*
7 *available for the central Government of Thailand may be*
8 *made available if the Secretary of State determines and re-*
9 *ports to the Committees on Appropriations that the central*
10 *Government of Thailand (1) supports the advancement of*
11 *democracy in Burma and is taking action to sanction the*
12 *military junta in Rangoon; (2) is not hampering the deliv-*
13 *ery of humanitarian assistance to people in Thailand who*
14 *have fled Burma; and (3) is not forcibly repatriating Bur-*
15 *mese to Burma.*

16 *MODIFICATION ON REPORTING REQUIREMENTS*

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

19 *(1) in the heading, by striking “BIMONTHLY”*
20 *and inserting “QUARTERLY”;*

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

22 *(3) by striking “Congress” and inserting “the*
23 *appropriate congressional committees”.*

1 *mittees on Appropriations that such a waiver is in the na-*
2 *tional security interests of the United States.*

3 *WAR CRIMES IN AFRICA*

4 *SEC. 694. Funds appropriated by this Act, including*
5 *funds for debt restructuring, shall not be made available*
6 *to the central government of a country in which individuals*
7 *indicted by the International Criminal Tribunal for Rwan-*
8 *da (ICTR) and the Special Court for Sierra Leone (SCSL)*
9 *are credibly alleged to be living unless the Secretary of State*
10 *certifies to the President of the Senate and the Speaker of*
11 *the House of Representatives that such government is co-*
12 *operating with ICTR and SCSL, including the surrender*
13 *and transfer of indictees: Provided, That the previous pro-*
14 *viso shall not apply to assistance provided under section*
15 *551 of the Foreign Assistance Act of 1961: Provided further,*
16 *That the United States shall use its voice and vote in the*
17 *United Nations Security Council to fully support efforts by*
18 *ICTR and SCSL to bring to justice individuals indicted*
19 *by such tribunals.*

20 *REPORT ON ADMISSION OF REFUGEES*

21 *SEC. 695. (a) Congress makes the following findings:*

22 *(1) As of October 2003, there are 13,000,000 ref-*
23 *ugees worldwide, many of whom have fled religious,*
24 *political, and other forms of persecution.*

25 *(2) Refugee resettlement remains a critical tool*
26 *of international refugee protection and an essential*

1 *component of the humanitarian and foreign policy of*
2 *the United States.*

3 *(3) Prior to the beginning of each fiscal year, the*
4 *President designates, in a Presidential Determina-*
5 *tion, a target number of refugees to be admitted to the*
6 *United States under the United States Refugee Reset-*
7 *tlement Program.*

8 *(4) Although the President authorized the admis-*
9 *sion of 70,000 refugees in fiscal year 2003, only*
10 *28,419 refugees were admitted.*

11 *(5) From fiscal year 1980 to fiscal year 2000,*
12 *the average level of United States refugee admissions*
13 *was slightly below 100,000 per year.*

14 *(6) The United States Government policy is to*
15 *resettle the designated number of refugees each fiscal*
16 *year. Congress expects the Department of State, the*
17 *Department of Homeland Security, and the Depart-*
18 *ment of Health and Human Services to implement*
19 *the admission of 70,000 refugees as authorized by the*
20 *President for fiscal year 2004.*

21 *(b)(1) The Secretary of State shall utilize private vol-*
22 *untary organizations with expertise in the protection needs*
23 *of refugees in the processing of refugees overseas for admis-*
24 *sion and resettlement to the United States, and shall utilize*
25 *such agencies in addition to the United Nations High Com-*

1 *missioner for Refugees in the identification and referral of*
2 *refugees.*

3 (2) *The Secretary of State shall establish a system for*
4 *accepting referrals of appropriate candidates for resettle-*
5 *ment from local private, voluntary organizations and work*
6 *to ensure that particularly vulnerable refugee groups receive*
7 *special consideration for admission into the United States,*
8 *including—*

9 (A) *long-stayers in countries of first asylum;*

10 (B) *unaccompanied refugee minors;*

11 (C) *refugees outside traditional camp settings;*

12 *and*

13 (D) *refugees in woman-headed households.*

14 (3) *The Secretary of State shall give special consider-*
15 *ation to—*

16 (A) *refugees of all nationalities who have close*
17 *family ties to citizens and residents of the United*
18 *States; and*

19 (B) *other groups of refugees who are of special*
20 *concern to the United States.*

21 (4) *Not later than 90 days after the date of enactment*
22 *of this Act, the Secretary of State shall submit a report to*
23 *the appropriate congressional committees describing the*
24 *steps that have been taken to implement this subsection.*

1 (c) Not later than September 30, 2004, if the actual
 2 refugee admissions numbers do not conform with the au-
 3 thorized ceiling on the number of refugees who may be ad-
 4 mitted, the Secretary of State, the Secretary of Homeland
 5 Security, and the Secretary of Health and Human Services
 6 shall report to Congress on the—

7 (1) execution and implementation of the refugee
 8 resettlement program; and

9 (2) reasons for the failure to resettle the max-
 10 imum number of refugees.

11 ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM
 12 TO INCLUDE INFORMATION ON ANTI-SEMITISM AND
 13 OTHER RELIGIOUS INTOLERANCE

14 SEC. 696. Section 102(b)(1) of the International Reli-
 15 gious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is
 16 amended by adding at the end the following new subpara-
 17 graph:

18 “(G) ACTS OF ANTI-SEMITISM AND OTHER
 19 RELIGIOUS INTOLERANCE.—A description for
 20 each foreign country of—

21 “(i) acts of violence against people of
 22 the Jewish faith and other faiths that oc-
 23 curred in that country;

24 “(ii) the response of the government of
 25 that country to such acts of violence; and

1 “(iii) actions by the government of that
2 country to enact and enforce laws relating
3 to the protection of the right to religious
4 freedom with respect to people of the Jewish
5 faith.

6 POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

7 SEC. 697. (a) Section 5925(a) of title 5, United States
8 Code, is amended in the third sentence by inserting after
9 “25 percent of the rate of basic pay” the following: “or, in
10 the case of an employee of the United States Agency for
11 International Development, 35 percent of the rate of basic
12 pay”.

13 (b) Section 5928 of title 5, United States Code, is
14 amended by inserting after “25 percent of the basic pay
15 of the employee” both places it appears the following: “or
16 35 percent of the basic pay of the employee in the case of
17 an employee of the United States Agency for International
18 Development”.

19 (c) The amendments made by subsections (a) and (b)
20 shall take effect on October 1, 2003, and shall apply with
21 respect to post differentials and danger pay allowances paid
22 for months beginning on or after that date.

23 SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF
24 ASSISTANCE BY AIR

25 SEC. 698. It is the sense of Congress that the Adminis-
26 trator of the United States Agency for International Devel-

1 *opment should, to the maximum extent practicable and in*
2 *a manner consistent with the use of full and open competi-*
3 *tion (as that term is defined in section 4(6) of the Office*
4 *of Federal Procurement Policy Act (41 U.S.C. 403(6))),*
5 *contract with small, domestic air transport providers for*
6 *purposes of the delivery by air of assistance available under*
7 *this Act.*

8 *SEC. 699. (a) Congress makes the following findings:*

9 *(1) International organizations and non-govern-*
10 *mental observers, including the Organization for Se-*
11 *curity and Cooperation in Europe, the National*
12 *Democratic Institute, and Human Rights Watch doc-*
13 *umented widespread government manipulation of the*
14 *electoral process in advance of the Presidential elec-*
15 *tion held in Azerbaijan on October 15, 2003.*

16 *(2) Such organizations and the Department of*
17 *State reported widespread vote falsification during*
18 *the election, including ballot stuffing, fraudulent ad-*
19 *ditions to voter lists, and irregularities with vote tal-*
20 *lies and found that election commission members from*
21 *opposition parties were bullied into signing falsified*
22 *vote tallies.*

23 *(3) The Department of State issued a statement*
24 *on October 21, 2003 concluding that the irregularities*

1 *that occurred during the elections “cast doubt on the*
2 *credibility of the election’s results”.*

3 (4) *Human Rights Watch reported that govern-*
4 *ment forces in Azerbaijan used excessive force against*
5 *demonstrators protesting election fraud and that such*
6 *force resulted in at least one death and injuries to*
7 *more than 300 individuals.*

8 (5) *Following the elections, the Government of*
9 *Azerbaijan arrested more than 330 individuals, many*
10 *of whom are leaders and rank-and-file members of op-*
11 *position parties in Azerbaijan, including individuals*
12 *who served as observers and polling-station officials*
13 *who refused to sign vote tallies from polling stations*
14 *that the individuals believed were fraudulent.*

15 (6) *The national interest of the United States in*
16 *promoting stability in the Caucasus and Central Asia*
17 *and in winning the war on terrorism is best protected*
18 *by maintaining relationships with democracies com-*
19 *mitted to the rule of law.*

20 (7) *The credible reports of fraud and intimidat-*
21 *ion cast serious doubt on the legitimacy of the Octo-*
22 *ber 15, 2003 Presidential election in Azerbaijan and*
23 *on the victory of Ilham Aliev in such election.*

24 (b) *It is the sense of Congress that—*

1 (1) *the President and the Secretary of State*
2 *should urge the Government of Azerbaijan to create*
3 *an independent commission, with participation from*
4 *the Organization for Security and Cooperation in*
5 *Europe and the Council of Europe, to investigate the*
6 *fraud and intimidation surrounding the October 15,*
7 *2003 election in Azerbaijan, and to hold a new elec-*
8 *tion if such a commission finds that a new election*
9 *is warranted;*

10 (2) *the violence that followed the election should*
11 *be condemned and should be investigated in a full*
12 *and impartial investigation;*

13 (3) *the perpetrators of criminal acts related to*
14 *the election, including Azerbaijani police, should be*
15 *held accountable; and*

16 (4) *the Government of Azerbaijan should imme-*
17 *diately release from detention all members of opposi-*
18 *tion political parties who were arrested for peacefully*
19 *expressing political opinions.*

20 (c) *Not later than 90 days after the date of the enact-*
21 *ment of this Act, the Secretary of State, in consultation*
22 *with the Attorney General, shall submit a report to the*
23 *Committee on Foreign Relations and the Committee on Ap-*
24 *propriations of the Senate and the Committee on Inter-*
25 *national Relations and the Committee of Appropriations of*

1 *the House of Representatives on the investigation of the*
2 *murder of United States democracy worker John Alvis.*

3 *Such report shall include—*

4 (1) *a description of the steps taken by the Gov-*
5 *ernment of Azerbaijan to further such investigation*
6 *and bring to justice those responsible for the murder*
7 *of John Alvis;*

8 (2) *a description of the actions of the Govern-*
9 *ment of Azerbaijan to cooperate with United States*
10 *agencies involved in such investigation; and*

11 (3) *any recommendations of the Secretary for*
12 *furthering progress of such investigation.*

13 *REPORT ON SIERRA LEONE*

14 *SEC. 699A. Not later than 6 months after the date of*
15 *enactment of this Act, the Administrator of the United*
16 *States Agency for International Development shall submit*
17 *a report to the Committee on Foreign Relations and Com-*
18 *mittee on Appropriations of the Senate and the Committee*
19 *on International Relations and Committee on Appropria-*
20 *tions of the House of Representatives on the feasibility of*
21 *establishing a United States mission in Sierra Leone.*

22 *REPORT ON SOMALIA*

23 *SEC. 699B. (a) Not later than 180 days after the date*
24 *of the enactment of this Act, the Secretary of State shall*
25 *submit to the Committees on Appropriations and Foreign*
26 *Relations of the Senate and the Committees on Appropria-*

1 *tions and International Relations of the House of Rep-*
2 *resentatives a report on a strategy for engaging with com-*
3 *petent and responsible authorities and organizations within*
4 *Somalia, including in Somaliland, to strengthen local ca-*
5 *pacuity and establish incentives for communities to seek sta-*
6 *bility.*

7 (b) *The report shall describe a multi-year strategy*
8 *for—*

9 (1) *increasing access to primary and secondary*
10 *education and basic health care services;*

11 (2) *supporting efforts underway to establish clear*
12 *systems for effective regulation and monitoring of So-*
13 *mali hawala, or informal banking, establishments;*
14 *and*

15 (3) *supporting initiatives to rehabilitate the live-*
16 *stock export sector in Somalia.*

17 *DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TU-*
18 *BERCULOSIS AND MALARIA UNDER THE INTER-*
19 *NATIONAL ORGANIZATIONS IMMUNITIES ACT*

20 *SEC. 699C. The International Organizations Immuni-*
21 *ties Act (22 U.S.C. 288 et seq.) is amended by adding at*
22 *the end the following new section:*

23 *“SEC. 16. The provisions of this title may be extended*
24 *to the Global Fund to Fight AIDS, Tuberculosis and Ma-*
25 *larial in the same manner, to the same extent, and subject*

1 *to the same conditions, as they may be extended to a public*
2 *international organization in which the United States par-*
3 *ticipates pursuant to any treaty or under the authority of*
4 *any Act of Congress authorizing such participation or mak-*
5 *ing an appropriation for such participation.”.*

6 *GUINEA WORM ERADICATION PROGRAM*

7 *SEC. 699D. Of the funds made available in title II*
8 *under the headings “CHILD SURVIVAL AND HEALTH PRO-*
9 *GRAMS FUND” and “DEVELOPMENT ASSISTANCE”, not less*
10 *than \$5,000,000 may be made available for the Carter Cen-*
11 *ter’s Guinea Worm Eradication Program.*

12 *SEC. 699E. (a) Congress makes the following findings:*

13 *(1) The Islamic Republic of Iran is neither free*
14 *nor fully democratic, and undemocratic institutions,*
15 *such as the Guardians Council, thwart the will of the*
16 *Iranian people.*

17 *(2) There is ongoing repression of journalists,*
18 *students, and intellectuals in Iran, women in Iran*
19 *are deprived of their internationally recognized*
20 *human rights, and religious freedom is not respected*
21 *under the laws of Iran.*

22 *(3) The Department of State asserted in its*
23 *“Patterns of Global Terrorism 2002” report released*
24 *on April 30, 2003, that Iran remained the most active*
25 *state sponsor of terrorism and that Iran continues to*
26 *provide funding, safe-haven, training, and weapons to*

1 *known terrorist groups, notably Hizballah, HAMAS,*
2 *the Palestine Islamic Jihad, and the Popular Front*
3 *for the Liberation of Palestine.*

4 (4) *The International Atomic Energy Agency*
5 *(IAEA) has found that Iran has failed to accurately*
6 *disclose all elements of its nuclear program. The*
7 *IAEA is engaged in efforts to determine the extent, or-*
8 *igin and implications of Iranian nuclear activities*
9 *that were not initially reported to the IAEA.*

10 (5) *There have been credible reports of Iran har-*
11 *boring Al Qaeda fugitives and permitting the passage*
12 *of terrorist elements into Iraq.*

13 (b) *It is the sense of Congress that it should be the*
14 *policy of the United States to—*

15 (1) *support transparent, full democracy in Iran;*

16 (2) *support the rights of the Iranian people to*
17 *choose their system of government;*

18 (3) *condemn the brutal treatment and imprison-*
19 *ment and torture of Iranian civilians expressing po-*
20 *litical dissent;*

21 (4) *call upon the Government of Iran to comply*
22 *fully with requests by the International Atomic En-*
23 *ergy Agency for information and to immediately sus-*
24 *pend all activities related to the development of nu-*
25 *clear weapons and their delivery systems;*

1 (5) demand that Al Qaeda members be imme-
2 diately turned over to governments requesting their
3 extradition; and

4 (6) demand that Iran prohibit and prevent the
5 passage of armed elements into Iraq and cease all ac-
6 tivities to undermine the Iraqi Governing Council
7 and the reconstruction of Iraq.

8 SEC. 699F. (a) None of the funds made available by
9 title II under the heading “MIGRATION AND REFUGEE AS-
10 SISTANCE” or “UNITED STATES EMERGENCY REFUGEE AND
11 MIGRATION ASSISTANCE FUND” to provide assistance to ref-
12 ugees or internally displaced persons may be provided to
13 an organization that has failed to adopt a code of conduct
14 consistent with the Inter-Agency Standing Committee Task
15 Force on Protection From Sexual Exploitation and Abuse
16 in Humanitarian Crises six core principles for the protec-
17 tion of beneficiaries of humanitarian assistance.

18 (b) In administering the amounts made available for
19 the accounts described in subsection (a), the Secretary of
20 State and Administrator of the United States Agency for
21 International Development shall incorporate specific poli-
22 cies and programs for the purpose of identifying specific
23 needs of, and particular threats to, women and children at
24 the various stages of a complex humanitarian emergency,
25 especially at the onset of such emergency.

1 (c) *Not later than 90 days after the date of enactment*
2 *of this Act, the Secretary of State shall submit to the Com-*
3 *mittee on Foreign Relations of the Senate, the Committee*
4 *on International Relations of the House of Representatives*
5 *and the Committees on Appropriations a report on activi-*
6 *ties of the Government of the United States to protect*
7 *women and children affected by a complex humanitarian*
8 *emergency. The report shall include—*

9 (1) *an assessment of the specific protection needs*
10 *of women and children at the various stages of a com-*
11 *plex humanitarian emergency;*

12 (2) *a description of which agencies and offices of*
13 *the United States Government are responsible for ad-*
14 *dressing each aspect of such needs and threats; and*

15 (3) *guidelines and recommendations for improv-*
16 *ing United States and international systems for the*
17 *protection of women and children during a complex*
18 *humanitarian emergency.*

19 *DEMOCRACY BUILDING IN CUBA*

20 *SEC. 699G. (a) Of the funds appropriated in title II,*
21 *under the heading “TRANSITION INITIATIVES” not more*
22 *than \$5,000,000 shall be available for individuals and inde-*
23 *pendent nongovernmental organizations to support democ-*
24 *racy-building efforts for Cuba, including the following:*

25 (1) *Published and informational material, such*
26 *as books, videos, and cassettes, on transitions to de-*

1 *mocracy, human rights, and market economics, to be*
2 *made available to independent democratic groups in*
3 *Cuba.*

4 (2) *Humanitarian assistance to victims of polit-*
5 *ical repression, and their families.*

6 (3) *Support for democratic and human rights*
7 *groups in Cuba.*

8 (4) *Support for visits and permanent deploy-*
9 *ment of independent international human rights*
10 *monitors in Cuba.*

11 (b) *In this section:*

12 (1) *The term “independent nongovernmental or-*
13 *ganization” means an organization that the Secretary*
14 *of State determines, not less than 15 days before any*
15 *obligation of funds made available under this section*
16 *to the organization, is a charitable or nonprofit non-*
17 *governmental organization that is not an agency or*
18 *instrumentality of the Cuban Government.*

19 (2) *The term “individuals” means a Cuban na-*
20 *tional in Cuba, including a political prisoner and the*
21 *family of such prisoner, who is not an official of the*
22 *Cuban Government or of the ruling political party in*
23 *Cuba, as defined in section 4(10) of the Cuban Lib-*
24 *erty and Democratic Solidarity (LIBERTAD) Act of*
25 *1996 (22 U.S.C. 6023(10)).*

1 (c) *The notification requirements of section 634A of*
 2 *the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall*
 3 *apply to any allocation or transfer of funds made pursuant*
 4 *to this section.*

5 *RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS*
 6 *IN CENTRAL AFRICA*

7 *SEC. 699H. (a) Of the funds appropriated under title*
 8 *II under the heading “ECONOMIC SUPPORT FUND”,*
 9 *\$12,000,000 should be made available to support the devel-*
 10 *opment of responsible justice and reconciliation mecha-*
 11 *nisms in the Democratic Republic of the Congo, Rwanda,*
 12 *Burundi, and Uganda, including programs to increase*
 13 *awareness of gender-based violence and improve local ca-*
 14 *capacity to prevent and respond to such violence.*

15 *SEC. 699I. Beginning not later than 60 days after the*
 16 *date of enactment of this Act, the Coordinator should make*
 17 *publicly available (including through posting on Internet*
 18 *web sites maintained by the Coordinator) prices paid to*
 19 *purchase HIV/AIDS pharmaceuticals, antiviral therapies,*
 20 *diagnostic and monitoring tests, and other appropriate*
 21 *medicines, including medicines to treat opportunistic infec-*
 22 *tions, for the treatment of people with HIV/AIDS and the*
 23 *prevention of mother-to-child transmission of HIV/AIDS in*
 24 *developing counties—*

25 *(1) through the use of funds appropriated under*
 26 *this Act; and*

1 (2) to the extent available, by—

2 (A) the World Health Organization; and

3 (B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

4
5 ASSISTANCE FOR HIV/AIDS

6 SEC. 699J. *The United States Leadership Against*
7 *HIV/AIDS, Tuberculosis, and Malaria Act of 2003* (117
8 *Stat. 711; 22 U.S.C. 7601 et seq.*) is amended—

9 (1) in section 202(d)(4)(A), by adding at the end
10 *the following new clause:*

11 “(vi) for the purposes of clause (i), ‘funds
12 contributed to the Global Fund from all sources’
13 means funds contributed to the Global Fund at
14 any time during fiscal years 2004 through 2008
15 that are not contributed to fulfill a commitment
16 made for a fiscal year prior to fiscal year
17 2004.”;

18 (2) in section 202(d)(4)(B), by adding at the end
19 *the following new clause:*

20 “(iv) Notwithstanding clause (i), after July
21 1 of each of the fiscal years 2004 through 2008,
22 any amount made available under this sub-
23 section that is withheld by reason of subpara-
24 graph (A)(i) is authorized to be made available
25 to carry out sections 104A, 104B, and 104C of

1 *accordance with the regular notification procedures of such*
2 *Committees.*

3 *(c) Respect of the Indonesian military for human*
4 *rights and the normalization of the military relationship*
5 *between the United States and Indonesia is in the interests*
6 *of both countries. The normalization process cannot begin*
7 *until the Federal Bureau of Investigation has received full*
8 *cooperation from the Government of Indonesia and the In-*
9 *onesian armed forces with respect to its investigation into*
10 *the August 31, 2002, murders of two American citizens and*
11 *one Indonesian citizen in Timika, Indonesia, and the indi-*
12 *viduals responsible for those murders have been prosecuted*
13 *and appropriately punished.*

14 *TECHNICAL CORRECTION RELATING TO THE ENHANCED*
15 *HIPC INITIATIVE.*

16 *SEC. 699M. Section 1625(a)(1)(B)(ii) of the Inter-*
17 *national Financial Institutions Act (as added by section*
18 *501 of the United States Leadership Against HIV/AIDS,*
19 *Tuberculosis, and Malaria Act of 2003 (Public Law 108-*
20 *25)) is amended by striking “subparagraph (A)” and in-*
21 *serting “clause (i)”.*

1 *This Act may be cited as the “Foreign Operations, Ex-*
2 *port Financing, and Related Programs Appropriations Act,*
3 *2004”.*

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

H. R. 2800

AMENDMENT