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108TH CONGRESS
1ST SESSION

H. R. 2800

IN THE SENATE OF THE UNITED STATES

JULY 24 (legislative day, JULY 21), 2003

Received; read twice and placed on the calendar

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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:

5 TITLE I—EXPORT AND INVESTMENT

6 ASSISTANCE

7 EXPORT-IMPORT BANK OF THE UNITED STATES

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

1 amended, sections 1(a) and (b) of Public Law 103–428
2 shall remain in effect through October 1, 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, \$71,395,000: *Provided*, That the Ex-
10 port-Import Bank may accept, and use, payment or serv-
11 ices provided by transaction participants for legal, finan-
12 cial, or technical services in connection with any trans-
13 action for which an application for a loan, guarantee or
14 insurance commitment has been made: *Provided further*,
15 That, notwithstanding subsection (b) of section 117 of the
16 Export Enhancement Act of 1992, subsection (a) thereof
17 shall remain 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
23 commitments within the limits of funds available to it and
24 in accordance with law as may be necessary: *Provided*,
25 That the amount available for administrative expenses to
26 carry out the credit and insurance programs (including an

1 amount for official reception and representation expenses
2 which shall not exceed \$35,000) shall not exceed
3 \$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
6 with services provided to specific investors or potential in-
7 vestors pursuant to section 234 of the Foreign Assistance
8 Act of 1961, shall not be considered administrative ex-
9 penses for the purposes of this heading.

10 PROGRAM ACCOUNT

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

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

7 FUNDS APPROPRIATED TO THE PRESIDENT

8 TRADE AND DEVELOPMENT AGENCY

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

13 TITLE II—BILATERAL ECONOMIC ASSISTANCE

14 FUNDS APPROPRIATED TO THE PRESIDENT

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

20 UNITED STATES AGENCY FOR INTERNATIONAL

21 DEVELOPMENT

22 CHILD SURVIVAL AND HEALTH PROGRAMS FUND

23 (INCLUDING TRANSFER OF FUNDS)

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

1 ning/reproductive health activities, in addition to funds
2 otherwise available for such purposes, \$2,235,830,000, to
3 remain available until September 30, 2005: *Provided*,
4 That this amount shall be made available for such activi-
5 ties as: (1) programs for the prevention, treatment, con-
6 trol of, and research on HIV/AIDS, tuberculosis, polio,
7 malaria, and other infectious diseases, and for assistance
8 to communities severely affected by HIV/AIDS, including
9 children displaced or orphaned by AIDS; (2) family plan-
10 ning/reproductive health; (3) health, nutrition, water and
11 sanitation programs, and related education programs,
12 which directly address the needs of mothers and children;
13 (4) assistance for children displaced or orphaned by causes
14 other than AIDS; (5) immunization programs; and (6)
15 oral rehydration programs: *Provided further*, That none of
16 the funds appropriated under this heading may be made
17 available for nonproject assistance, except that funds may
18 be made available for such assistance for ongoing health
19 activities: *Provided further*, That of the funds appropriated
20 under this heading, not to exceed \$250,000, in addition
21 to funds otherwise available for such purposes, may be
22 used to monitor and provide oversight of child survival,
23 maternal and family planning/reproductive health, and in-
24 fectionous disease programs: *Provided further*, That the fol-
25 lowing amounts should be allocated as follows:

1 \$324,000,000 for child survival and maternal health;
2 \$27,000,000 for vulnerable children; \$840,830,000 for
3 HIV/AIDS; \$155,500,000 for other infectious diseases;
4 \$368,500,000 for family planning/reproductive health; and
5 \$120,000,000 for UNICEF: *Provided further*, That of the
6 funds appropriated under this heading, and in addition to
7 funds allocated under the previous proviso, not less than
8 \$400,000,000 shall be made available, not withstanding
9 any other provision of law, except the provisions of section
10 202(d)(4) of Public Law 108–25, for a United States con-
11 tribution to the Global Fund to Fight AIDS, Tuberculosis
12 and Malaria (the “Global Fund”), and shall be expended
13 at the minimum rate necessary to make timely payment
14 for projects and activities: *Provided further*, That of the
15 funds appropriated and allocated for HIV/AIDS under
16 this heading, not less than \$15,000,000 should be made
17 available as a contribution to the International AIDS Vac-
18 cine Initiative; not more than \$6,326,000 may be available
19 for administrative expenses of the Office of the Coordi-
20 nator of United States Government Activities to Combat
21 HIV/AIDS Globally (the “Coordinator”); and not more
22 than \$50,000,000 may be made available under the au-
23 thority contained in section 1(f)(2)(A)(iii) of the State De-
24 partment Basic Authorities Act of 1956: *Provided further*,
25 That no United States contribution to the Global Fund

1 may cause the total amount of United States Government
2 contributions to the Global Fund to exceed one-half of the
3 total amount of funds contributed to the Global Fund
4 from all other sources: *Provided further*, That if, by June
5 30, 2004, the application of the previous proviso prevents
6 a contribution of the full amount allocated for the Global
7 Fund, the amount that cannot be made available for the
8 Global Fund may be made available by the Coordinator,
9 through relevant executive branch agencies, for activities
10 to combat HIV/AIDS, tuberculosis, or malaria, subject to
11 prior consultation with the Committees on Appropriations:
12 *Provided further*, That in carrying out the duties specified
13 in section 1(f)(2)(B)(ii)(VII) of the State Department
14 Basic Authorities Act of 1956, the Coordinator shall en-
15 sure that assistance is provided for activities in not fewer
16 than 15 countries, at least one of which shall not be in
17 Africa or the Caribbean region: *Provided further*, That of
18 the funds appropriated under this heading, up to
19 \$60,000,000 may be made available for a United States
20 contribution to the Vaccine Fund, and up to \$6,000,000
21 may be transferred to and merged with funds appropriated
22 by this Act under the heading “Operating Expenses of the
23 United States Agency for International Development” for
24 costs directly related to international health, but funds
25 made available for such costs may not be derived from

1 amounts made available for contribution under the pre-
2 ceding provisos: *Provided further*, That notwithstanding
3 any other provision of this Act, funds appropriated under
4 this heading that are available for child survival and
5 health programs, shall be apportioned to the Office of the
6 Coordinator, or the United States Agency for Inter-
7 national Development, and the authority of sections
8 632(a) or 632(b) of the Foreign Assistance Act of 1961,
9 or any comparable provision of law, may not be used to
10 transfer or allocate any part of such funds to the Depart-
11 ment of Health and Human Services including any office
12 of that agency, except that the authority of those sections
13 may be used to transfer or allocate up to \$35,000,000 of
14 such funds to the Centers for Disease Control and Preven-
15 tion: *Provided further*, That none of the funds made avail-
16 able in this Act nor any unobligated balances from prior
17 appropriations may be made available to any organization
18 or program which, as determined by the President of the
19 United States, supports or participates in the manage-
20 ment of a program of coercive abortion or involuntary
21 sterilization: *Provided further*, That none of the funds
22 made available under this Act may be used to pay for the
23 performance of abortion as a method of family planning
24 or to motivate or coerce any person to practice abortions:
25 *Provided further*, That none of the funds made available

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

1 services; (4) the project shall provide family planning ac-
2 ceptors comprehensible information on the health benefits
3 and risks of the method chosen, including those conditions
4 that might render the use of the method inadvisable and
5 those adverse side effects known to be consequent to the
6 use of the method; and (5) the project shall ensure that
7 experimental contraceptive drugs and devices and medical
8 procedures are provided only in the context of a scientific
9 study in which participants are advised of potential risks
10 and benefits; and, not less than 60 days after the date
11 on which the Administrator of the United States Agency
12 for International Development determines that there has
13 been a violation of the requirements contained in para-
14 graph (1), (2), (3), or (5) of this proviso, or a pattern
15 or practice of violations of the requirements contained in
16 paragraph (4) of this proviso, the Administrator shall sub-
17 mit to the Committees on Appropriations a report con-
18 taining a description of such violation and the corrective
19 action taken by the Agency: *Provided further*, That in
20 awarding grants for natural family planning under section
21 104 of the Foreign Assistance Act of 1961 no applicant
22 shall be discriminated against because of such applicant's
23 religious or conscientious commitment to offer only nat-
24 ural family planning; and, additionally, all such applicants
25 shall comply with the requirements of the previous proviso:

1 *Provided further*, That for purposes of this or any other
2 Act authorizing or appropriating funds for foreign oper-
3 ations, export financing, and related programs, the term
4 “motivate”, as it relates to family planning assistance,
5 shall not be construed to prohibit the provision, consistent
6 with local law, of information or counseling about all preg-
7 nancy options: *Provided further*, That nothing in this para-
8 graph shall be construed to alter any existing statutory
9 prohibitions against abortion under section 104 of the
10 Foreign Assistance Act of 1961: *Provided further*, That
11 information provided about the use of condoms as part
12 of projects or activities that are funded from accounts ap-
13 propriated by this Act shall be medically accurate and
14 shall include the public health benefits and failure rates
15 of such use.

16 DEVELOPMENT ASSISTANCE

17 For necessary expenses of the United States Agency
18 for International Development to carry out the provisions
19 of sections 103, 105, 106, and 131, and chapter 10 of
20 part I of the Foreign Assistance Act of 1961,
21 \$1,317,000,000, of which up to \$50,000,000 may remain
22 available until September 30, 2005: *Provided*, That none
23 of the funds appropriated under title II of this Act that
24 are managed by or allocated to the United States Agency
25 for International Development’s Global Development Sec-
26 retariat, may be made available except through the regular

1 notification procedures of the Committees on Appropria-
2 tions: *Provided further*, That \$194,000,000 should be allo-
3 cated for trade capacity building: *Provided further*, That
4 \$250,000,000 should be allocated for basic education: *Pro-*
5 *vided further*, That of the funds appropriated under this
6 heading and managed by the United States Agency for
7 International Development Bureau of Democracy, Con-
8 flict, and Humanitarian Assistance, not less than
9 \$11,000,000 shall be made available only for programs to
10 improve women's leadership capacity in recipient coun-
11 tries: *Provided further*, That such funds may not be made
12 available for construction: *Provided further*, That of the
13 funds appropriated under this heading that are made
14 available for assistance programs for displaced and or-
15 phaned children and victims of war, not to exceed
16 \$32,500, in addition to funds otherwise available for such
17 purposes, may be used to monitor and provide oversight
18 of such programs.

19 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

20 For necessary expenses of the United States Agency
21 for International Development to carry out the provisions
22 of section 491 of the Foreign Assistance Act of 1961, as
23 amended for international disaster relief, rehabilitation,
24 and reconstruction assistance, \$235,500,000, to remain
25 available until expended.

1 DEVELOPMENT CREDIT AUTHORITY
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans and loan guarantees pro-
4 vided by the United States Agency for International De-
5 velopment, as authorized by sections 108 and 635 of the
6 Foreign Assistance Act of 1961, funds may be derived by
7 transfer from funds appropriated by this Act to carry out
8 part I of such Act and under the heading “Assistance for
9 Eastern Europe and the Baltic States”: *Provided*, That
10 such funds shall not exceed \$21,000,000, which shall be
11 made available only for micro and small enterprise pro-
12 grams, urban programs, and other programs which fur-
13 ther the purposes of part I of the Act: *Provided further*,
14 That such costs shall be as defined in section 502 of the
15 Congressional Budget Act of 1974: *Provided further*, That
16 the provisions of section 107A(d) (relating to general pro-
17 visions applicable to the Development Credit Authority)
18 of the Foreign Assistance Act of 1961, as contained in
19 section 306 of H.R. 1486 as reported by the House Com-
20 mittee on International Relations on May 9, 1997, shall
21 be applicable to direct loans and loan guarantees provided
22 under this heading. In addition, for administrative ex-
23 penses to carry out credit programs administered by the
24 United States Agency for International Development,
25 \$8,000,000, which may be transferred to and merged with
26 the appropriation for Operating Expenses of the United

1 States Agency for International Development: *Provided*
2 *further*, That funds made available under this heading
3 shall remain available until September 30, 2007.

4 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
5 DISABILITY FUND

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

9 OPERATING EXPENSES OF THE UNITED STATES AGENCY
10 FOR INTERNATIONAL DEVELOPMENT
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to carry out the provisions
13 of section 667 of the Foreign Assistance Act of 1961,
14 \$604,100,000, of which \$30,000,000 may remain avail-
15 able until September 30, 2005: *Provided*, That none of
16 the funds appropriated under this heading and under the
17 heading “Capital Investment Fund” may be made avail-
18 able to finance the construction (including architect and
19 engineering services), purchase, or long term lease of of-
20 fices for use by the United States Agency for International
21 Development, unless the Administrator has identified such
22 proposed construction (including architect and engineering
23 services), purchase, or long term lease of offices in a re-
24 port submitted to the Committees on Appropriations at
25 least 15 days prior to the obligation of these funds for
26 such purposes: *Provided further*, That the previous proviso

1 shall not apply where the total cost of construction (in-
2 cluding architect and engineering services), purchase, or
3 long term lease of offices does not exceed \$1,000,000: *Pro-*
4 *vided further*, That in addition not to exceed \$15,000,000
5 may be derived by transfer from the “Iraq Relief and Re-
6 construction Fund” (Public Law 108–11) to support the
7 United States Agency for International Development mis-
8 sion in Iraq: *Provided further*, That none of the funds in
9 this Act may be used to open a new overseas mission of
10 the United States Agency for International Development
11 without the prior written notification of the Committees
12 on Appropriations: *Provided further*, That the authority of
13 sections 610 and 109 of the Foreign Assistance Act of
14 1961 may be exercised by the Secretary of State to trans-
15 fer funds appropriated to carry out chapter 1 of such Act
16 to “Operating Expenses of the United States Agency for
17 International Development” in accordance with the provi-
18 sions of those sections.

19 CAPITAL INVESTMENT FUND

20 For necessary expenses for overseas construction and
21 related costs, and for the procurement and enhancement
22 of information technology and related capital investments
23 of the United States Agency for International Develop-
24 ment, pursuant to section 667 of the Foreign Assistance
25 Act of 1961, \$49,300,000, to remain available until ex-
26 pended: *Provided*, That this amount is in addition to funds

1 otherwise available for such purposes: *Provided further,*
2 That the Administrator of the United States Agency for
3 International Development shall assess fair and reasonable
4 rental payments for the use of space by employees of other
5 United States Government agencies in buildings con-
6 structed using funds appropriated under this heading, and
7 such rental payments shall be deposited into this account
8 as an offsetting collection: *Provided further,* That the rent-
9 al payments collected pursuant to the previous proviso and
10 deposited as an offsetting collection shall be available for
11 obligation only pursuant to the regular notification proce-
12 dures of the Committees on Appropriations: *Provided fur-*
13 *ther,* That the assignment of United States Government
14 employees or contractors to space in buildings constructed
15 using funds appropriated under this heading shall be sub-
16 ject to the concurrence of the Administrator of the United
17 States Agency for International Development: *Provided*
18 *further,* That funds appropriated under this heading shall
19 be available for obligation only pursuant to the regular
20 notification procedures of the Committees on Appropria-
21 tions.

22 OPERATING EXPENSES OF THE UNITED STATES AGENCY
23 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-
24 SPECTOR GENERAL

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

1 \$35,000,000, to remain available until September 30,
2 2005, which sum shall be available for the Office of the
3 Inspector General of the United States Agency for Inter-
4 national Development.

5 OTHER BILATERAL ECONOMIC ASSISTANCE

6 ECONOMIC SUPPORT FUND

7 For necessary expenses to carry out the provisions
8 of chapter 4 of part II, \$2,240,500,000 to remain avail-
9 able until September 30, 2005: *Provided*, That of the
10 funds appropriated under this heading, not less than
11 \$480,000,000 shall be available only for Israel, which sum
12 shall be available on a grant basis as a cash transfer and
13 shall be disbursed within 30 days of the enactment of this
14 Act: *Provided further*, That not less than \$575,000,000
15 shall be available only for Egypt, which sum shall be pro-
16 vided on a grant basis, and of which sum cash transfer
17 assistance shall be provided with the understanding that
18 Egypt will undertake significant economic reforms which
19 are additional to those which were undertaken in previous
20 fiscal years: *Provided further*, That in exercising the au-
21 thority to provide cash transfer assistance for Israel, the
22 President shall ensure that the level of such assistance
23 does not cause an adverse impact on the total level of non-
24 military exports from the United States to such country
25 and that Israel enters into a side letter agreement in an

1 amount proportional to the fiscal year 1999 agreement:
2 *Provided further*, That of the funds appropriated under
3 this heading, not less than \$250,000,000 should be made
4 available only for assistance for Jordan: *Provided further*,
5 That not less than \$12,000,000 of the funds appropriated
6 under this heading should be made available for Cyprus
7 to be used only for scholarships, administrative support
8 of the scholarship program, bicommunal projects, and
9 measures aimed at reunification of the island and designed
10 to reduce tensions and promote peace and cooperation be-
11 tween the two communities on Cyprus: *Provided further*,
12 That not less than \$35,000,000 of the funds appropriated
13 under this heading should be made available for assistance
14 for Lebanon of which not less than \$4,000,000 should be
15 available only for American educational institutions for
16 scholarships and other programs: *Provided further*, That
17 notwithstanding section 534(a) of this Act, funds appro-
18 priated under this heading that are made available for as-
19 sistance for the Central Government of Lebanon shall be
20 subject to the regular notification procedures of the Com-
21 mittees on Appropriations: *Provided further*, That not to
22 exceed \$65,000,000 of the funds appropriated under this
23 heading in this Act may be made available for the costs,
24 as defined in section 502 of the Congressional Budget Act
25 of 1974, of modifying direct loans and guarantees for

1 Pakistan: *Provided further*, That not to exceed
2 \$67,000,000 shall be available to the Department of State
3 Office of Overseas Buildings Operation for construction
4 of United States Agency for International Development
5 facilities in Mali, Guinea, Cambodia, and Georgia: *Pro-*
6 *vided further*, That funds appropriated under this heading
7 shall be made available for administrative costs of the
8 United States Agency for International Development to
9 provide adequate security, carry out programs in Afghani-
10 stan, and implement regional programs in Asia and the
11 Near East, including the Middle East Partnership Initia-
12 tive, in addition to amounts otherwise available for such
13 purposes: *Provided further*, That with respect to funds ap-
14 propriated under this heading in this Act or prior Acts
15 making appropriations for foreign operations, export fi-
16 nancing, and related programs, the responsibility for pol-
17 icy decisions and justifications for the use of such funds,
18 including whether there will be a program for a country
19 that uses those funds and the amount of each such pro-
20 gram, shall be the responsibility of the Secretary of State
21 and the Deputy Secretary of State and this responsibility
22 shall not be delegated.

23 INTERNATIONAL FUND FOR IRELAND

24 For necessary expenses to carry out the provisions
25 of chapter 4 of part II of the Foreign Assistance Act of
26 1961, \$19,600,000, which shall be available for the United

1 States contribution to the International Fund for Ireland
2 and shall be made available in accordance with the provi-
3 sions of the Anglo-Irish Agreement Support Act of 1986
4 (Public Law 99–415): *Provided*, That such amount shall
5 be expended at the minimum rate necessary to make time-
6 ly payment for projects and activities: *Provided further*,
7 That funds made available under this heading shall re-
8 main available until September 30, 2005.

9 ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC
10 STATES

11 (a) For necessary expenses to carry out the provisions
12 of the Foreign Assistance Act of 1961 and the Support
13 for East European Democracy (SEED) Act of 1989,
14 \$452,000,000, to remain available until September 30,
15 2005, which shall be available, notwithstanding any other
16 provision of law, for assistance and for related programs
17 for Eastern Europe and the Baltic States: *Provided*, That
18 funds appropriated under this heading shall be considered
19 to be economic assistance under the Foreign Assistance
20 Act of 1961 for purposes of making available the adminis-
21 trative authorities contained in that Act for the use of eco-
22 nomic assistance: *Provided further*, That funds made avail-
23 able for assistance for Kosovo from funds appropriated
24 under this heading and under the headings “Economic
25 Support Fund” and “International Narcotics Control and
26 Law Enforcement” should not exceed 15 percent of the

1 total resources pledged by all donors for calendar year
2 2004 for assistance for Kosovo as of March 31, 2004.

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

14 (c) With regard to funds appropriated under this
15 heading for the economic revitalization program in Bosnia
16 and Herzegovina, and local currencies generated by such
17 funds (including the conversion of funds appropriated
18 under this heading into currency used by Bosnia and
19 Herzegovina as local currency and local currency returned
20 or repaid under such program) the Administrator of the
21 United States Agency for International Development shall
22 provide written approval for grants and loans prior to the
23 obligation and expenditure of funds for such purposes, and
24 prior to the use of funds that have been returned or repaid
25 to any lending facility or grantee.

1 (d) The provisions of section 529 of this Act shall
2 apply to funds made available under subsection (c) and
3 to funds appropriated under this heading: *Provided*, That
4 notwithstanding any provision of this or any other Act,
5 including provisions in this subsection regarding the appli-
6 cation of section 529 of this Act, local currencies gen-
7 erated by, or converted from, funds appropriated by this
8 Act and by previous appropriations Acts and made avail-
9 able for the economic revitalization program in Bosnia
10 may be used in Eastern Europe and the Baltic States to
11 carry out the provisions of the Foreign Assistance Act of
12 1961 and the Support for East European Democracy
13 (SEED) Act of 1989.

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

1 ASSISTANCE FOR THE INDEPENDENT STATES OF THE
2 FORMER SOVIET UNION

3 (a) For necessary expenses to carry out the provisions
4 of chapters 11 and 12 of part I of the Foreign Assistance
5 Act of 1961 and the FREEDOM Support Act, for assist-
6 ance for the Independent States of the former Soviet
7 Union and for related programs, \$576,000,000, to remain
8 available until September 30, 2005: *Provided*, That the
9 provisions of such chapters shall apply to funds appro-
10 priated by this paragraph: *Provided further*, That of the
11 funds made available for the Southern Caucasus region,
12 notwithstanding any other provision of law, funds may be
13 used for confidence-building measures and other activities
14 in furtherance of the peaceful resolution of the regional
15 conflicts, especially those in the vicinity of Abkhazia and
16 Nagorno-Karabagh: *Provided further*, That of the funds
17 appropriated under this heading, \$1,500,000 should be
18 available only to meet the health and other assistance
19 needs of victims of trafficking in persons: *Provided further*,
20 That, notwithstanding any other provision of law, funds
21 appropriated under this heading in this Act or prior Acts
22 making appropriations for foreign operations, export fi-
23 nancing, and related programs, that are made available
24 pursuant to the provisions of section 807 of the FREE-

1 DOM Support Act (Public Law 102–511) shall be subject
2 to a 6 percent ceiling on administrative expenses.

3 (b) Of the funds appropriated under this heading, not
4 less than \$70,000,000 should be made available for assist-
5 ance for Armenia and not less than \$90,000,000 should
6 be available for assistance for Russia.

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

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

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

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

23 (A) assistance to combat infectious diseases,
24 child survival activities, or assistance for victims of
25 trafficking in persons; and

1 (B) activities authorized under title V (Non-
2 proliferation and Disarmament Programs and Ac-
3 tivities) of the FREEDOM Support Act.

4 (d) Of the funds appropriated under this heading, not
5 less than \$63,000,000 should be made available, in addi-
6 tion to funds otherwise available for such purposes, for
7 assistance for child survival, environmental and reproduc-
8 tive health, and to combat HIV/AIDS, tuberculosis and
9 other infectious diseases, and for related activities.

10 (e) Section 907 of the FREEDOM Support Act shall
11 not apply to—

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

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

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

22 (4) any insurance, reinsurance, guarantee or
23 other assistance provided by the Overseas Private
24 Investment Corporation under title IV of chapter 2

1 of part I of the Foreign Assistance Act of 1961 (22
2 U.S.C. 2191 et seq.);

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

5 (6) humanitarian assistance.

6 INDEPENDENT AGENCIES

7 INTER-AMERICAN FOUNDATION

8 For necessary expenses to carry out the functions of
9 the Inter-American Foundation in accordance with the
10 provisions of section 401 of the Foreign Assistance Act
11 of 1969, \$15,185,000, to remain available until September
12 30, 2005.

13 AFRICAN DEVELOPMENT FOUNDATION

14 For necessary expenses to carry out title V of the
15 International Security and Development Cooperation Act
16 of 1980, Public Law 96–533, \$17,689,000, to remain
17 available until September 30, 2005: *Provided*, That funds
18 made available to grantees may be invested pending ex-
19 penditure for project purposes when authorized by the
20 board of directors of the Foundation: *Provided further*,
21 That interest earned shall be used only for the purposes
22 for which the grant was made: *Provided further*, That not-
23 withstanding section 505(a)(2) of the African Develop-
24 ment Foundation Act, in exceptional circumstances the
25 board of directors of the Foundation may waive the
26 \$250,000 limitation contained in that section with respect

1 to a project: *Provided further*, That the Foundation shall
2 provide a report to the Committees on Appropriations
3 after each time such waiver authority is exercised.

4 PEACE CORPS

5 For necessary expenses to carry out the provisions
6 of the Peace Corps Act (75 Stat. 612), \$314,000,000, in-
7 cluding the purchase of not to exceed five passenger motor
8 vehicles for administrative purposes for use outside of the
9 United States: *Provided*, That none of the funds appro-
10 priated under this heading shall be used to pay for abor-
11 tions: *Provided further*, That funds appropriated under
12 this heading shall remain available until September 30,
13 2005: *Provided further*, That the Director of the Peace
14 Corps may make appointments or assignments, or extend
15 current appointments or assignments, to permit United
16 States citizens to serve for periods in excess of five years
17 in the case of individuals whose appointment or assign-
18 ment, such as regional safety security officers and employ-
19 ees within the Office of the Inspector General, involves the
20 safety of Peace Corps volunteers: *Provided further*, That
21 the Director of the Peace Corps may make such appoint-
22 ments or assignments notwithstanding the provisions of
23 section 7 of the Peace Corps Act limiting the length of
24 an appointment or assignment, the circumstances under
25 which such an appointment or assignment may exceed 5

1 years, and the percentage of appointments or assignments
2 that can be made in excess of 5 years.

3 MILLENNIUM CHALLENGE ACCOUNT

4 For necessary expenses for the “Millennium Chal-
5 lenge Account”, \$800,000,000, to remain available until
6 expended: *Provided*, That the availability of such amount
7 is contingent upon enactment of authorization.

8 DEPARTMENT OF STATE

9 INTERNATIONAL NARCOTICS CONTROL AND LAW

10 ENFORCEMENT

11 For necessary expenses to carry out section 481 of
12 the Foreign Assistance Act of 1961, \$241,700,000: *Pro-*
13 *vided*, That funds appropriated under this heading shall
14 remain available until September 30, 2005: *Provided fur-*
15 *ther*, That during fiscal year 2004, the Department of
16 State may also use the authority of section 608 of the
17 Foreign Assistance Act of 1961, without regard to its re-
18 strictions, to receive excess property from an agency of
19 the United States Government for the purpose of pro-
20 viding it to a foreign country under chapter 8 of part I
21 of that Act subject to the regular notification procedures
22 of the Committees on Appropriations: *Provided further*,
23 That the Secretary of State shall provide to the Commit-
24 tees on Appropriations not later than 45 days after the
25 date of the enactment of this Act and prior to the initial
26 obligation of funds appropriated under this heading, a re-

1 port on the proposed uses of all funds under this heading
2 on a country-by-country basis for each proposed program,
3 project, or activity: *Provided further*, That of the funds
4 appropriated under this heading, not more than
5 \$24,180,000 may be available for administrative expenses.

6 ANDEAN COUNTERDRUG INITIATIVE

7 For necessary expenses to carry out section 481 of
8 the Foreign Assistance Act of 1961 to support
9 counterdrug activities in the Andean region of South
10 America, \$731,000,000, to remain available until Sep-
11 tember 30, 2005: *Provided*, That in fiscal year 2004,
12 funds available to the Department of State for assistance
13 to the Government of Colombia shall be available to sup-
14 port a unified campaign against narcotics trafficking,
15 against activities by organizations designated as terrorist
16 organizations such as the Revolutionary Armed Forces of
17 Colombia (FARC), the National Liberation Army (ELN),
18 and the United Self-Defense Forces of Colombia (AUC),
19 and to take actions to protect human health and welfare
20 in emergency circumstances, including undertaking rescue
21 operations: *Provided further*, That this authority shall
22 cease to be effective if the Secretary of State has credible
23 evidence that the Colombian Armed Forces are not con-
24 ducting vigorous operations to restore government author-
25 ity and respect for human rights in areas under the effec-
26 tive control of paramilitary and guerrilla organizations:

1 *Provided further*, That the President shall ensure that if
2 any helicopter procured with funds under this heading is
3 used to aid or abet the operations of any illegal self-de-
4 fense group or illegal security cooperative, such helicopter
5 shall be immediately returned to the United States: *Pro-*
6 *vided further*, That none of the funds appropriated by this
7 Act may be made available to support a Peruvian air inter-
8 diction program until the Secretary of State and Director
9 of Central Intelligence certify to the Congress, 30 days
10 before any resumption of United States involvement in a
11 Peruvian air interdiction program, that an air interdiction
12 program that permits the ability of the Peruvian Air Force
13 to shoot down aircraft will include enhanced safeguards
14 and procedures to prevent the occurrence of any incident
15 similar to the April 20, 2001 incident: *Provided further*,
16 That the Secretary of State, in consultation with the Ad-
17 ministrator of the United States Agency for International
18 Development, shall provide to the Committees on Appro-
19 priations not later than 45 days after the date of the en-
20 actment of this Act and prior to the initial obligation of
21 funds appropriated under this heading, a report on the
22 proposed uses of all funds under this heading on a coun-
23 try-by-country basis for each proposed program, project,
24 or activity: *Provided further*, That section 482(b) of the
25 Foreign Assistance Act of 1961 shall not apply to funds

1 appropriated under this heading: *Provided further*, That
2 assistance provided with funds appropriated under this
3 heading that is made available notwithstanding section
4 482(b) of the Foreign Assistance Act of 1961, as amend-
5 ed, shall be made available subject to the regular notifica-
6 tion procedures of the Committees on Appropriations: *Pro-*
7 *vided further*, That the provisions of section 3204(b)
8 through (d) of Public Law 106–246, as amended by Public
9 Law 107–115, shall be applicable to funds appropriated
10 for fiscal year 2004: *Provided further*, That the reports
11 required by sections 3204(e) and (f) of division B, title
12 III, chapter 2 of Public Law 106–246, shall be submitted
13 also to the Committees on Appropriations on the dates
14 specified in those sections: *Provided further*, That of the
15 funds appropriated under this heading, not more than
16 \$15,680,000 may be available for administrative expenses
17 of the Department of State, and not more than
18 \$4,500,000 may be available, in addition to amounts oth-
19 erwise available for such purposes, for administrative ex-
20 penses of the United States Agency for International De-
21 velopment.

22 MIGRATION AND REFUGEE ASSISTANCE

23 For expenses, not otherwise provided for, necessary
24 to enable the Secretary of State to provide, as authorized
25 by law, a contribution to the International Committee of
26 the Red Cross, assistance to refugees, including contribu-

1 tions to the International Organization for Migration and
2 the United Nations High Commissioner for Refugees, and
3 other activities to meet refugee and migration needs; sala-
4 ries and expenses of personnel and dependents as author-
5 ized by the Foreign Service Act of 1980; allowances as
6 authorized by sections 5921 through 5925 of title 5,
7 United States Code; purchase and hire of passenger motor
8 vehicles; and services as authorized by section 3109 of title
9 5, United States Code, \$760,197,000, which shall remain
10 available until expended: *Provided*, That not more than
11 \$18,500,000 may be available for administrative expenses:
12 *Provided further*, That funds appropriated under this
13 heading may be made available for a headquarters con-
14 tribution to the International Committee of the Red Cross
15 only if the Secretary of State determines (and so reports
16 to the appropriate committees of Congress) that the
17 Magen David Adom Society of Israel is not being denied
18 participation in the activities of the International Red
19 Cross and Red Crescent Movement: *Provided further*, That
20 none of the funds made available pursuant to this Act
21 after March 31, 2004, by the Department of State under
22 the headings “Migration and Refugee Assistance” and
23 “United States Emergency Refugee and Migration Assist-
24 ance Fund” for the purposes of provision of assistance to
25 refugees or internally displaced persons may be provided

1 to an organization that has failed to adopt a code of con-
2 duct consistent with the Inter-Agency Standing Com-
3 mittee Task Force on Protection From Sexual Exploi-
4 tation and Abuse in Humanitarian Crises six core prin-
5 ciples for the protection of beneficiaries of humanitarian
6 assistance.

7 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
8 ASSISTANCE FUND

9 For necessary expenses to carry out the provisions
10 of section 2(c) of the Migration and Refugee Assistance
11 Act of 1962, as amended (22 U.S.C. 2601(c)),
12 \$15,831,000, to remain available until expended.

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

15 For necessary expenses for nonproliferation, anti-ter-
16 rorism, demining and related programs and activities,
17 \$335,200,000, to carry out the provisions of chapter 8 of
18 part II of the Foreign Assistance Act of 1961 for anti-
19 terrorism assistance, chapter 9 of part II of the Foreign
20 Assistance Act of 1961, section 504 of the FREEDOM
21 Support Act, section 23 of the Arms Export Control Act
22 or the Foreign Assistance Act of 1961 for demining activi-
23 ties, the clearance of unexploded ordnance, the destruction
24 of small arms, and related activities, notwithstanding any
25 other provision of law, including activities implemented
26 through nongovernmental and international organizations,

1 and section 301 of the Foreign Assistance Act of 1961
2 for a voluntary contribution to the International Atomic
3 Energy Agency (IAEA) and for a United States contribu-
4 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
5 paratory Commission: *Provided further*, That of this
6 amount not to exceed \$20,000,000, to remain available
7 until expended, may be made available for the Non-
8 proliferation and Disarmament Fund, notwithstanding
9 any other provision of law, to promote bilateral and multi-
10 lateral activities relating to nonproliferation and disar-
11 mament: *Provided further*, That such funds may also be
12 used for such countries other than the Independent States
13 of the former Soviet Union and international organiza-
14 tions when it is in the national security interest of the
15 United States to do so following consultation with the ap-
16 propriate committees of Congress: *Provided further*, That
17 funds appropriated under this heading may be made avail-
18 able for the International Atomic Energy Agency only if
19 the Secretary of State determines (and so reports to the
20 Congress) that Israel is not being denied its right to par-
21 ticipate in the activities of that Agency: *Provided further*,
22 That of the funds made available for demining and related
23 activities, not to exceed \$690,000, in addition to funds
24 otherwise available for such purposes, may be used for ad-

1 ministrative expenses related to the operation and man-
2 agement of the demining program.

3 DEPARTMENT OF THE TREASURY

4 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

5 For necessary expenses to carry out the provisions
6 of section 129 of the Foreign Assistance Act of 1961,
7 \$19,000,000, to remain available until September 30,
8 2006, which shall be available notwithstanding any other
9 provision of law.

10 DEBT RESTRUCTURING

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

1 Law 100–461), and of canceling amounts owed, as a result
2 of loans or guarantees made pursuant to the Export-Im-
3 port Bank Act of 1945, by countries that are eligible for
4 debt reduction pursuant to title V of H.R. 3425 as enacted
5 into law by section 1000(a)(5) of Public Law 106–113,
6 \$95,000,000, to remain available until September 30,
7 2005: *Provided*, That \$20,000,000 of the funds appro-
8 priated under this heading may be made available to carry
9 out the provisions of part V of the Foreign Assistance Act
10 of 1961: *Provided further*, That \$75,000,000 of the funds
11 appropriated under this heading may be used by the Sec-
12 retary of the Treasury to pay to the Heavily Indebted Poor
13 Countries (HIPC) Trust Fund administered by the Inter-
14 national Bank for Reconstruction and Development
15 amounts for the benefit of countries that are eligible for
16 debt reduction pursuant to title V of H.R. 3425 as enacted
17 into law by section 1000(a)(5) of Public Law 106–113:
18 *Provided further*, That amounts paid to the HIPC Trust
19 Fund may be used only to fund debt reduction under the
20 enhanced HIPC initiative by—

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

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

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

6 (2) have documented and demonstrated their
7 commitment to redirect their budgetary resources
8 from international debt repayments to programs to
9 alleviate poverty and promote economic growth that
10 are additional to or expand upon those previously
11 available for such purposes: *Provided further*, That
12 any limitation of subsection (e) of section 411 of the
13 Agricultural Trade Development and Assistance Act
14 of 1954 shall not apply to funds appropriated under
15 this heading: *Provided further*, That none of the
16 funds made available under this heading in this or
17 any other appropriations Acts shall be made avail-
18 able for Sudan or Burma unless the Secretary of
19 Treasury determines and notifies the Committees on
20 Appropriations that a democratically elected govern-
21 ment has taken office.

1 TITLE III—MILITARY ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 INTERNATIONAL MILITARY EDUCATION AND TRAINING

4 For necessary expenses to carry out the provisions
5 of section 541 of the Foreign Assistance Act of 1961,
6 \$91,700,000 (reduced by \$600,000), of which up to
7 \$3,000,000 may remain available until expended: *Pro-*
8 *vided*, That the civilian personnel for whom military edu-
9 cation and training may be provided under this heading
10 may include civilians who are not members of a govern-
11 ment whose participation would contribute to improved
12 civil-military relations, civilian control of the military, or
13 respect for human rights: *Provided further*, That funds ap-
14 propriated under this heading for military education and
15 training for Guatemala may only be available for expanded
16 international military education and training and funds
17 made available for Nigeria and Guatemala may only be
18 provided through the regular notification procedures of the
19 Committees on Appropriations.

20 FOREIGN MILITARY FINANCING PROGRAM

21 For expenses necessary for grants to enable the
22 President to carry out the provisions of section 23 of the
23 Arms Export Control Act, \$4,314,000,000: *Provided*, That
24 of the funds appropriated under this heading, not less
25 than \$2,160,000,000 shall be available for grants only for
26 Israel, and not less than \$1,300,000,000 shall be made

1 available for grants only for Egypt: *Provided further*, That
2 the funds appropriated by this paragraph for Israel shall
3 be disbursed within 30 days of the enactment of this Act:
4 *Provided further*, That to the extent that the Government
5 of Israel requests that funds be used for such purposes,
6 grants made available for Israel by this paragraph shall,
7 as agreed by Israel and the United States, be available
8 for advanced weapons systems, of which not less than
9 \$568,000,000 shall be available for the procurement in
10 Israel of defense articles and defense services, including
11 research and development: *Provided further*, That funds
12 appropriated by this paragraph shall be nonrepayable not-
13 withstanding any requirement in section 23 of the Arms
14 Export Control Act: *Provided further*, That funds made
15 available under this paragraph shall be obligated upon ap-
16 portionment in accordance with paragraph (5)(C) of title
17 31, United States Code, section 1501(a).

18 None of the funds made available under this heading
19 shall be available to finance the procurement of defense
20 articles, defense services, or design and construction serv-
21 ices that are not sold by the United States Government
22 under the Arms Export Control Act unless the foreign
23 country proposing to make such procurements has first
24 signed an agreement with the United States Government
25 specifying the conditions under which such procurements

1 may be financed with such funds: *Provided*, That all coun-
2 try and funding level increases in allocations shall be sub-
3 mitted through the regular notification procedures of sec-
4 tion 515 of this Act: *Provided further*, That none of the
5 funds appropriated under this heading shall be available
6 for assistance for Indonesia, Guatemala, Sudan, and Libe-
7 ria: *Provided further*, That funds made available under
8 this heading may be used, notwithstanding any other pro-
9 vision of law, for demining, the clearance of unexploded
10 ordnance, and related activities, and may include activities
11 implemented through nongovernmental and international
12 organizations: *Provided further*, That only those countries
13 for which assistance was justified for the “Foreign Mili-
14 tary Sales Financing Program” in the fiscal year 1989
15 congressional presentation for security assistance pro-
16 grams may utilize funds made available under this heading
17 for procurement of defense articles, defense services or de-
18 sign and construction services that are not sold by the
19 United States Government under the Arms Export Con-
20 trol Act: *Provided further*, That funds appropriated under
21 this heading shall be expended at the minimum rate nec-
22 essary to make timely payment for defense articles and
23 services: *Provided further*, That not more than
24 \$40,500,000 of the funds appropriated under this heading
25 may be obligated for necessary expenses, including the

1 purchase of passenger motor vehicles for replacement only
2 for use outside of the United States, for the general costs
3 of administering military assistance and sales: *Provided*
4 *further*, That not more than \$361,000,000 of funds real-
5 ized pursuant to section 21(e)(1)(A) of the Arms Export
6 Control Act may be obligated for expenses incurred by the
7 Department of Defense during fiscal year 2004 pursuant
8 to section 43(b) of the Arms Export Control Act, except
9 that this limitation may be exceeded only through the reg-
10 ular notification procedures of the Committees on Appro-
11 priations: *Provided further*, That foreign military financing
12 program funds estimated to be outlaid for Egypt during
13 fiscal year 2004 shall be transferred to an interest bearing
14 account for Egypt in the Federal Reserve Bank of New
15 York within 30 days of enactment of this Act.

16 PEACEKEEPING OPERATIONS

17 For necessary expenses to carry out the provisions
18 of section 551 of the Foreign Assistance Act of 1961,
19 \$85,000,000: *Provided*, That none of the funds appro-
20 priated under this heading shall be obligated or expended
21 except as provided through the regular notification proce-
22 dures of the Committees on Appropriations.

1 TITLE IV—MULTILATERAL ECONOMIC
2 ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 INTERNATIONAL FINANCIAL INSTITUTIONS
5 GLOBAL ENVIRONMENT FACILITY

6 For the United States contribution for the Global En-
7 vironment Facility, \$107,500,000, to the International
8 Bank for Reconstruction and Development as trustee for
9 the Global Environment Facility, by the Secretary of the
10 Treasury, to remain available until expended.

11 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
12 ASSOCIATION

13 For payment to the International Development Asso-
14 ciation by the Secretary of the Treasury, \$850,000,000,
15 to remain available until expended.

16 CONTRIBUTION TO THE MULTILATERAL INVESTMENT
17 GUARANTEE AGENCY

18 For payment to the Multilateral Investment Guar-
19 antee Agency by the Secretary of the Treasury,
20 \$4,001,672, for the United States paid-in share of the in-
21 crease in capital stock, to remain available until expended.

22 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

1 United States share of such capital stock in an amount
2 not to exceed \$16,339,982.

3 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
4 MULTILATERAL INVESTMENT FUND

5 For payment to the Enterprise for the Americas Mul-
6 tilateral Investment Fund by the Secretary of the Treas-
7 ury, for the United States contribution to the fund,
8 \$25,000,000, to remain available until expended.

9 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

10 For the United States contribution by the Secretary
11 of the Treasury to the increase in resources of the Asian
12 Development Fund, as authorized by the Asian Develop-
13 ment Bank Act, as amended, \$151,921,405, to remain
14 available until expended.

15 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

16 For payment to the African Development Bank by
17 the Secretary of the Treasury, \$5,104,930, for the United
18 States paid-in share of the increase in capital stock, to
19 remain available until expended.

20 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

21 The United States Governor of the African Develop-
22 ment Bank may subscribe without fiscal year limitation
23 for the callable capital portion of the United States share
24 of such capital stock in an amount not to exceed
25 \$79,609,817.

1 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

2 For the United States contribution by the Secretary
3 of the Treasury to the increase in resources of the African
4 Development Fund, \$107,370,856, to remain available
5 until expended.

6 CONTRIBUTION TO THE EUROPEAN BANK FOR

7 RECONSTRUCTION AND DEVELOPMENT

8 For payment to the European Bank for Reconstruct-
9 tion and Development by the Secretary of the Treasury,
10 \$35,431,111 for the United States share of the paid-in
11 portion of the increase in capital stock, to remain available
12 until expended.

13 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

14 The United States Governor of the European Bank
15 for Reconstruction and Development may subscribe with-
16 out fiscal year limitation to the callable capital portion of
17 the United States share of such capital stock in an amount
18 not to exceed \$122,085,497.

19 CONTRIBUTION TO THE INTERNATIONAL FUND FOR

20 AGRICULTURAL DEVELOPMENT

21 For the United States contribution by the Secretary
22 of the Treasury to increase the resources of the Inter-
23 national Fund for Agricultural Development,
24 \$15,004,042, to remain available until expended.

1 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

2 For necessary expenses to carry out the provisions
3 of section 301 of the Foreign Assistance Act of 1961, and
4 of section 2 of the United Nations Environment Program
5 Participation Act of 1973, \$194,550,000: *Provided*, That
6 none of the funds appropriated under this heading may
7 be made available to the Korean Peninsula Energy Devel-
8 opment Organization (KEDO) or the International Atomic
9 Energy Agency (IAEA).

10 TITLE V—GENERAL PROVISIONS

11 COMPENSATION FOR UNITED STATES EXECUTIVE

12 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

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

1 Schedule under section 5316 of title 5, United States
2 Code.

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

11 PRIVATE AND VOLUNTARY ORGANIZATIONS

12 SEC. 502. None of the funds appropriated or other-
13 wise made available by this Act for development assistance
14 may be made available to any United States private and
15 voluntary organization, except any cooperative develop-
16 ment organization, which obtains less than 20 percent of
17 its total annual funding for international activities from
18 sources other than the United States Government: *Pro-*
19 *vided*, That the Administrator of the United States Agen-
20 cy for International Development, after informing the
21 Committees on Appropriations, may, on a case-by-case
22 basis, waive the restriction contained in this subsection,
23 after taking into account the effectiveness of the overseas
24 development activities of the organization, its level of vol-
25 unteer support, its financial viability and stability, and the

1 degree of its dependence for its financial support on the
2 agency.

3 LIMITATION ON RESIDENCE EXPENSES

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

12 LIMITATION ON EXPENSES

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

18 LIMITATION ON REPRESENTATIONAL ALLOWANCES

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

1 able by this Act for general costs of administering military
2 assistance and sales under the heading “Foreign Military
3 Financing Program”, not to exceed \$2,000 shall be avail-
4 able for entertainment expenses and not to exceed
5 \$125,000 shall be available for representation allowances:
6 *Provided further*, That of the funds made available by this
7 Act under the heading “International Military Education
8 and Training”, not to exceed \$50,000 shall be available
9 for entertainment allowances: *Provided further*, That of
10 the funds made available by this Act for the Inter-Amer-
11 ican Foundation, not to exceed \$2,000 shall be available
12 for entertainment and representation allowances: *Provided*
13 *further*, That of the funds made available by this Act for
14 the Peace Corps, not to exceed a total of \$4,000 shall be
15 available for entertainment expenses: *Provided further*,
16 That of the funds made available by this Act under the
17 heading “Trade and Development Agency”, not to exceed
18 \$2,000 shall be available for representation and entertain-
19 ment allowances.

20 PROHIBITION ON TAXATION OF UNITED STATES

21 ASSISTANCE

22 SEC. 506. (a) PROHIBITION ON TAXATION.—None of
23 the funds appropriated by this Act may be made available
24 to provide assistance for a foreign country under a new
25 bilateral agreement governing the terms and conditions
26 under which such assistance is to be provided unless such

1 agreement includes a provision stating that assistance pro-
2 vided by the United States shall be exempt from taxation,
3 or reimbursed, by the foreign government, and the Sec-
4 retary of State shall expeditiously seek to negotiate
5 amendments to existing bilateral agreements, as nec-
6 essary, to conform with this requirement.

7 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
8 amount equivalent to 200 percent of the total taxes as-
9 sessed during fiscal year 2004 by a foreign government
10 or entity against commodities financed under United
11 States assistance programs for which funds are appro-
12 priated by this Act, either directly or through grantees,
13 contractors and subcontractors shall be withheld from ob-
14 ligation from funds appropriated for assistance for fiscal
15 year 2005 and allocated for the central government of
16 such country and for the West Bank and Gaza Program
17 to the extent that the Secretary of State certifies and re-
18 ports in writing to the Committees on Appropriations that
19 such taxes have not been reimbursed to the Government
20 of the United States.

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

24 (d) REFUND TO THE TREASURY AND REPROGRAM-
25 MING OF FUNDS.—Of the funds withheld from obligation

1 for each country or entity pursuant to subsection (b), one-
2 half may become available for reprogramming for other
3 purposes (pursuant to section 515 of this Act and con-
4 sistent with the purposes for which such funds were origi-
5 nally appropriated) and one-half shall be deposited in the
6 General Fund of the Treasury on, or within 5 days after,
7 September 1, 2005, pursuant to the certification required
8 under subsection (b).

9 (e) IMPLEMENTATION.—The Secretary of State shall
10 issue rules, regulations, or policy guidance, as appropriate,
11 to implement the prohibition against the taxation of assist-
12 ance contained in this section.

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

14 (1) the terms “taxes” and “taxation” refer to
15 value added taxes and customs duties imposed on
16 commodities financed with United States assistance
17 for programs for which funds are appropriated by
18 this Act; and

19 (2) the term “bilateral agreement” refers to a
20 framework bilateral agreement between the Govern-
21 ment of the United States and the government of
22 the country receiving assistance that describes the
23 privileges and immunities applicable to United
24 States foreign assistance for such country generally,
25 or an individual agreement between the Government

1 of the United States and such government that de-
2 scribes, among other things, the treatment for tax
3 purposes that will be accorded the United States as-
4 sistance provided under that agreement.

5 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
6 COUNTRIES

7 SEC. 507. None of the funds appropriated or other-
8 wise made available pursuant to this Act shall be obligated
9 or expended to finance directly any assistance or repara-
10 tions to Cuba, Libya, North Korea, Iran, or Syria: *Pro-*
11 *vided*, That for purposes of this section, the prohibition
12 on obligations or expenditures shall include direct loans,
13 credits, insurance and guarantees of the Export-Import
14 Bank or its agents.

15 MILITARY COUPS

16 SEC. 508. None of the funds appropriated or other-
17 wise made available pursuant to this Act shall be obligated
18 or expended to finance directly any assistance to the gov-
19 ernment of any country whose duly elected head of govern-
20 ment is deposed by decree or military coup: *Provided*, That
21 assistance may be resumed to such government if the
22 President determines and certifies to the Committees on
23 Appropriations that subsequent to the termination of as-
24 sistance a democratically elected government has taken of-
25 fice: *Provided further*, That the provisions of this section
26 shall not apply to assistance to promote democratic elec-

1 tions or public participation in democratic processes: *Pro-*
2 *vided further*, That funds made available pursuant to the
3 previous provisos shall be subject to the regular notifica-
4 tion procedures of the Committees on Appropriations.

5 TRANSFERS

6 SEC. 509. (a)(1) LIMITATION ON TRANSFERS BE-
7 TWEEN AGENCIES.—None of the funds made available by
8 this Act may be transferred to any department, agency,
9 or instrumentality of the United States Government, ex-
10 cept pursuant to a transfer made by, or transfer authority
11 provided in, this Act or any other appropriation Act.

12 (2) Notwithstanding paragraph (1), in addition to
13 transfers made by, or authorized elsewhere in, this Act,
14 funds appropriated by this Act to carry out the purposes
15 of the Foreign Assistance Act of 1961 may be allocated
16 or transferred to agencies of the United States Govern-
17 ment pursuant to the provisions of sections 109, 610, and
18 632 of the Foreign Assistance Act of 1961.

19 (b) None of the funds made available by this Act may
20 be obligated under an appropriation account to which they
21 were not appropriated, except for transfers specifically
22 provided for in this Act, unless the President, not less than
23 five days prior to the exercise of any authority contained
24 in the Foreign Assistance Act of 1961 to transfer funds,
25 consults with and provides a written policy justification

1 to the Committees on Appropriations of the House of Rep-
2 resentatives and the Senate.

3 (c) Any agreement for the transfer or allocation of
4 funds appropriated by this Act, or prior Acts, entered into
5 between the United States Agency for International Devel-
6 opment and another agency of the United States Govern-
7 ment under the authority of section 632(a) of the Foreign
8 Assistance Act of 1961 or any comparable provision of
9 law, shall expressly provide that the Office of the Inspector
10 General for the agency receiving the transfer or allocation
11 of such funds shall perform periodic program and financial
12 audits of the use of such funds: *Provided*, That funds
13 transferred under such authority may be made available
14 for the cost of such audits.

15 COMMERCIAL LEASING OF DEFENSE ARTICLES

16 SEC. 510. Notwithstanding any other provision of
17 law, and subject to the regular notification procedures of
18 the Committees on Appropriations, the authority of sec-
19 tion 23(a) of the Arms Export Control Act may be used
20 to provide financing to Israel, Egypt and NATO and
21 major non-NATO allies for the procurement by leasing
22 (including leasing with an option to purchase) of defense
23 articles from United States commercial suppliers, not in-
24 cluding Major Defense Equipment (other than helicopters
25 and other types of aircraft having possible civilian applica-
26 tion), if the President determines that there are compel-

1 ling foreign policy or national security reasons for those
2 defense articles being provided by commercial lease rather
3 than by government-to-government sale under such Act.

4 AVAILABILITY OF FUNDS

5 SEC. 511. No part of any appropriation contained in
6 this Act shall remain available for obligation after the ex-
7 piration of the current fiscal year unless expressly so pro-
8 vided in this Act: *Provided*, That funds appropriated for
9 the purposes of chapters 1, 8, 11, and 12 of part I, section
10 667, chapter 4 of part II of the Foreign Assistance Act
11 of 1961, as amended, section 23 of the Arms Export Con-
12 trol Act, and funds provided under the heading “Assist-
13 ance for Eastern Europe and the Baltic States”, shall re-
14 main available for an additional four years from the date
15 on which the availability of such funds would otherwise
16 have expired, if such funds are initially obligated before
17 the expiration of their respective periods of availability
18 contained in this Act: *Provided further*, That, notwith-
19 standing any other provision of this Act, any funds made
20 available for the purposes of chapter 1 of part I and chap-
21 ter 4 of part II of the Foreign Assistance Act of 1961
22 which are allocated or obligated for cash disbursements
23 in order to address balance of payments or economic policy
24 reform objectives, shall remain available until expended.

1 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

2 SEC. 512. No part of any appropriation contained in
3 this Act shall be used to furnish assistance to the govern-
4 ment of any country which is in default during a period
5 in excess of one calendar year in payment to the United
6 States of principal or interest on any loan made to the
7 government of such country by the United States pursuant
8 to a program for which funds are appropriated under this
9 Act unless the President determines, following consulta-
10 tions with the Committees on Appropriations, that assist-
11 ance to such country is in the national interest of the
12 United States.

13 COMMERCE AND TRADE

14 SEC. 513. (a) None of the funds appropriated or
15 made available pursuant to this Act for direct assistance
16 and none of the funds otherwise made available pursuant
17 to this Act to the Export-Import Bank and the Overseas
18 Private Investment Corporation shall be obligated or ex-
19 pended to finance any loan, any assistance or any other
20 financial commitments for establishing or expanding pro-
21 duction of any commodity for export by any country other
22 than the United States, if the commodity is likely to be
23 in surplus on world markets at the time the resulting pro-
24 ductive capacity is expected to become operative and if the
25 assistance will cause substantial injury to United States
26 producers of the same, similar, or competing commodity:

1 *Provided*, That such prohibition shall not apply to the Ex-
2 port-Import Bank if in the judgment of its Board of Direc-
3 tors the benefits to industry and employment in the
4 United States are likely to outweigh the injury to United
5 States producers of the same, similar, or competing com-
6 modity, and the Chairman of the Board so notifies the
7 Committees on Appropriations.

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

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

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

24 SURPLUS COMMODITIES

25 SEC. 514. The Secretary of the Treasury shall in-
26 struct the United States Executive Directors of the Inter-

1 national Bank for Reconstruction and Development, the
2 International Development Association, the International
3 Finance Corporation, the Inter-American Development
4 Bank, the International Monetary Fund, the Asian Devel-
5 opment Bank, the Inter-American Investment Corpora-
6 tion, the North American Development Bank, the Euro-
7 pean Bank for Reconstruction and Development, the Afri-
8 can Development Bank, and the African Development
9 Fund to use the voice and vote of the United States to
10 oppose any assistance by these institutions, using funds
11 appropriated or made available pursuant to this Act, for
12 the production or extraction of any commodity or mineral
13 for export, if it is in surplus on world markets and if the
14 assistance will cause substantial injury to United States
15 producers of the same, similar, or competing commodity.

16 NOTIFICATION REQUIREMENTS

17 SEC. 515. For the purposes of providing the executive
18 branch with the necessary administrative flexibility, none
19 of the funds made available under this Act for “Child Sur-
20 vival and Health Programs Fund”, “Development Assist-
21 ance”, “International Organizations and Programs”,
22 “Trade and Development Agency”, “International Nar-
23 cotics Control and Law Enforcement”, “Andean
24 Counterdrug Initiative”, “Assistance for Eastern Europe
25 and the Baltic States”, “Assistance for the Independent
26 States of the Former Soviet Union”, “Economic Support

1 Fund”, “Peacekeeping Operations”, “Capital Investment
2 Fund”, “Operating Expenses of the United States Agency
3 for International Development”, “Operating Expenses of
4 the United States Agency for International Development
5 Office of Inspector General”, “Nonproliferation, Anti-ter-
6 rorism, Demining and Related Programs”, “Millennium
7 Challenge Account” (by country only), “Foreign Military
8 Financing Program”, “International Military Education
9 and Training”, “Peace Corps”, and “Migration and Ref-
10 ugee Assistance”, shall be available for obligation for ac-
11 tivities, programs, projects, type of materiel assistance,
12 countries, or other operations not justified or in excess of
13 the amount justified to the Committees on Appropriations
14 for obligation under any of these specific headings unless
15 the Committees on Appropriations of both Houses of Con-
16 gress are previously notified 15 days in advance: *Provided*,
17 That the President shall not enter into any commitment
18 of funds appropriated for the purposes of section 23 of
19 the Arms Export Control Act for the provision of major
20 defense equipment, other than conventional ammunition,
21 or other major defense items defined to be aircraft, ships,
22 missiles, or combat vehicles, not previously justified to
23 Congress or 20 percent in excess of the quantities justified
24 to Congress unless the Committees on Appropriations are
25 notified 15 days in advance of such commitment: *Provided*

1 *further*, That this section shall not apply to any re-
2 programming for an activity, program, or project for
3 which funds are appropriated under title II of this Act
4 of less than 10 percent of the amount previously justified
5 to the Congress for obligation for such activity, program,
6 or project for the current fiscal year: *Provided further*,
7 That the requirements of this section or any similar provi-
8 sion of this Act or any other Act, including any prior Act
9 requiring notification in accordance with the regular noti-
10 fication procedures of the Committees on Appropriations,
11 may be waived if failure to do so would pose a substantial
12 risk to human health or welfare: *Provided further*, That
13 in case of any such waiver, notification to the Congress,
14 or the appropriate congressional committees, shall be pro-
15 vided as early as practicable, but in no event later than
16 3 days after taking the action to which such notification
17 requirement was applicable, in the context of the cir-
18 cumstances necessitating such waiver: *Provided further*,
19 That any notification provided pursuant to such a waiver
20 shall contain an explanation of the emergency cir-
21 cumstances.

22 LIMITATION ON AVAILABILITY OF FUNDS FOR
23 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

24 SEC. 516. Subject to the regular notification proce-
25 dures of the Committees on Appropriations, funds appro-
26 priated under this Act or any previously enacted Act mak-

1 ing appropriations for foreign operations, export financ-
2 ing, and related programs, which are returned or not made
3 available for organizations and programs because of the
4 implementation of section 307(a) of the Foreign Assist-
5 ance Act of 1961, shall remain available for obligation
6 until September 30, 2005.

7 INDEPENDENT STATES OF THE FORMER SOVIET UNION

8 SEC. 517. (a) None of the funds appropriated under
9 the heading “Assistance for the Independent States of the
10 Former Soviet Union” shall be made available for assist-
11 ance for a government of an Independent State of the
12 former Soviet Union—

13 (1) unless that government is making progress
14 in implementing comprehensive economic reforms
15 based on market principles, private ownership, re-
16 spect for commercial contracts, and equitable treat-
17 ment of foreign private investment; and

18 (2) if that government applies or transfers
19 United States assistance to any entity for the pur-
20 pose of expropriating or seizing ownership or control
21 of assets, investments, or ventures.

22 Assistance may be furnished without regard to this sub-
23 section if the President determines that to do so is in the
24 national interest.

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

1 viet Union” shall be made available for assistance for a
2 government of an Independent State of the former Soviet
3 Union if that government directs any action in violation
4 of the territorial integrity or national sovereignty of any
5 other Independent State of the former Soviet Union, such
6 as those violations included in the Helsinki Final Act: *Pro-*
7 *vided*, That such funds may be made available without re-
8 gard to the restriction in this subsection if the President
9 determines that to do so is in the national security interest
10 of the United States.

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

17 (d) Funds appropriated under the heading “Assist-
18 ance for the Independent States of the Former Soviet
19 Union” for the Russian Federation, Armenia, Georgia,
20 and Ukraine shall be subject to the regular notification
21 procedures of the Committees on Appropriations.

22 (e) Funds made available in this Act for assistance
23 for the Independent States of the former Soviet Union
24 shall be subject to the provisions of section 117 (relating

1 to environment and natural resources) of the Foreign As-
2 sistance Act of 1961.

3 (f) Funds made available for Enterprise Funds shall
4 be expended at the minimum rate necessary to make time-
5 ly payment for projects and activities.

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

20 PROHIBITION ON FUNDING FOR ABORTIONS AND
21 INVOLUNTARY STERILIZATION

22 SEC. 518. None of the funds made available to carry
23 out part I of the Foreign Assistance Act of 1961, as
24 amended, may be used to pay for the performance of abor-
25 tions as a method of family planning or to motivate or
26 coerce any person to practice abortions. None of the funds

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

18 EXPORT FINANCING TRANSFER AUTHORITIES

19 SEC. 519. Not to exceed 5 percent of any appropria-
20 tion other than for administrative expenses made available
21 for fiscal year 2004, for programs under title I of this
22 Act may be transferred between such appropriations for
23 use for any of the purposes, programs, and activities for
24 which the funds in such receiving account may be used,
25 but no such appropriation, except as otherwise specifically
26 provided, shall be increased by more than 25 percent by

1 any such transfer: *Provided*, That the exercise of such au-
2 thority shall be subject to the regular notification proce-
3 dures of the Committees on Appropriations.

4 SPECIAL NOTIFICATION REQUIREMENTS

5 SEC. 520. None of the funds appropriated by this Act
6 shall be obligated or expended for Liberia, Sudan,
7 Zimbabwe, the Democratic Republic of the Congo, or
8 Cambodia except as provided through the regular notifica-
9 tion procedures of the Committees on Appropriations.

10 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

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

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

3 CHILD SURVIVAL AND HEALTH ACTIVITIES

4 SEC. 522. Up to \$13,500,000 of the funds made
5 available by this Act for assistance under the heading
6 “Child Survival and Health Programs Fund”, may be
7 used to reimburse United States Government agencies,
8 agencies of State governments, institutions of higher
9 learning, and private and voluntary organizations for the
10 full cost of individuals (including for the personal services
11 of such individuals) detailed or assigned to, or contracted
12 by, as the case may be, the United States Agency for
13 International Development for the purpose of carrying out
14 activities under that heading: *Provided*, That up to
15 \$3,500,000 of the funds made available by this Act for
16 assistance under the heading “Development Assistance”
17 may be used to reimburse such agencies, institutions, and
18 organizations for such costs of such individuals carrying
19 out other development assistance activities: *Provided fur-*
20 *ther*, That funds appropriated by this Act that are made
21 available for child survival activities or disease programs
22 including activities relating to research on, and the preven-
23 tion, treatment and control of, HIV/AIDS may be made
24 available notwithstanding any other provision of law ex-
25 cept for the provisions under the heading “Child Survival
26 and Health Programs Fund”, section 515 of this Act, and

1 sections 104(c), 104A, 104B, and 104C of the Foreign
2 Assistance Act of 1961: *Provided further*, That funds ap-
3 propriated under titles II and III of this Act may be made
4 available pursuant to section 301 of the Foreign Assist-
5 ance Act of 1961 if a primary purpose of the assistance
6 is for child survival and related programs.

7 AFGHANISTAN

8 SEC. 523. Of the funds appropriated by titles II and
9 III of this Act, not less than \$600,000,000 shall be made
10 available for humanitarian, reconstruction, and related as-
11 sistance for Afghanistan: *Provided*, That of the funds
12 made available pursuant to this section, not less than
13 \$150,000,000 should be from funds appropriated under
14 the heading “Economic Support Fund”.

15 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

16 SEC. 524. Prior to providing excess Department of
17 Defense articles in accordance with section 516(a) of the
18 Foreign Assistance Act of 1961, the Department of De-
19 fense shall notify the Committees on Appropriations to the
20 same extent and under the same conditions as are other
21 committees pursuant to subsection (f) of that section: *Pro-*
22 *vided*, That before issuing a letter of offer to sell excess
23 defense articles under the Arms Export Control Act, the
24 Department of Defense shall notify the Committees on
25 Appropriations in accordance with the regular notification
26 procedures of such Committees if such defense articles are

1 significant military equipment (as defined in section 47(9)
2 of the Arms Export Control Act) or are valued (in terms
3 of original acquisition cost) at \$7,000,000 or more, or if
4 notification is required elsewhere in this Act for the use
5 of appropriated funds for specific countries that would re-
6 ceive such excess defense articles: *Provided further*, That
7 such Committees shall also be informed of the original ac-
8 quisition cost of such defense articles.

9 USAID OVERSEAS PROGRAM

10 SEC. 525. Funds appropriated by this and subse-
11 quent appropriations Acts to carry out the provisions of
12 Part I of the Foreign Assistance Act of 1961, including
13 funds appropriated under the heading “Assistance for
14 Eastern Europe and the Baltic States”, may be made
15 available to employ individuals overseas on a limited ap-
16 pointment basis pursuant to the authority of sections 308
17 and 309 of the Foreign Service Act of 1980: *Provided*,
18 That in fiscal year 2004 the authority of this section may
19 be used to employ not more than 85 individuals.

20 TIBET

21 SEC. 526. Notwithstanding any other provision of law
22 not to exceed \$3,000,000 of the funds appropriated by this
23 Act to carry out the provisions of chapter 4 of part II
24 of the Foreign Assistance Act of 1961 may be made avail-
25 able to United States nongovernmental organizations lo-
26 cated outside the People’s Republic of China to support

1 activities which preserve cultural traditions and promote
2 sustainable development and environmental conservation
3 in Tibetan communities in Tibet: *Provided*, That funds
4 made available for programs, projects, and activities for
5 the Peoples’s Republic of China shall be subject to the
6 regular notification procedures of the Committees on Ap-
7 propriations.

8 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
9 COUNTRIES

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

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

18 (2) otherwise supports international terrorism.

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

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

3 DEBT-FOR-DEVELOPMENT

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

15 SEPARATE ACCOUNTS

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

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

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

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

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

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

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

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

21 (i) project and sector assistance activities;

22 or

23 (ii) debt and deficit financing; or

24 (B) for the administrative requirements of the
25 United States Government.

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

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

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

1 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

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

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

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

1 That funds made available by this section shall be subject
2 to the regular notification procedures of the Committees
3 on Appropriations.

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

6 SEC. 532. Unless expressly provided to the contrary,
7 provisions of this or any other Act, including provisions
8 contained in prior Acts authorizing or making appropria-
9 tions for foreign operations, export financing, and related
10 programs, shall not be construed to prohibit activities au-
11 thorized by or conducted under the Peace Corps Act, the
12 Inter-American Foundation Act or the African Develop-
13 ment Foundation Act. The agency shall promptly report
14 to the Committees on Appropriations whenever it is con-
15 ducting activities or is proposing to conduct activities in
16 a country for which assistance is prohibited.

17 IMPACT ON JOBS IN THE UNITED STATES

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

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

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

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

15 SPECIAL AUTHORITIES

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

1 regular notification procedures of the Committees on Ap-
2 propriations, to combat such trafficking, may be made
3 available notwithstanding any other provision of law.

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

14 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-
15 propriated by this Act to carry out chapter 1 of part I,
16 chapter 4 of part II, and section 667 of the Foreign As-
17 sistance Act of 1961, and title II of the Agricultural Trade
18 Development and Assistance Act of 1954, may be used
19 by the United States Agency for International Develop-
20 ment to employ up to 20 personal services contractors in
21 the United States, notwithstanding any other provision of
22 law, for the purpose of providing direct, interim support
23 for new or expanded overseas programs and activities
24 managed by the agency until permanent direct hire per-
25 sonnel are hired and trained: *Provided*, That not more

1 than 7 of such contractors shall be assigned to any bureau
2 or office: *Provided further*, That such funds appropriated
3 to carry out the Foreign Assistance Act of 1961 may be
4 made available for personal services contractors assigned
5 only to the Office of Procurement; the Bureau for Africa;
6 and the Bureau for Asia and the Near East: *Provided fur-*
7 *ther*, That such funds appropriated to carry out title II
8 of the Agricultural Trade Development and Assistance Act
9 of 1954, may be made available only for personal services
10 contractors assigned to the Office of Food for Peace.

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

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

21 (e) SMALL BUSINESS.—In entering into multiple
22 award indefinite-quantity contracts with funds appro-
23 priated by this Act, the United States Agency for Inter-
24 national Development may provide an exception to the fair
25 opportunity process for placing task orders under such

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

3 (f) SHIPMENT OF HUMANITARIAN ASSISTANCE.—
4 During fiscal year 2004 and each fiscal year thereafter,
5 of the amounts made available by the United States Agen-
6 cy for International Development to carry out the provi-
7 sions of section 123(b) of the Foreign Assistance Act of
8 1961, funds may be made available to nongovernmental
9 organizations for administrative costs necessary to imple-
10 ment a program to obtain available donated space on com-
11 mercial ships for the shipment of humanitarian assistance
12 overseas.

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

21 (h) NATIONAL ENDOWMENT FOR DEMOCRACY.—
22 Funds appropriated by this Act that are provided to the
23 National Endowment for Democracy may be provided not-
24 withstanding any other provision of law or regulation.

25 ARAB LEAGUE BOYCOTT OF ISRAEL

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

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

6 (2) the Arab League boycott, which was regret-
7 tably reinstated in 1997, should be immediately and
8 publicly terminated, and the Central Office for the
9 Boycott of Israel immediately disbanded;

10 (3) the three Arab League countries with diplo-
11 matic and trade relations with Israel should return
12 their ambassadors to Israel, should refrain from
13 downgrading their relations with Israel, and should
14 play a constructive role in securing a peaceful reso-
15 lution of the Israeli-Arab conflict;

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

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

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

10 ADMINISTRATION OF JUSTICE ACTIVITIES

11 SEC. 536. Of the funds appropriated or otherwise
12 made available by this Act or any subsequent Act for
13 “Economic Support Fund”, assistance may be provided
14 to strengthen the administration of justice in countries in
15 Latin America and the Caribbean and in other regions
16 consistent with the provisions of section 534(b) of the For-
17 eign Assistance Act of 1961, except that programs to en-
18 hance protection of participants in judicial cases may be
19 conducted notwithstanding section 660 of that Act. Funds
20 made available pursuant to this section may be made
21 available notwithstanding section 534(c) and the second
22 and third sentences of section 534(e) of the Foreign As-
23 sistance Act of 1961.

24 ELIGIBILITY FOR ASSISTANCE

25 SEC. 537. (a) ASSISTANCE THROUGH NONGOVERN-
26 MENTAL ORGANIZATIONS.—Restrictions contained in this

1 or any other Act with respect to assistance for a country
2 shall not be construed to restrict assistance in support of
3 programs of nongovernmental organizations from funds
4 appropriated by this Act to carry out the provisions of
5 chapters 1, 10, 11, and 12 of part I and chapter 4 of
6 part II of the Foreign Assistance Act of 1961, and from
7 funds appropriated under the heading “Assistance for
8 Eastern Europe and the Baltic States”: *Provided*, That
9 before using the authority of this subsection to furnish as-
10 sistance in support of programs of nongovernmental orga-
11 nizations, the President shall notify the Committees on
12 Appropriations under the regular notification procedures
13 of those committees, including a description of the pro-
14 gram to be assisted, the assistance to be provided, and
15 the reasons for furnishing such assistance: *Provided fur-*
16 *ther*, That nothing in this subsection shall be construed
17 to alter any existing statutory prohibitions against abor-
18 tion or involuntary sterilizations contained in this or any
19 other Act.

20 (b) PUBLIC LAW 480.—During fiscal year 2004, re-
21 strictions contained in this or any other Act with respect
22 to assistance for a country shall not be construed to re-
23 strict assistance under the Agricultural Trade Develop-
24 ment and Assistance Act of 1954: *Provided*, That none
25 of the funds appropriated to carry out title I of such Act

1 and made available pursuant to this subsection may be
2 obligated or expended except as provided through the reg-
3 ular notification procedures of the Committees on Appro-
4 priations.

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

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

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

15 RESERVATIONS OF FUNDS

16 SEC. 538. (a) Funds appropriated by this Act which
17 are earmarked may be reprogrammed for other programs
18 within the same account notwithstanding the earmark if
19 compliance with the earmark is made impossible by oper-
20 ation of any provision of this or any other Act: *Provided*,
21 That any such reprogramming shall be subject to the reg-
22 ular notification procedures of the Committees on Appro-
23 priations: *Provided further*, That assistance that is repro-
24 grammed pursuant to this subsection shall be made avail-
25 able under the same terms and conditions as originally
26 provided.

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

15 CEILINGS AND EARMARKS

16 SEC. 539. Ceilings and earmarks contained in this
17 Act shall not be applicable to funds or authorities appro-
18 priated or otherwise made available by any subsequent Act
19 unless such Act specifically so directs. Earmarks or min-
20 imum funding requirements contained in any other Act
21 shall not be applicable to funds appropriated by this Act.

22 PROHIBITION ON PUBLICITY OR PROPAGANDA

23 SEC. 540. No part of any appropriation contained in
24 this Act shall be used for publicity or propaganda purposes
25 within the United States not authorized before the date
26 of the enactment of this Act by the Congress: *Provided*,

1 That not to exceed \$750,000 may be made available to
2 carry out the provisions of section 316 of Public Law 96–
3 533.

4 PROHIBITION OF PAYMENTS TO UNITED NATIONS

5 MEMBERS

6 SEC. 541. None of the funds appropriated or made
7 available pursuant to this Act for carrying out the Foreign
8 Assistance Act of 1961, may be used to pay in whole or
9 in part any assessments, arrearages, or dues of any mem-
10 ber of the United Nations or, from funds appropriated by
11 this Act to carry out chapter 1 of part I of the Foreign
12 Assistance Act of 1961, the costs for participation of an-
13 other country's delegation at international conferences
14 held under the auspices of multilateral or international or-
15 ganizations.

16 NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

17 SEC. 542. None of the funds appropriated or made
18 available pursuant to this Act shall be available to a non-
19 governmental organization which fails to provide upon
20 timely request any document, file, or record necessary to
21 the auditing requirements of the United States Agency for
22 International Development.

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

5 SEC. 543. (a) None of the funds appropriated or oth-
6 erwise made available by this Act may be available to any
7 foreign government which provides lethal military equip-
8 ment to a country the government of which the Secretary
9 of State has determined is a terrorist government for pur-
10 poses of section 6(j) of the Export Administration Act.
11 The prohibition under this section with respect to a for-
12 eign government shall terminate 12 months after that gov-
13 ernment ceases to provide such military equipment. This
14 section applies with respect to lethal military equipment
15 provided under a contract entered into after October 1,
16 1997.

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

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

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

4 WITHHOLDING OF ASSISTANCE FOR PARKING FINES
5 OWED BY FOREIGN COUNTRIES

6 SEC. 544. (a) IN GENERAL.—Of the funds appro-
7 priated under this Act that are made available for a for-
8 eign country under part I of the Foreign Assistance Act
9 of 1961, an amount equivalent to 110 percent of the total
10 unpaid fines determined to be owed under the parking pro-
11 grams in the District of Columbia and New York City,
12 New York by such country as of September 30, 2003 that
13 were incurred after the first day of the fiscal year pre-
14 ceding the current fiscal year shall be withheld from obli-
15 gation for such country until the Secretary of State cer-
16 tifies and reports in writing to the appropriate congres-
17 sional committees that such fines and penalties are fully
18 paid to the governments of the District of Columbia and
19 New York City, New York.

20 (b) DEFINITION.—For purposes of this section, the
21 term “appropriate congressional committees” means the
22 Committee on Foreign Relations and the Committee on
23 Appropriations of the Senate and the Committee on Inter-
24 national Relations and the Committee on Appropriations
25 of the House of Representatives.

1 missions as the Council may establish or authorize to deal
2 with such violations, without regard to the ceiling limita-
3 tion contained in paragraph (2) thereof: *Provided*, That
4 the determination required under this section shall be in
5 lieu of any determinations otherwise required under sec-
6 tion 552(c): *Provided further*, That the drawdown made
7 under this section for any tribunal shall not be construed
8 as an endorsement or precedent for the establishment of
9 any standing or permanent international criminal tribunal
10 or court: *Provided further*, That funds made available for
11 tribunals other than Yugoslavia or Rwanda shall be made
12 available subject to the regular notification procedures of
13 the Committees on Appropriations.

14 LANDMINES

15 SEC. 547. Notwithstanding any other provision of
16 law, demining equipment available to the United States
17 Agency for International Development and the Depart-
18 ment of State and used in support of the clearance of
19 landmines and unexploded ordnance for humanitarian
20 purposes may be disposed of on a grant basis in foreign
21 countries, subject to such terms and conditions as the
22 President may prescribe.

23 RESTRICTIONS CONCERNING THE PALESTINIAN

24 AUTHORITY

25 SEC. 548. None of the funds appropriated by this Act
26 may be obligated or expended to create in any part of Je-

1 Jerusalem a new office of any department or agency of the
2 United States Government for the purpose of conducting
3 official United States Government business with the Pal-
4 estinian Authority over Gaza and Jericho or any successor
5 Palestinian governing entity provided for in the Israel-
6 PLO Declaration of Principles: *Provided*, That this re-
7 striction shall not apply to the acquisition of additional
8 space for the existing Consulate General in Jerusalem:
9 *Provided further*, That meetings between officers and em-
10 ployees of the United States and officials of the Pales-
11 tinian Authority, or any successor Palestinian governing
12 entity provided for in the Israel-PLO Declaration of Prin-
13 ciples, for the purpose of conducting official United States
14 Government business with such authority should continue
15 to take place in locations other than Jerusalem. As has
16 been true in the past, officers and employees of the United
17 States Government may continue to meet in Jerusalem on
18 other subjects with Palestinians (including those who now
19 occupy positions in the Palestinian Authority), have social
20 contacts, and have incidental discussions.

21 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

22 SEC. 549. None of the funds appropriated or other-
23 wise made available by this Act under the heading “Inter-
24 national Military Education and Training” or “Foreign
25 Military Financing Program” for Informational Program
26 activities or under the headings “Child Survival and

1 Health Programs Fund”, “Development Assistance”, and
2 “Economic Support Fund” may be obligated or expended
3 to pay for—

- 4 (1) alcoholic beverages; or
- 5 (2) entertainment expenses for activities that
6 are substantially of a recreational character, includ-
7 ing but not limited to entrance fees at sporting
8 events, theatrical and musical productions, and
9 amusement parks.

10 RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO
11 UNITED NATIONS AGENCIES

12 SEC. 550. None of the funds appropriated by this Act
13 may be made available to pay any voluntary contribution
14 of the United States to the United Nations (including the
15 United Nations Development Program) if the United Na-
16 tions implements or imposes any taxation on any United
17 States persons.

18 HAITI

19 SEC. 551. The Government of Haiti shall be eligible
20 to purchase defense articles and services under the Arms
21 Export Control Act (22 U.S.C. 2751 et seq.), for the Coast
22 Guard.

23 LIMITATION ON ASSISTANCE TO THE PALESTINIAN
24 AUTHORITY

25 SEC. 552. (a) PROHIBITION OF FUNDS.—None of the
26 funds appropriated by this Act to carry out the provisions

1 of chapter 4 of part II of the Foreign Assistance Act of
2 1961 may be obligated or expended with respect to pro-
3 viding funds to the Palestinian Authority.

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

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

14 LIMITATION ON ASSISTANCE TO SECURITY FORCES

15 SEC. 553. None of the funds made available by this
16 Act may be provided to any unit of the security forces
17 of a foreign country if the Secretary of State has credible
18 evidence that such unit has committed gross violations of
19 human rights, unless the Secretary determines and reports
20 to the Committees on Appropriations that the government
21 of such country is taking effective measures to bring the
22 responsible members of the security forces unit to justice:
23 *Provided*, That nothing in this section shall be construed
24 to withhold funds made available by this Act from any
25 unit of the security forces of a foreign country not credibly
26 alleged to be involved in gross violations of human rights:

1 *Provided further*, That in the event that funds are withheld
2 from any unit pursuant to this section, the Secretary of
3 State shall promptly inform the foreign government of the
4 basis for such action and shall, to the maximum extent
5 practicable, assist the foreign government in taking effective
6 measures to bring the responsible members of the security
7 forces to justice.

8 FOREIGN MILITARY TRAINING REPORT

9 SEC. 554. The annual foreign military training report
10 required by section 656 of the Foreign Assistance Act of
11 1961 shall be submitted by the Secretary of Defense and
12 the Secretary of State to the Committees on Appropriations
13 of the House of Representatives and the Senate by
14 the date specified in that section.

15 KOREAN PENINSULA ENERGY DEVELOPMENT

16 ORGANIZATION

17 SEC. 555. None of the funds appropriated by this Act
18 may be made available for assistance to the Korean Peninsula
19 Energy Organization (KEDO).

20 PALESTINIAN STATEHOOD

21 SEC. 556. (a) LIMITATION ON ASSISTANCE.—None
22 of the funds appropriated by this Act may be provided
23 to support a Palestinian state unless the Secretary of
24 State determines and certifies to the appropriate congressional
25 committees that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 requirements of subsection (a), consistent with the provi-
2 sions of section 552 of this Act (“Limitation on Assistance
3 to the Palestinian Authority”).

4 COLOMBIA

5 SEC. 557. (a) DETERMINATION AND CERTIFICATION
6 REQUIRED.—Notwithstanding any other provision of law,
7 funds appropriated by this Act that are available for as-
8 sistance for the Colombian Armed Forces, may be made
9 available as follows:

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

13 (2) The balance of such funds may be obligated
14 only after the Secretary of State certifies and re-
15 ports to the appropriate congressional committees
16 that:

17 (A) The Commander General of the Co-
18 lombian Armed Forces is suspending from the
19 Armed Forces those members, of whatever
20 rank, who 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.

24 (B) The Colombian Government is pros-
25 ecuting those members of the Colombian Armed
26 Forces, of whatever rank, who have been

1 credibly alleged to have committed gross viola-
2 tions of human rights, including extra-judicial
3 killings, or to have aided or abetted para-
4 military organizations, and is punishing those
5 members of the Colombian Armed Forces found
6 to have committed such violations of human
7 rights or to have aided or abetted paramilitary
8 organizations.

9 (C) The Colombian Armed Forces are co-
10 operating with civilian prosecutors and judicial
11 authorities in such cases (including providing
12 requested information, such as the identity of
13 persons suspended from the Armed Forces and
14 the nature and cause of the suspension, and ac-
15 cess to witnesses, relevant military documents,
16 and other requested information).

17 (D) The Colombian Armed Forces are sev-
18 ering links (including denying access to military
19 intelligence, vehicles, and other equipment or
20 supplies, and ceasing other forms of active or
21 tacit cooperation) at the command, battalion,
22 and brigade levels, with paramilitary organiza-
23 tions.

24 (E) The Colombian Armed Forces are exe-
25 cuting orders for capture of leaders of para-

1 military organizations that continue armed con-
2 flict.

3 (b) CONSULTATIVE PROCESS.—At least 10 days prior
4 to making the certification required by subsection (a), the
5 Secretary of State shall consult with internationally recog-
6 nized human rights organizations regarding progress in
7 meeting the conditions contained in that subsection.

8 (c) DEFINITIONS.—In this section:

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

14 (2) PARAMILITARY GROUPS.—The term “para-
15 military groups” means illegal self-defense groups
16 and illegal security cooperatives.

17 ILLEGAL ARMED GROUPS

18 SEC. 558. (a) DENIAL OF VISAS TO SUPPORTERS OF
19 COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to sub-
20 section (b), the Secretary of State shall not issue a visa
21 to any alien who the Secretary determines, based on cred-
22 ible evidence—

23 (1) has willfully provided any support to the
24 Revolutionary Armed Forces of Colombia (FARC),
25 the National Liberation Army (ELN), or the United
26 Self-Defense Forces of Colombia (AUC), including

1 taking actions or failing to take actions which allow,
2 facilitate, or otherwise foster the activities of such
3 groups; or

4 (2) has committed, ordered, incited, assisted, or
5 otherwise participated in the commission of gross
6 violations of human rights, including extra-judicial
7 killings, in Colombia.

8 (b) WAIVER.—Subsection (a) shall not apply if the
9 Secretary of State determines and certifies to the appro-
10 priate congressional committees, on a case-by-case basis,
11 that the issuance of a visa to the alien is necessary to
12 support the peace process in Colombia or for urgent hu-
13 manitarian reasons.

14 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
15 BROADCASTING CORPORATION

16 SEC. 559. None of the funds appropriated or other-
17 wise made available by this Act may be used to provide
18 equipment, technical support, consulting services, or any
19 other form of assistance to the Palestinian Broadcasting
20 Corporation.

21 WEST BANK AND GAZA PROGRAM

22 SEC. 560. (a) OVERSIGHT.—For fiscal year 2004, 30
23 days prior to the initial obligation of funds for the bilateral
24 West Bank and Gaza Program, the Secretary of State
25 shall certify to the appropriate committees of Congress
26 that procedures have been established to assure the Comp-

1 troller General of the United States will have access to
2 appropriate United States financial information in order
3 to review the uses of United States assistance for the Pro-
4 gram funded under the heading “Economic Support
5 Fund” for the West Bank and Gaza.

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

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

23 (2) Of the funds appropriated by this Act under the
24 heading “Economic Support Fund” that are made avail-
25 able for assistance for the West Bank and Gaza, up to

1 \$1,000,000 may be used by the Office of the Inspector
2 General of the United States Agency for International De-
3 velopment for audits, inspections, and other activities in
4 furtherance of the requirements of this subsection. Such
5 funds are in addition to funds otherwise available for such
6 purposes.

7 CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

8 SEC. 561. (a) LIMITATIONS ON AMOUNT OF CON-
9 TRIBUTION.—Of the amounts made available under
10 “International Organizations and Programs”,
11 \$25,000,000 for fiscal year 2004 shall be available for the
12 United Nations Population Fund (hereafter in this section
13 referred to as the “UNFPA”) subject to subsection (c).

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

19 (c) CONDITIONS ON AVAILABILITY OF FUNDS.—
20 Amounts made available under “International Organiza-
21 tions and Programs” for fiscal year 2004 for the UNFPA
22 may not be made available to the UNFPA unless—

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

1 (2) the UNFPA does not commingle amounts
2 made available to the UNFPA under this section
3 with other sums;

4 (3) the UNFPA does not fund abortions; and

5 (4) the UNFPA does not provide any funding
6 for the State Planned-Birth Commission (Jihua
7 Shengyu Weiyuanhui) or its regional affiliates in the
8 People's Republic of China.

9 (d) REPORT TO THE CONGRESS AND WITHHOLDING
10 OF FUNDS.—

11 (1) Not later than February 15, 2004, the Sec-
12 retary of State shall submit a report to the appro-
13 priate congressional committees indicating the
14 amount of funds that the UNFPA is budgeting for
15 the year in which the report is submitted for a coun-
16 try program in the People's Republic of China.

17 (2) If a report under paragraph (1) indicates
18 that the UNFPA plans to spend funds for a country
19 program in the People's Republic of China in the
20 year covered by the report, then the amount of such
21 funds that the UNFPA plans to spend in the Peo-
22 ple's Republic of China shall be deducted from the
23 funds made available to the UNFPA after March 1
24 for obligation for the remainder of the fiscal year in
25 which the report is submitted.

1 PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

2 SEC. 562. (a) FUNDING CONDITIONS.—Of the funds
3 made available under the heading “International Financial
4 Institutions” in this Act, 10 percent of the United States
5 portion or payment to such International Financial Insti-
6 tution shall be withheld by the Secretary of the Treasury,
7 until the Secretary certifies to the Committees on Appro-
8 priations that, to the extent pertinent to its lending pro-
9 grams, the institution is—

10 (1) implementing procedures for conducting an-
11 nual audits by qualified independent auditors for all
12 new investment lending;

13 (2) implementing procedures for annual inde-
14 pendent external audits of central bank financial
15 statements for countries making use of International
16 Monetary Fund resources under new arrangements
17 or agreements with the Fund;

18 (3) taking steps to establish an independent
19 fraud and corruption investigative organization or
20 office;

21 (4) implementing a process to assess a recipient
22 country’s procurement and financial management
23 capabilities including an analysis of the risks of cor-
24 ruption prior to initiating new investment lending;
25 and

1 international legal obligations to apprehend and transfer
2 to the International Criminal Tribunal for the former
3 Yugoslavia (the “Tribunal”) all persons in their territory
4 who have been indicted by the Tribunal and to otherwise
5 cooperate with the Tribunal.

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

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

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

18 (2) are acting consistently with the Dayton Ac-
19 cords.

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

1 on Appropriations a written justification for the proposed
2 assistance, including an explanation of the United States
3 position regarding any such vote, as well as a description
4 of the location of the proposed assistance by municipality,
5 its purpose, and its intended beneficiaries.

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

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

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

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

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

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

4 (4) DAYTON ACCORDS.—The term “Dayton Ac-
5 cords” means the General Framework Agreement
6 for Peace in Bosnia and Herzegovina, together with
7 annexes relating thereto, done at Dayton, November
8 10 through 16, 1995.

9 USER FEES

10 SEC. 564. The Secretary of the Treasury shall in-
11 struct the United States Executive Director at each inter-
12 national financial institution (as defined in section
13 1701(c)(2) of the International Financial Institutions Act)
14 and the International Monetary Fund to oppose any loan,
15 grant, strategy or policy of these institutions that would
16 require user fees or service charges on poor people for pri-
17 mary education or primary healthcare, including preven-
18 tion and treatment efforts for HIV/AIDS, malaria, tuber-
19 culosis, and infant, child, and maternal well-being, in con-
20 nection with the institutions’ financing programs.

21 FUNDING FOR SERBIA

22 SEC. 565. (a) Funds appropriated by this Act may
23 be made available for assistance for Serbia after March
24 1, 2004, if the President has made the determination and
25 certification contained in subsection (c).

1 (b) After March 1, 2004, the Secretary of the Treas-
2 ury should instruct the United States executive directors
3 to the international financial institutions to support loans
4 and assistance to the Government of the Federal Republic
5 of Yugoslavia (or a government of a successor state) sub-
6 ject to the conditions in subsection (c): *Provided*, That sec-
7 tion 576 of the Foreign Operations, Export Financing,
8 and Related Programs Appropriations Act, 1997, as
9 amended, shall not apply to the provision of loans and as-
10 sistance to the Federal Republic of Yugoslavia (or a suc-
11 cessor state) through international financial institutions.

12 (c) The determination and certification referred to in
13 subsection (a) is a determination by the President and a
14 certification to the Committees on Appropriations that the
15 Government of the Federal Republic of Yugoslavia (or a
16 government of a successor state) is—

17 (1) cooperating with the International Criminal
18 Tribunal for the former Yugoslavia including access
19 for investigators, the provision of documents, and
20 the surrender and transfer of indictees or assistance
21 in their apprehension;

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

1 maintain separate Republika Srpska institutions;
2 and

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

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

10 COMMUNITY-BASED POLICE ASSISTANCE

11 SEC. 566. (a) AUTHORITY.—Funds made available
12 by this Act to carry out the provisions of chapter 1 of
13 part I and chapter 4 of part II of the Foreign Assistance
14 Act of 1961, may be used, notwithstanding section 660
15 of that Act, to enhance the effectiveness and account-
16 ability of civilian police authority in Jamaica and El Sal-
17 vador through training and technical assistance in human
18 rights, the rule of law, strategic planning, and through as-
19 sistance to foster civilian police roles that support demo-
20 cratic governance including assistance for programs to
21 prevent conflict and foster improved police relations with
22 the communities they serve.

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

1 TRADE CAPACITY BUILDING

2 SEC. 567. Of the funds appropriated by this Act,
3 under the headings “Trade and Development Agency”,
4 “Development Assistance”, “Transition Initiatives”,
5 “Economic Support Fund”, “International Affairs Tech-
6 nical Assistance”, and “International Organizations and
7 Programs”, not less than \$517,000,000 should be made
8 available for trade capacity building assistance.

9 SPECIAL DEBT RELIEF FOR THE POOREST

10 SEC. 568. (a) AUTHORITY TO REDUCE DEBT.—The
11 President may reduce amounts owed to the United States
12 (or any agency of the United States) by an eligible country
13 as a result of—

14 (1) guarantees issued under sections 221 and
15 222 of the Foreign Assistance Act of 1961; or

16 (2) credits extended or guarantees issued under
17 the Arms Export Control Act.

18 (b) LIMITATIONS.—

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

23 (2) The authority provided by subsection (a)
24 may be exercised only in such amounts or to such
25 extent as is provided in advance by appropriations
26 Acts.

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

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

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

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

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

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

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

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

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

3 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—The
4 authority provided by subsection (a) may be exercised not-
5 withstanding section 620(r) of the Foreign Assistance Act
6 of 1961 or section 321 of the International Development
7 and Food Assistance Act of 1975.

8 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES
9 SEC. 569. (a) LOANS ELIGIBLE FOR SALE, REDUC-
10 TION, OR CANCELLATION.—

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

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

24 (B) a debt buyback by an eligible country
25 of its own qualified debt, only if the eligible
26 country uses an additional amount of the local

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

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

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

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

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

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

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

20 (d) DEBTOR CONSULTATIONS.—Before the sale to
21 any eligible purchaser, or any reduction or cancellation
22 pursuant to this section, of any loan made to an eligible
23 country, the President should consult with the country
24 concerning the amount of loans to be sold, reduced, or

1 canceled and their uses for debt-for-equity swaps, debt-
2 for-development swaps, or debt-for-nature swaps.

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

7 CAMBODIA

8 SEC. 570. The Secretary of the Treasury should in-
9 struct the United States executive directors of the inter-
10 national financial institutions to use the voice and vote
11 of the United States to oppose loans to the Central Gov-
12 ernment of Cambodia, except loans to support basic
13 human needs.

14 CUBA

15 SEC. 571. None of the funds appropriated by this Act
16 under the heading “International Narcotics Control and
17 Law Enforcement” may be made available for assistance
18 to the Government of Cuba.

19 COMPETITION IN CONTRACTING

20 SEC. 572. None of the funds appropriated in this Act
21 to support the programs of the United States Agency for
22 International Development in Iraq and none of the funds
23 appropriated in Public Law 108–11 under the heading
24 “Iraq Relief and Reconstruction Fund” may be made
25 available to enter into any contract or follow-on contract

1 that uses other than full and open competitive contracting
2 procedures as defined in 41 U.S.C. 403(6).

3 DISASTER SURGE CAPACITY

4 SEC. 573. Funds appropriated by this Act to carry
5 out part I of the Foreign Assistance Act of 1961 may be
6 used, in addition to funds otherwise available for such pur-
7 poses, for the cost (including the support costs) of individ-
8 uals detailed to or employed by the United States Agency
9 for International Development whose primary responsi-
10 bility is to carry out programs to address natural or man-
11 made disasters or programs under the heading “Transi-
12 tion Initiatives”.

13 AUTHORIZATION

14 SEC. 574. The Secretary of the Treasury may, to ful-
15 fill commitments of the United States, contribute on be-
16 half of the United States to the sixth replenishment of
17 the resources of the International Fund for Agricultural
18 Development. The following amount is authorized to be
19 appropriated without fiscal year limitation for payment by
20 the Secretary of the Treasury: \$45,000,000 for the Inter-
21 national Fund for Agricultural Development.

22 PHILIPPINE EDUCATION AND HEALTH INFRASTRUCTURE

23 SEC. 575. Of the funds appropriated under “Eco-
24 nomic Support Fund” for the Philippines in Public Law
25 108–11, the Emergency Wartime Supplemental Appro-

1 priations Act, 2003, \$600,000 shall be available only for
2 upgrading education and health infrastructure in the Sulu
3 Archipelago.

4 BASIC EDUCATION

5 SEC. 576. Of the funds appropriated by title II of
6 this Act, not less than \$350,000,000 shall be made avail-
7 able for basic education: *Provided*, That of the funds made
8 available pursuant to this section, not less than
9 \$91,500,000 should be from funds appropriated under the
10 heading “Economic Support Fund”: *Provided further*,
11 That the Secretary of State, in consultation with the Ad-
12 ministrator of the United States Agency for International
13 Development (USAID), shall submit a report not later
14 than 120 days after enactment of this Act articulating a
15 strategy for the use of basic education funds in Africa,
16 East Asia and the Pacific, the Near East, South Asia, and
17 the Western Hemisphere (excluding the United States) to
18 include—

19 (1) country strategies and brief project descrip-
20 tions of the uses and proposed uses of all United
21 States Government resources for basic education
22 overseas;

23 (2) a detailed description of the administrative
24 structure currently in place to manage strategic co-
25 ordination undertaken among the State Department,

1 USAID and other agencies involved in international
2 basic education activities; and

3 (3) a description of actions being taken to ex-
4 pand the administrative capacity of both USAID
5 and the State Department to deliver effective ex-
6 panded basic education programs.

7 PARTICIPATION IN THE THIRTEENTH REPLENISHMENT
8 OF THE RESOURCES OF THE INTERNATIONAL DE-
9 VELOPMENT ASSOCIATION

10 SEC. 577. The International Development Associa-
11 tion Act (22 U.S.C. 284–284s) is amended by adding at
12 the end the following:

13 **“SEC. 22. THIRTEENTH REPLENISHMENT.**

14 **“(a) CONTRIBUTION AUTHORITY.—**

15 **“(1) IN GENERAL.—**The United States Gov-
16 ernor of the Association may contribute on behalf of
17 the United States an amount equal to the amount
18 appropriated under subsection (b), pursuant to the
19 resolution of the Association entitled ‘Additions to
20 IDA Resources: Thirteenth Replenishment’.

21 **“(2) SUBJECT TO APPROPRIATIONS.—**Any com-
22 mitment to make the contribution authorized by
23 paragraph (1) shall be effective only to such extent
24 or in such amounts as are provided in advance in
25 appropriations Acts.

1 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
2 PRIATIONS.—For the contribution authorized by sub-
3 section (a), there are authorized to be appropriated such
4 sums as may be necessary for payment by the Secretary
5 of the Treasury, without fiscal year limitation.”.

6 ADMINISTRATIVE PROVISIONS RELATED TO
7 MULTILATERAL DEVELOPMENT INSTITUTIONS

8 SEC. 578. Title XV of the International Financial In-
9 stitutions Act (22 U.S.C. 2620—2620-2) is amended by
10 adding at the end the following:

11 **“SEC. 1504. ADMINISTRATIVE PROVISIONS.**

12 “(a) ACHIEVEMENT OF CERTAIN POLICY GOALS.—
13 The Secretary of Treasury should instruct the United
14 States Executive Director at each multilateral develop-
15 ment institution to inform the institution of the following
16 United States policy goals, and to work toward achieving
17 the goals at the institution before June 30, 2005:

18 “(1) No later than 60 calendar days after the
19 Board of Directors of the institution approves the
20 minutes of a Board meeting, the institution shall
21 post on its website an electronic version of the min-
22 utes, with material deemed too sensitive for public
23 distribution redacted.

24 “(2) The institution shall keep a written tran-
25 script or electronic recording of each meeting of its

1 Board of Directors and preserve the transcript or re-
2 cording for at least 10 years after the meeting.

3 “(3) All public sector loan documents, country
4 assistance strategies, sector strategies, and sector
5 policies prepared by the institution and presented for
6 endorsement or approval by its Board of Directors,
7 with materials deemed too sensitive for public dis-
8 tribution redacted or withheld, shall be made avail-
9 able to the public 15 calendar days before consider-
10 ation by the Board or, if not then available, when
11 the documents are distributed to the Board.

12 “(4) The institution shall post on its website an
13 annual report containing statistical summaries and
14 case studies of the fraud and corruption cases pur-
15 sued by its investigations unit.

16 “(5) The institution shall require that any
17 health, education, or poverty-focused loan, credit,
18 grant, document, policy, or strategy prepared by the
19 institution includes specific outcome and output indi-
20 cators to measure results, and that the indicators
21 and results be published periodically during the exe-
22 cution, and at the completion, of the project or pro-
23 gram.

24 “(b) PUBLICATION OF WRITTEN STATEMENTS RE-
25 GARDING INSPECTION MECHANISM CASES.—No later

1 than 60 calendar days after a meeting of the Board of
2 Directors of a multilateral development institution, the
3 Secretary of the Treasury should provide for publication
4 on the website of the Department of the Treasury of any
5 written statement presented at the meeting by the United
6 States Executive Director at the institution concerning—

7 “(1) a project on which a claim has been made
8 to the inspection mechanism of the institution; or

9 “(2) a pending inspection mechanism case.

10 “(c) CONGRESSIONAL BRIEFINGS.—At the request of
11 the Committee on Financial Services of the House of Rep-
12 resentatives or the Committee on Foreign Relations of the
13 Senate, the Secretary of the Treasury or the designee of
14 the Secretary should brief the requesting committee on the
15 steps that have been taken by the United States Executive
16 Director at any multilateral development institution, and
17 by any such institution, to implement the measures de-
18 scribed in this section.

19 “(d) PUBLICATION OF ‘NO’ VOTES AND ABSTEN-
20 TIONS BY THE UNITED STATES.—Each month, the Sec-
21 retary of the Treasury should provide for posting on the
22 website of the Department of the Treasury of a record
23 of all ‘no’ votes and abstentions made by the United States
24 Executive Director at any multilateral development insti-

1 tution on any matter before the Board of Directors of the
2 institution.

3 “(e) MULTILATERAL DEVELOPMENT INSTITUTION
4 DEFINED.—In this section, the term ‘multilateral develop-
5 ment institution’ shall have the meaning given in section
6 1701(c)(3).”.

7 PARTICIPATION IN THE SEVENTH REPLENISHMENT OF
8 THE RESOURCES OF THE ASIAN DEVELOPMENT FUND

9 SEC. 579. The Asian Development Bank Act (22
10 U.S.C. 285–285aa) is amended by adding at the end the
11 following:

12 **“SEC. 31. ADDITIONAL CONTRIBUTION TO SPECIAL FUNDS.**

13 “(a) CONTRIBUTION AUTHORITY.—

14 “(1) IN GENERAL.—The United States Gov-
15 ernor of the Bank may contribute on behalf of the
16 United States an amount equal to the amount ap-
17 propriated under subsection (b), pursuant to the res-
18 olution of the Bank entitled ‘Seventh Replenishment
19 of the Asian Development Fund’.

20 “(2) SUBJECT TO APPROPRIATIONS.—Any com-
21 mitment to make the contribution authorized by
22 paragraph (1) shall be effective only to such extent
23 or in such amounts as are provided in advance in
24 appropriations Acts.

25 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
26 PRIATIONS.—For the contribution authorized by sub-

1 section (a), there are authorized to be appropriated such
2 sums as may be necessary for payment by the Secretary
3 of the Treasury, without fiscal year limitation.”.

4 PARTICIPATION IN THE NINTH REPLENISHMENT OF THE
5 RESOURCES OF THE AFRICAN DEVELOPMENT FUND

6 SEC. 580. The African Development Fund Act (22
7 U.S.C. 290g—290g–15) is amended by adding at the end
8 the following:

9 **“SEC. 217. NINTH REPLENISHMENT.**

10 “(a) CONTRIBUTION AUTHORITY.—

11 “(1) IN GENERAL.—The United States Gov-
12 ernor of the Fund may contribute on behalf of the
13 United States an amount equal to the amount ap-
14 propriated under subsection (b), pursuant to the res-
15 olution of the Fund entitled ‘The Ninth General Re-
16 plenishment of Resources of the African Develop-
17 ment Fund’.

18 “(2) SUBJECT TO APPROPRIATIONS.—Any com-
19 mitment to make the contribution authorized by
20 paragraph (1) shall be effective only to such extent
21 or in such amounts as are provided in advance in
22 appropriations Acts.

23 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
24 PRIATIONS.—For the contribution authorized by sub-
25 section (a), there are authorized to be appropriated such

1 sums as may be necessary for payment by the Secretary
2 of the Treasury, without fiscal year limitation.”.

3 EFFORTS BY NORTH KOREA RELATING TO THE
4 PROLIFERATION OF NUCLEAR WEAPONS

5 SEC. 581. It is the sense of Congress that the Presi-
6 dent should utilize all diplomatic options to ensure that
7 the Government of the Democratic People’s Republic of
8 Korea does not engage in efforts relating to the prolifera-
9 tion of nuclear weapons.

10 SEC. 582. None of the funds made available in this
11 Act may be used by the State Department to support an
12 application under section 501 of the Foreign Intelligence
13 Surveillance Act of 1978 (50 U.S.C. 1861) for an order
14 requiring the production of library circulation records, li-
15 brary patron lists, library Internet records, bookseller
16 sales records, or bookseller customer lists.

17 This Act may be cited as the “Foreign Operations,
18 Export Financing, and Related Programs Appropriations
19 Act, 2004”.

 Passed the House of Representatives July 24 (legis-
lative day, July 23), 2003.

Attest:

JEFF TRANDAHL,

Clerk.

Calendar No. 227

108TH CONGRESS
1ST SESSION

H. R. 2800

AN ACT

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

JULY 24 (legislative day, JULY 21), 2003

Received; read twice and placed on the calendar