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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 18, 2005, at 12:30 p.m.

## Senate

FRIDAY, JULY 15, 2005

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

We have been blessed by You, O God, beyond all that we can ask or imagine. You have enriched us with material blessings and showered us with spiritual joy. We would not pray merely for our daily bread, for we do not live by bread alone. We long to know You, to love, to obey, and to please You.

Bless this land we love. Lord, keep America strong. Help each citizen to live so that You can place Your shield of protection around this blessed country.

Guide the leaders of our Executive, Legislative, and Judicial branches on the road that will lead to the fulfillment of Your will.

We ask a special blessing upon the many members of Senate staffs who were recognized today for their years of faithful service. Continue to give each of them the integrity and grace to honor Your Name. Eternal Lord God, we place our hope in You. For the kingdom, the power, and the glory belong to You. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 15, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. ISAKSON thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. In my capacity as the Senator from the State of Georgia, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin the Foreign Operations appropriations bill, probably in 15, 20 minutes. Last night we were able to complete work on the Homeland Security appropriations measure with an overwhelming vote of 96 to 1. We had a few stumbles yesterday afternoon, on a partisan basis, but we worked through it and delivered a great bill on homeland security to the American people. I congratulate Senator GREGG and Senator BYRD for their tremendous leadership in handling that very important bill.

Senators MCCONNELL and LEAHY will be here shortly to begin the Foreign Operations appropriations bill. Senators will be able to offer their amendments today. There will be no rollcall votes today, but we do want to encourage Senators, if they are going to offer amendments, to present them to their respective leaders so we can plan appropriately. We will continue to debate through today. No votes will occur today, but we will be voting Monday afternoon at approximately 5:30. We will be announcing a specific time a little bit later. We will return to the Foreign Operations bill on Monday, and I hope we will be able to complete that bill on Monday.

I do thank all Members for their assistance in moving these appropriations bills to conclusion. We are moving in an expeditious way and I appreciate everybody's support.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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SENATE ACCOMPLISHMENTS AND  
AGENDA

Mr. FRIST. Mr. President, as we conclude our first week back from recess, having 2 more weeks in this block of time before our August recess, I want to take a moment to reflect on how far we have come and what accomplishments have been made during this 109th Congress and to briefly talk about the tasks that are ahead of us.

With the prospect of a Supreme Court nomination looming, some people are predicting the Senate is going to get tied up and balled up in partisan conflict and we are not going to be able to simultaneously advise and consent—our constitutional responsibility—on the President's nominee and, at the same time, address the Nation's other business, the normal business that comes to this body.

But I think if we reflect on the way the Senate has moved ahead over the past 6 months, we will see that even in the heat of an appellate judges debate over the springtime we were able to get our business done and deliver meaningful solutions for the American people.

From lawsuit abuse reform, to trade, to energy policy, we tackled key issue after key issue after key issue to make America stronger, to create jobs, to make America more prosperous, and to make America more secure.

Last night, we passed the Homeland Security bill, critical legislation that provides over \$31 billion to strengthen America's borders, to strengthen our ports and our transit systems from a homeland security standpoint. It will boost our emergency preparedness, including our first responders. And most importantly, it will strengthen our ability to intercept those who wish to enter this country and do us harm.

The London bombings remind us, once again, of the determination of our enemy to strike us here on our own soil and of our responsibility to remain vigilant and alert. We are taking action. The Homeland Security bill we passed last night reflects that appropriate both response and leadership.

When we began the 109th Congress 6 months ago, America faced a number of structural problems that were threatening our safety, our security, our prosperity, and our freedom. America was drowning in lawsuit abuse. Our highways and ports were falling into disrepair. We were hitting our tenth year with no comprehensive energy plan, becoming more and more dependent, day by day, on foreign sources of oil. Partisan obstruction, in large part inherited from the last Congress, was tearing apart our judicial confirmation process. Our troops overseas needed our support and, over the Christmas holiday period, the tsunami disaster struck. Looking at that environment, we needed to take bold action, and we did. We did it by laying out a specific plan. If you review what we have done over the last 6 months and where we are today and where we are going, we are fulfilling that specific plan.

We began by passing the fifth fastest budget in Senate history. That allowed us to move on the issues, starting with class action. Frivolous lawsuits were so out of control that litigation in America had become the most expensive in the world. In 2003, the tort system alone cost an incredible \$246 billion, more than the overall economic output of my own State of Tennessee. Frivolous lawsuits have a huge impact. They dull our competitive edge. They clog up our State courts. They waste taxpayers' dollars, and they lead to outrageous settlements that award the trial lawyers multimillion dollar fees while their clients or the victims get pennies. Reform was long overdue. So we pulled together and finally passed comprehensive class action reform to curb existing lawsuit abuse, with nearly three-quarters of this body—bipartisan—voting in favor of that long overdue class action reform, which in the past had been locked up, which had become a partisan issue. We broke through that. One week later, that bill was signed into law by the President. We delivered in that bill to the American people a victory of fairness.

With this success at our backs, we moved to bankruptcy abuse. Bankruptcy reform is another issue that had been locked up for years and years. Again, with bipartisanship, similar bills had passed, not all the way through Congress, not to become law, but similar bills had passed the 105th, 106th, and 107th Congresses. In this Congress, we passed the most comprehensive, sweeping overhaul of bankruptcy law in 25 years, with the purpose of restoring integrity, responsibility, and fairness. Like class action, the bankruptcy bill passed this body in this Congress with broad, bipartisan, overwhelming support.

I mention all this because I want to thank my colleagues for their participation, recognizing bills that have been locked up in Congress are now being addressed in a way that respects the institution with civility and bipartisan support. There is still a lot we need to do in terms of curbing the whole lawsuit abuse culture. Gun liability, I mentioned. I have talked to the leadership on both sides of the aisle. It is an issue I would like to address in the next several weeks. We have asbestos reform that is a huge issue, where the victims, patients such as my former mesothelioma patients or cancer patients, are not getting appropriately compensated because the trial lawyers are running away with the settlement money and putting it in their pockets. We have to address that reform.

We have colleagues who are leaving the medical profession, surgeons leaving the practice of medicine because of skyrocketing medical liability premiums they simply cannot afford. You can't just pass it on to the patients. The patients can't afford it, and it drives up our health care costs. Plus, it drives my doctor colleagues out of what they love to do; and that is de-

liver babies or be a neurosurgeon to respond to that traffic accident you might be in.

The highway bill was another area where we were able to come together and keep America moving forward, another area we were unsuccessful in the last Congress but that we were successful in this Congress. It was a long process, a bipartisan process, but it was based on more than 3 years of work, over a dozen hearings, testimony from more than 100 witnesses, countless hours of negotiation, supported by a deep and broad coalition from State and local highway authorities to national safety advocates. As every commuter knows, America's roads have become locked up, choked with traffic. In many cities, rush hours now last not minutes but, indeed, hours.

Worse yet, from a safety standpoint, car crashes are the No. 1 cause of death for every age. From 3 to 10 to 15 to 20, 30, up to 33 years of age, car crashes are the No. 1 cause of death. Nearly 43,000 people died on our Nation's highways last year. Transportation Secretary Norm Mineta rightly observed that:

If this many people were to die from any one disease in a single year, Americans would demand a vaccine.

This year we responded. This year we were able to provide relief. By an overwhelming vote of 91 to 11 in this body, we passed the long overdue SAFETEA bill. As communities improve their roads and their ports, America's drivers will face less time sitting in traffic jams, burning up gas, burning up time.

That brings me to energy. Like the highway bill and the lawsuit abuse reform, energy policy had languished in this body for years. For over a decade, we have lacked a comprehensive energy policy. While Congress had been dithering about, we have watched oil prices soar. We watched our dependence on foreign sources of oil increase day by day to the point that about 59 percent of our oil is imported. Because of high natural gas prices, manufacturing jobs and chemical jobs have been steadily moving off our shores overseas. Farmers are taking a pay cut. Consumers are paying too much to heat their homes, to cool their homes. Communities across the country have been suffering. As many as 2.7 million manufacturing jobs have been lost because of soaring energy prices.

All the while, we have had that dangerous dependence on foreign sources of oil increase. So we had all this as a backdrop, and we responded. We were finally able to act, and we were able to pass a comprehensive Energy bill. It took 10 years, but we made it. It has passed the Senate and House. It is in conference, and I am hopeful. I would like to see it, in the next 2 weeks, come back for the final vote on the floor of the Senate. It is an energy plan that will make America safer. It will create jobs, and it does make America more secure.

Another area where we simultaneously strengthened America's national and economic security was the

passage of the Central American Free Trade Agreement. That agreement, which President Bush signed in May of 2004, will eliminate most trade barriers between the United States, Costa Rica, El Salvador, Nicaragua, Guatemala, Honduras, and the Dominican Republic. New consumers of American goods and more sales to Central America mean more jobs at home. It means more shared values.

It is fascinating that 20 years ago, only two of the CAFTA nations were established democracies, Costa Rica and the United States. Today, all seven can be counted among the free nations of the world. By linking their economies with democratic capitalism, CAFTA will help these nations against the threats posed in their neighborhood, mainly Venezuela and Cuba. It will strengthen their democracies and provide a model for freedom seekers around the world.

That does bring me to the world stage. In April, by a near unanimous vote, we passed the Emergency Defense War Supplemental and Tsunami Relief Act. On the morning of December 26, the world woke up to that terrible disaster of the tsunami in Southeast Asia. Deep in the Indian Ocean, an enormous earthquake, estimated at a magnitude of 9.0 on the Richter scale, possibly one of most powerful earthquakes in history, caused a devastating tsunami which killed over 155,000 people, seriously injured half a million, and displaced as many as 5 million from their demolished homes. Thousands of people were literally washed out to sea as this enormous wall of water, traveling at speeds of over 500 miles an hour in the open ocean, struck the coast of that Indian Ocean realm.

As the waves receded, they took with them whole towns and villages. In the face of this terrible tragedy, America took swift action, and we responded on the floor of the Senate. We immediately dispatched military ships, planes and helicopters to deliver aid. Twelve thousand of our men and women in uniform worked around the clock to reach survivors, and Americans at home responded through the Internet, through donations, through their churches, through their mosques, moved by the terrible images and stories, and gave millions from their own pockets to help.

I had the opportunity to travel with Senator LANDRIEU to survey the damage in Sri Lanka. We met with local doctors and local orphanages and government officials and nongovernment organizations. We saw firsthand the tragedy and the human suffering the tsunami left. It was clear to us at the time exactly what we are seeing now, 6 months later, play out. It is going to take months and, indeed, years to respond to this tragedy. Many families with the loss of life never will be able to respond.

The legislation we passed in April provided an additional \$880 million to help the victims recover and rebuild.

The tsunami story may no longer be grabbing the headlines, but America is still hard at work right now in responding to this disaster.

We are also hard at work fighting the war on terror. The emergency defense bill provides \$75.9 billion in support for our brave soldiers in Afghanistan and Iraq, hunting down the enemy, helping to rebuild and to spread freedom and democracy. As the President has reminded the Nation, we are engaged in an epic struggle. The terrorists want to deny the Iraqi people the freedoms that are the right of all mankind. They want democracy in Iraq to fail so they can seize power, so they can spread their poison.

But they are not going to succeed. We will win this war. To do so, we must continue to stand together, united in our support of our troops and in support of our values. The terrorists are no match for the will of the American people, and they are no match for a world that is united against this terror.

The dastardly attack on London last week was an attack on the civilized world. I speak for all when I say that America stands shoulder to shoulder with the British people. We are in this together. Together we will win.

Over the past 6 months, the Senate has shown real leadership confronting a variety of priorities. We also have had some tense and dramatic moments; probably none more dramatic than the battle to confirm the President's judicial nominees. We appear to have begun to repair the confirmation process and to restore the dignity and the fairness and the respect to our debates over judicial nominees. As we have said all along, each of these candidates was amply qualified and enjoyed the majority support of the Senate. Each would be confirmed if brought to the Senate floor, and each of them were—Priscilla Owen, Janice Rogers Brown, William Pryor, Richard Griffin, David McKeague, Tom Griffith—confirmed to the Federal bench.

Unfortunately, in the process, they had to endure many unfair attacks on their character. Some of the nominees in the last Congress found the process that we put them through so painful that they dropped out and said: Don't consider me any more. That character assassination is too much. Therefore, they withdrew from consideration, at a loss for the American people. So it is no wonder that we now hear reports that smart, qualified judges don't even want to be considered for the Federal bench because of the process. We have put that process behind us. So many of them have concluded that Washington is no place to risk your reputation because you may never get it back.

As we look ahead to the Supreme Court nomination process, things are going very well.

I do urge my colleagues to make sure that our deliberations are fair and dignified and respectful of that nominee when the nominee is presented.

This last Tuesday, I mentioned that the President is not obligated to con-

sult with Senators before making a nomination. In fact, he is not obligated to consult with anyone; consultation is a courtesy, not a constitutional mandate. But the President has reached out to both sides of the aisle, the Judiciary Committee, individual Senators, with one-on-one meetings, and his highest staff are continually listening and taking suggestions. I commend the administration and the President for reaching out in an inclusive and bipartisan manner, in a manner that really is unprecedented.

Mr. President, let me just say that I believe what we have seen is a promising start to what can and should be a thoughtful and statesmanlike debate as we prepare for that nominee coming from the President for the Supreme Court. In that debate, I want to continue to encourage my colleagues to place principle before partisan politics and place results before rhetoric. We owe it to the American people to conduct this nominations process, which involves the major institutions of our Government, the three grand institutions of justice, legislation, and the executive branch coming together. We owe it to the American people to continue to move forward with those meaningful solutions to real problems.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to the consideration of H.R. 3057, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs, for the fiscal year ending September 30, 2006, and for other purposes, which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 3057

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

**[TITLE I—EXPORT AND INVESTMENT ASSISTANCE**

**[EXPORT-IMPORT BANK OF THE UNITED STATES**

[The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2006.

**[SUBSIDY APPROPRIATION**

[For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, \$125,000,000, to remain available until September 30, 2009: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2024, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2006, 2007, 2008, and 2009: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

**[ADMINISTRATIVE EXPENSES**

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

**[OVERSEAS PRIVATE INVESTMENT CORPORATION**

**[NONCREDIT ACCOUNT**

[The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$42,274,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

**[PROGRAM ACCOUNT**

[For the cost of direct and guaranteed loans, \$20,276,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2006 and 2007: *Provided further*, That such sums shall remain available through fiscal year 2014 for the disbursement of direct and guaranteed loans obligated in fiscal year 2006, and through fiscal year 2015 for the disbursement of direct and guaranteed loans obligated in fiscal year 2007: *Provided further*, That notwithstanding any provision of the Foreign Assistance Act of 1961, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

[In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

**[FUNDS APPROPRIATED TO THE PRESIDENT**

**[TRADE AND DEVELOPMENT AGENCY**

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

**[TITLE II—BILATERAL ECONOMIC ASSISTANCE**

**[FUNDS APPROPRIATED TO THE PRESIDENT**

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

**[UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT**

**[CHILD SURVIVAL AND HEALTH PROGRAMS FUND (INCLUDING TRANSFER OF FUNDS)**

[For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child

survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, \$1,497,000,000, to remain available until September 30, 2007: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to exceed \$250,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: \$347,000,000 for child survival and maternal health; \$25,000,000 for vulnerable children; \$350,000,000 for HIV/AIDS; \$200,000,000 for other infectious diseases; and \$375,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: *Provided further*, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than \$200,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2006 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this heading, \$65,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to \$6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this

Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

#### DEVELOPMENT ASSISTANCE

For necessary expenses of the United States Agency for International Development to carry out the provisions of sections 103, 105, 106, and subtitle A of title VI of chapter II, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$1,460,000,000, to remain available until September 30, 2007: *Provided*, That \$214,000,000 should be allocated for trade capacity building, of which at least \$20,000,000 shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic: *Provided further*, That \$365,000,000 should be allocated for basic education: *Provided further*, That of the funds appropriated under this heading and managed by the United States Agency for International Development Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than \$15,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: *Provided further*, That such funds may not be made available for construction: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$37,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That funds appropriated under this heading should be made available for programs in sub-Saharan Africa to address sexual and gender-based violence: *Provided further*, That up to \$15,000,000 should be made available for drinking water supply projects in east Africa.

#### INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

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

#### TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

#### DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency

for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$21,000,000, to remain available until September 30, 2008, may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,000,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: *Provided*, That funds made available under this paragraph shall remain available until September 30, 2007.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$41,700,000.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$630,000,000, of which up to \$25,000,000 may remain available until September 30, 2007: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed \$1,000,000: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2006: *Provided further*, That none of the funds in this Act may be used to open a new overseas mission of the United States Agency for International Development without the prior written notification of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance

Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses of the United States Agency for International Development" in accordance with the provisions of those sections.

**【CAPITAL INVESTMENT FUND**

【For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$77,700,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the amounts appropriated under this heading, not to exceed \$55,800,000 may be made available for the purposes of implementing the Capital Security Cost Sharing Program: *Provided further*, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: *Provided further*, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development.

**【OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL**

【For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$36,000,000, to remain available until September 30, 2007, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

**【OTHER BILATERAL ECONOMIC ASSISTANCE**

**【ECONOMIC SUPPORT FUND**

**【(INCLUDING TRANSFER OF FUNDS)**

【For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,558,525,000, to remain available until September 30, 2007: *Provided*, That of the funds appropriated under this heading, not less than \$240,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That not less than \$495,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That of the funds made available under this heading for Egypt, not less than \$50,000,000 shall be used for programs to improve and promote democracy, governance, and human rights and not less than \$50,000,000 shall be used for education programs: *Provided further*, That with respect to the provision of assistance for Egypt for democracy and governance activities, the or-

ganizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: *Provided further*, That of the funds appropriated under this heading, not less than \$250,000,000 should be made available only for assistance for Jordan: *Provided further*, That \$20,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That \$40,000,000 of the funds appropriated under this heading should be made available for assistance for Lebanon, of which not less than \$6,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: *Provided further*, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not more than \$225,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance until the Secretary of State certifies to the Committees on Appropriations, that the Government of Afghanistan at both the national and local level, is cooperating fully with United States funded poppy eradication and interdiction efforts in Afghanistan: *Provided further*, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

**【INTERNATIONAL FUND FOR IRELAND**

【For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$13,500,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2007.

**【ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES**

【(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$357,000,000, to remain available until September 30, 2007, which shall be available, notwithstanding any other provision of law that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961, for assistance and for related programs for Eastern Europe and the Baltic States.

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

【(c) The provisions of section 529 of this Act shall apply to funds appropriated under this heading: *Provided*, That local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

【(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 109A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

**【ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION**

【(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$477,000,000, to remain available until September 30, 2007: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That, notwithstanding any provision of the Freedom Support Act of 1992, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102-511 shall be subject to a 6 percent ceiling on administrative expenses.

【(b) Of the funds appropriated under this heading, not less than \$52,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

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

【(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

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

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

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

【(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

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

[(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

[(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

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

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

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

[(6) humanitarian assistance.

#### INDEPENDENT AGENCIES

##### INTER-AMERICAN FOUNDATION

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

##### AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, \$20,500,000, to remain available until September 30, 2007: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

##### PEACE CORPS

##### (INCLUDING TRANSFER OF FUNDS)

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

##### MILLENNIUM CHALLENGE CORPORATION

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

utive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact.

#### DEPARTMENT OF STATE

##### GLOBAL HIV/AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$1,920,000,000 (reduced by \$1,000,000) (increased by \$1,000,000), to remain available until expended: *Provided*, That of the funds appropriated under this heading, not less than \$200,000,000 shall be made available for a United States Contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That not more than \$12,000,000 of the funds appropriated under this heading may be made available for administrative expenses of the Office of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally of the Department of State.

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$437,400,000 (increased by \$5,000,000), to remain available until September 30, 2008: *Provided*, That during fiscal year 2006, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That \$10,000,000 of the funds appropriated under this heading should be made available for demand reduction programs: *Provided further*, That of the funds appropriated under this heading, not more than \$33,484,000 may be available for administrative expenses.

##### ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, \$734,500,000, to remain available until September 30, 2008: *Provided*, That in fiscal year 2006, funds

available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided further*, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: *Provided further*, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: *Provided further*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That funds made available in this Act for demobilization/reintegration of members of foreign terrorist organizations in Colombia shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That of the funds appropriated under this heading, not more than \$19,015,000 may be available for administrative expenses of the Department of State, and not more than \$7,800,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

##### MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$790,720,000, which shall remain available until expended: *Provided*, That not more than

\$22,000,000 may be available for administrative expenses: *Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

**[UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND]**

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

**[NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS]**

**[For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$400,350,000 (increased by \$7,000,000) (reduced by \$7,000,000), to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law that restricts assistance to foreign countries, including activities implemented through non-governmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed \$37,500,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law that restricts assistance to foreign countries, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds made available for demining and related activities, not to exceed \$705,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2007: *Provided further*, That funds appropriated under this heading shall be made available for programs and countries in the amounts contained in the table included in the report accompanying this Act: *Provided further*, That any proposed increases or decreases to the amounts contained in such table shall be subject to the regular notification procedures of the Committee on Appropriations and section 634A of the Foreign Assistance Act of 1961 and notifications shall be**

transmitted at least 15 days in advance of the obligation of funds.

**[DEPARTMENT OF THE TREASURY  
[INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE]**

**[For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$20,000,000, to remain available until September 30, 2009, which shall be available notwithstanding any other provision of law that restricts assistance to foreign countries.**

**[DEBT RESTRUCTURING]**

**[For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$65,000,000, to remain available until September 30, 2008: *Provided*, That not less than \$20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That up to \$45,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—**

**[(1) the Inter-American Development Bank;**

**[(2) the African Development Fund;**

**[(3) the African Development Bank; and**

**[(4) the Central American Bank for Economic Integration;**

**[*Provided further*, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in**

advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

**[(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and**

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

**[*Provided further*, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.**

**[TITLE III—MILITARY ASSISTANCE]**

**[FUNDS APPROPRIATED TO THE PRESIDENT]**

**[INTERNATIONAL MILITARY EDUCATION AND TRAINING]**

**[For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$86,744,000, of which up to \$3,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for military education and training for Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations.**

**[FOREIGN MILITARY FINANCING PROGRAM]**

**[(INCLUDING TRANSFER OF FUNDS)]**

**[For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,442,300,000: *Provided*, That of the funds appropriated under this heading, not less than \$2,280,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$595,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, \$206,000,000 should be made available for assistance for Jordan: *Provided further*, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment**

in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Guatemala: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law that restricts assistance to foreign countries, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through non-governmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$41,600,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than \$373,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2006 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That foreign military financing program funds estimated to be outlaid for Egypt during fiscal year 2006 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

#### PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$177,800,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

#### TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL FINANCIAL INSTITUTIONS

##### CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$950,000,000, to remain available until expended.

##### CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$1,741,515, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

##### CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

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

##### CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, \$1,741,515, to remain available until expended.

##### CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

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

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

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

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$88,333,855.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

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

##### CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$1,015,677 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$2,249,888.

##### CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

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

##### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign As-

sistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$328,958,000: *Provided*, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

#### TITLE V—GENERAL PROVISIONS

##### COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

##### RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 502. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

##### LIMITATION ON RESIDENCE EXPENSES

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

##### LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed \$5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

##### LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed \$125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed \$4,000 shall be available for entertainment expenses and not to exceed \$130,000

shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$55,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed \$4,000 shall be available for representation and entertainment allowances: *Provided further*, That of the funds made available by this Act under the heading "Millennium Challenge Corporation", not to exceed \$115,000 shall be available for representation and entertainment allowances.

**[PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE**

**[SEC. 506. (a) PROHIBITION ON TAXATION.—**None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

**[(b) REIMBURSEMENT OF FOREIGN TAXES.—**An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2006 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2007 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

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

**[(d) REPROGRAMMING OF FUNDS.—**Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

**[(e) DETERMINATIONS.—**

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

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

**[(B)** the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

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

**[(f) IMPLEMENTATION.—**The Secretary of State shall issue rules, regulations, or policy

guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

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

**[(1)** the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

**[(2)** the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

**[PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES**

**[SEC. 507.** None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, except with respect to Libya, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

**[MILITARY COUPS**

**[SEC. 508.** None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

**[TRANSFERS**

**[SEC. 509. (a)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—**None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

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

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

**[(c) AUDIT OF INTER-AGENCY TRANSFERS.—**Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

**[COMMERCIAL LEASING OF DEFENSE ARTICLES**

**[SEC. 510.** Notwithstanding any other provision of law that restricts assistance to foreign countries, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

**[AVAILABILITY OF FUNDS**

**[SEC. 511.** No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapters 4, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

**[LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT**

**[SEC. 512.** No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

**[COMMERCE AND TRADE**

**[SEC. 513. (a)** None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the

Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

[(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

[(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

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

#### 【SURPLUS COMMODITIES

【SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

#### 【NOTIFICATION REQUIREMENTS

【SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for “Child Survival and Health Programs Fund”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Initiative”, “Assistance for Eastern Europe and the Baltic States”, “Assistance for the Independent States of the Former Soviet Union”, “Economic Support Fund”, “Global HIV/AIDS Initiative”, “Peacekeeping Operations”, “Capital Investment Fund”, “Operating Expenses of the United States Agency for International Development”, “Operating Expenses of the United States Agency for International Development Office of Inspector General”, “Nonproliferation, Anti-terrorism, Demining

and Related Programs”, “Millennium Challenge Corporation” (by country only), “Foreign Military Financing Program”, “International Military Education and Training”, “Peace Corps”, and “Migration and Refugee Assistance”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under title II of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

#### 【LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

【SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2007.

#### 【INDEPENDENT STATES OF THE FORMER SOVIET UNION

【SEC. 517. (a) None of the funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall be made available for assistance for a government of an Independent State of the former Soviet Union—

[(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investments; and

[(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

【Assistance may be furnished without regard to this subsection if the President deter-

mines that to do so is in the national interest.

[(b) None of the funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

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

[(d) Funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

[(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

[(f) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading “Assistance for the Independent States of the Former Soviet Union” and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to Europe and Eurasia and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

#### 【PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

【SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

#### 【EXPORT FINANCING TRANSFER AUTHORITIES

【SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative

expenses made available for fiscal year 2006, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

#### SPECIAL NOTIFICATION REQUIREMENTS

**SEC. 520.** None of the funds appropriated by this Act shall be obligated or expended for Serbia, Sudan, Zimbabwe, or Pakistan, except as provided through the regular notification procedures of the Committees on Appropriations.

#### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

**SEC. 521.** For the purpose of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

#### CHILD SURVIVAL AND HEALTH ACTIVITIES

**SEC. 522.** Up to \$13,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by titles II and III of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any provision of the Foreign Assistance Act of 1961 and any other provision of law that restricts assistance to foreign countries except for the provisions under the heading "Child Survival and Health Programs Fund" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended.

#### AFGHANISTAN

**SEC. 523.** Of the funds appropriated by titles II and III of this Act, not less than \$954,000,000 should be made available for humanitarian, reconstruction, and related as-

sistance for Afghanistan: *Provided*, That of the funds allocated for assistance for Afghanistan from this Act and other Acts making appropriations for foreign operations, export financing, and related programs for fiscal year 2006, not less than \$50,000,000 should be made available to support programs that directly address the needs of Afghan women and girls.

#### NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

**SEC. 524.** Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

#### HIV/AIDS

**SEC. 525.** (a) Notwithstanding any other provision of this Act, 25 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund") shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

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

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

(3) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and local Fund agents, to enable them to fulfill their mandates.

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

#### DEMOCRACY PROGRAMS

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

(b) Notwithstanding any other provision of law that restricts assistance to foreign countries, up to \$1,500,000 of the funds appropriated by this Act under the heading "Economic Support Fund" may be provided to make grants to educational, humanitarian, and nongovernmental organizations and individuals inside Iran and Syria to support the advancement of democracy and human rights in Iran and Syria, and such funds may be provided through the National Endowment for Democracy.

#### PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

**SEC. 527.** (a) Funds appropriated for bilateral assistance under any heading of this Act

and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

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

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

#### DEBT-FOR-DEVELOPMENT

**SEC. 528.** In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### SEPARATE ACCOUNTS

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

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

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

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

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

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

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

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

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

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

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used

for the purposes agreed upon pursuant to subsection (a)(2).

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

[(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

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

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

[(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

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

#### ENTERPRISE FUND RESTRICTIONS

[SEC. 530. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

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

#### FINANCIAL MARKET ASSISTANCE IN TRANSITION COUNTRIES

[SEC. 531. Of the funds appropriated by this Act under the headings "Trade and Development Agency", "Development Assistance", "Transition Initiatives", "Economic Support Fund", "International Affairs Technical Assistance", "Assistance for the Independent States of the Former Soviet Union", "Nonproliferation, Anti-terrorism, Demining and Related Programs", and "Assistance for

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

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

[SEC. 532. Unless expressly provided to the contrary, provisions of this Act, and provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

#### IMPACT ON JOBS IN THE UNITED STATES

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

[(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

[(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

#### SPECIAL AUTHORITIES

[SEC. 534. (a) AFGHANISTAN, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961.

[(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

[(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

[(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

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

[(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

[(f) CONTINGENCIES.—During fiscal year 2006, the President may use up to \$45,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling in section 451(a).

[(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

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

[(i) NATIONAL ENDOWMENT FOR DEMOCRACY.—Funds appropriated by this Act that are provided to the National Endowment for Democracy may be provided notwithstanding any other provision of law or regulation that restricts assistance to foreign countries.

#### ARAB LEAGUE BOYCOTT OF ISRAEL

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

[(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

[(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

[(3) all Arab League states should normalize relations with their neighbor Israel;

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

[(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### ELIGIBILITY FOR ASSISTANCE

[SEC. 536. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions on assistance for foreign countries contained in this or any other Act shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

[(b) PUBLIC LAW 480.—During fiscal year 2006, restrictions on assistance to foreign countries contained in this or any other Act shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

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

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

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

#### RESERVATIONS OF FUNDS

[SEC. 537. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this Act or any other provision contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*,

That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

[(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

#### CEILINGS AND EARMARKS

[SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

#### PROHIBITION ON PUBLICITY OR PROPAGANDA

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

#### PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

[SEC. 540. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

#### NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

[SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

#### PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

[SEC. 542. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

[(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that

furnishing such assistance is important to the national interests of the United States.

[(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

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

[SEC. 543. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties and unpaid property taxes are fully paid.

[(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

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

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

[(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

[(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

[(f) In this section:

[(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

[(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

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

[(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

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

[(3) The term "parking fines and penalties" means parking fines and penalties—

[(A) owed to—

[(i) the District of Columbia; or

[(ii) New York, New York; and

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

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

**[LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA]**

**[SEC. 544.** None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104-107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

**[WAR CRIMES TRIBUNALS DRAWDOWN]**

**[SEC. 545.** If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

**[LANDMINES]**

**[SEC. 546.** Notwithstanding any other provision of law that restricts assistance to foreign countries, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

**[RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY]**

**[SEC. 547.** None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the

Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

**[PROHIBITION OF PAYMENT OF CERTAIN EXPENSES]**

**[SEC. 548.** None of the funds appropriated or otherwise made available by this Act under the heading “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Child Survival and Health Programs Fund”, “Development Assistance”, and “Economic Support Fund” may be obligated or expended to pay for—

[(1) alcoholic beverages; or

[(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

**[HAITI]**

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

**[LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY]**

**[SEC. 550.** (a) **PROHIBITION OF FUNDS.**—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

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

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

[(d) **REPORT.**—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

**[LIMITATION ON ASSISTANCE TO SECURITY FORCES]**

**[SEC. 551.** None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security

forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

**[FOREIGN MILITARY TRAINING REPORT]**

**[SEC. 552.** The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations of the House of Representatives and the Senate by the date specified in that section.

**[AUTHORIZATION REQUIREMENT]**

**[SEC. 553.** Funds appropriated by this Act, except funds appropriated under the headings “Trade and Development Agency”, “Overseas Private Investment Corporation”, and “Global HIV/AIDS Initiative”, may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

**[CAMBODIA]**

**[SEC. 554.** The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

**[PALESTINIAN STATEHOOD]**

**[SEC. 555.** (a) **LIMITATION ON ASSISTANCE.**—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

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

[(2) the elected governing entity of a new Palestinian state—

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

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

[(C) is establishing a new Palestinian security entity that is cooperative with appropriate Israeli and other appropriate security organizations; and

[(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

[(A) termination of all claims or states of belligerency;

[(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

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

[(D) freedom of navigation through international waterways in the area; and

[(E) a framework for achieving a just settlement of the refugee problem.

[(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly-elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

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

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

#### COLOMBIA

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

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

[(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

[(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

[(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

[(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

[(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

[(E) The Colombian Government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

[(3) The balance of such funds may be obligated after July 31, 2006, if the Secretary of State certifies and reports to the appropriate

congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

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

[(c) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2007, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

[(d) DEFINITIONS.—In this section:

[(1) AIDED OR ABETTED.—The term “aided or abetted” means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

[(2) PARAMILITARY GROUPS.—The term “paramilitary groups” means illegal self-defense groups and illegal security cooperatives.

#### ILLEGAL ARMED GROUPS

[SEC. 557. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

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

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

[(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

#### PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

[SEC. 558. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

#### WEST BANK AND GAZA PROGRAM

[SEC. 559. (a) OVERSIGHT.—For fiscal year 2006, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

[(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not

provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which he has determined to be involved in or advocating terrorist activity.

[(c) PROHIBITION.—None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

#### AUDITS.—

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

[(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for the West Bank and Gaza, up to \$1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

[(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2006 under the heading “Economic Support Fund”. The audit shall address—

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

[(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

#### CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

[SEC. 560. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under “International Organizations and Programs” and “Child Survival and Health Programs Fund” for fiscal year 2006, \$34,000,000 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the “UNFPA”): *Provided*, That of this amount, not less than \$25,000,000 shall be derived from funds appropriated under the heading “International Organizations and Programs”.

[(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading “International Organizations and Programs” in this Act that are available for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to “Child Survival and Health Programs Fund” and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

[(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under “International Organizations and Programs” may be made available for the UNFPA for a country program in the People’s Republic of China.

[(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under

“International Organizations and Programs” for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

[(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

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

[(3) the UNFPA does not fund abortions.

#### WAR CRIMINALS

[SEC. 561. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the “Tribunal”) all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

[(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

[(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

[(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

[(2) are acting consistently with the Dayton Accords.

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

[(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

[(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

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

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

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

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

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

#### USER FEES

[SEC. 562. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions’ financing programs.

#### FUNDING FOR SERBIA

[SEC. 563. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2006, if the President has made the determination and certification contained in subsection (c).

[(b) After May 31, 2006, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia and Montenegro subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Government of Serbia and Montenegro through international financial institutions.

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

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

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

[(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

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

#### COMMUNITY-BASED POLICE ASSISTANCE

[SEC. 564. (a) AUTHORITY.—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

[(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

#### SPECIAL DEBT RELIEF FOR THE POOREST

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

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

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

[(b) LIMITATIONS.—

[(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as “Paris Club Agreed Minutes”.

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

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

[(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

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

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

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

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

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

[(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading “Debt Restructuring”.

[(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

#### AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

[SEC. 566. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

[(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law that restricts assistance to foreign countries, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

[(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

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

local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

[(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

[(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

[(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

[(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

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

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

[(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

#### BASIC EDUCATION

[(SEC. 567. Of the funds appropriated by title II of this Act, not less than \$465,000,000 shall be made available for basic education, of which not less than \$250,000 shall be provided to the Comptroller General of the United States to prepare an analysis of United States funded international basic education programs: *Provided*, That the analysis, which should be submitted to the Committee within nine months of enactment of this Act, shall include, but not be limited to—

[(1) the amount of funds provided for basic education by all United States Government agencies in fiscal years 2001, 2002, 2003, 2004, and 2005;

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

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

[(4) the amount of funds, including loans, provided for basic education by other major bilateral donors and multilateral institutions, including United Nations agencies and the World Bank Group, including a historical view of such levels;

[(5) an analysis of United States efforts to increase the commitment of other major bilateral donors and multilateral institutions to basic education;

[(6) an analysis of how various United States Government agencies coordinate in the provision of such assistance, including how such coordination contributes to achievement of the Millennium Development Goals with respect to basic education;

[(7) an analysis of the effect of the quadrupling of United States assistance for basic education since fiscal year 2001 on education programs in the developing world; and

[(8) recommendations on the content and structure of United States assistance that would increase its effectiveness in promoting literary and numeracy.

#### RECONCILIATION PROGRAMS

[(SEC. 568. Of the funds appropriated under the heading “Economic Support Fund”, not less than \$15,000,000 should be made available to support reconciliation programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

#### SUDAN

[(SEC. 569. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated by title II of this Act, not less than \$367,000,000 should be made available for assistance for Sudan.

[(b) LIMITATION ON ASSISTANCE.—Subject to subsection (c):

[(1) Notwithstanding section 501(a) of the International Malaria Control Act of 2000 (Public Law 106-570) or any other provision of law that restricts funds for foreign countries, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

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

[(c) Subsection (b) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that—

[(1) the Government of Sudan has taken significant steps to disarm and disband government-supported militia groups in the Darfur region;

[(2) the Government of Sudan and all government-supported militia groups are honoring their commitments made in the ceasefire agreement of April 8, 2004; and

[(3) the Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and that has the support of the United States.

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

[(1) humanitarian assistance;

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

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

[(e) DEFINITIONS.—For the purposes of this Act and section 501 of Public Law 106-570, the terms “Government of Sudan”, “areas outside of control of the Government of Sudan”,

and “area in Sudan outside of control of the Government of Sudan” shall have the same meaning and application as was the case immediately prior to June 5, 2004, and, Southern Kordofan/Nuba Mountains State, Blue Nile State and Abyei shall be deemed “areas outside of control of the Government of Sudan”.

#### TRADE CAPACITY BUILDING

[(SEC. 570. Of the funds appropriated by this Act, under the headings “Trade and Development Agency”, “Development Assistance”, “Transition Initiatives”, “Economic Support Fund”, “International Affairs Technical Assistance”, and “International Organizations and Programs”, not less than \$522,000,000 should be made available for trade capacity building assistance: *Provided*, That \$20,000,000 of the funds appropriated in this Act under the heading “Economic Support Fund” shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic.

[(EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

[(SEC. 571. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2006, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

#### CUBA

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

#### GENDER-BASED VIOLENCE TRAINING

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

[(LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

[(SEC. 574. (a) None of the funds made available in this Act in title II under the heading “Economic Support Fund” may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

[(b) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a North Atlantic Treaty Organization (“NATO”) member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), Taiwan, or such other country as he may determine if he determines and reports

to the appropriate congressional committees that it is important to the national interests of the United States to waive such prohibition.

[(c) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

[(d) The prohibition of this section shall not apply to countries otherwise eligible for assistance under the Millennium Challenge Act of 2003, notwithstanding section 606(a)(2)(B) of such Act.

#### TIBET

[SEC. 575. (a) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

[(b) Notwithstanding any other provision of law that restricts assistance to foreign countries, not less than \$4,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

#### CENTRAL AMERICA

[SEC. 576. Of the funds appropriated by this Act under the headings "Child Survival and Health Programs Fund" and "Development Assistance", not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2005 should be made available for El Salvador, Guatemala, Nicaragua and Honduras.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

[SEC. 577. (a) AUTHORITY.—Up to \$75,000,000 of the funds made available in this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

#### [(b) RESTRICTIONS.—

[(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

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

[(c) CONDITIONS.—The authority of this section may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect-hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appro-

priated under the heading "Assistance for Eastern Europe and the Baltic States", are eliminated.

[(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other nondirect-hire personnel.

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

[(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for "Operating Expenses of the United States Agency for International Development".

[(g) DISASTER SURGE CAPACITY.—Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

#### HIPEC DEBT REDUCTION

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

["(5) The Act of March 11, 1941 (chapter 11; 55 Stat. 31; 22 U.S.C. 411 et seq.; commonly known as the 'Lend-Lease Act')."]

#### OPIC TRANSFER AUTHORITY

##### (INCLUDING TRANSFER OF FUNDS)

[SEC. 579. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title II of this Act may be transferred to and merged with funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That funds earmarked by this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

#### CONFLICT RESPONSE

##### (INCLUDING TRANSFER OF FUNDS)

[SEC. 580. Whenever the Secretary of State determines that it is in the national interest of the United States, the Secretary is authorized to furnish reconstruction and stabilization assistance, on such terms and conditions as the Secretary may determine, for the purpose of preventing, responding to, or enabling transition from conflict or civil strife in foreign countries or regions: *Provided*, That the Secretary may transfer up to \$100,000,000 among accounts of the Department of State and to other Federal agencies as necessary to carry out these authorities: *Provided further*, That pursuant to a determination by the Secretary of State that it is in the national interest of the United States to prevent or respond to conflict or civil

strife in foreign countries or regions, or to enable transition from such strife assistance provided under this paragraph, as well as assistance provided with funds appropriated under titles II and III of this Act for countries subject to a determination made under this paragraph, may be used: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

#### RESCISSION

[SEC. 581. Of the funds provided in title II of Public Law 108-447, under the heading "Other Bilateral Economic Assistance, Economic Support Fund", \$64,000,000 is hereby rescinded.

#### ANTICORRUPTION PROVISIONS

[SEC. 582. Twenty-five percent of the funds appropriated by this Act under the headings "International Development Association", shall be withheld from obligation until the Secretary of the Treasury certifies to the appropriate congressional committees that—

[(a) World Bank procurement guidelines are applied to all procurement financed in whole or in part by a loan from the International Bank for Reconstruction and Development (IBRD) or a credit agreement or grant from the International Development Association (IDA);

[(b) the World Bank proposal "Increasing the Use of Country Systems in Procurement" dated March 2005 has been withdrawn;

[(c) the World Bank is maintaining a strong central procurement office staffed with senior experts who are designated to address commercial concerns, questions, and complaints regarding procurement procedures and payments under IDA and IBRD projects;

[(d) thresholds for international competitive bidding are established to maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for the Borrowers;

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

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

#### PROHIBITION ON CERTAIN INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE TO THE GOVERNMENT OF HAITI

[SEC. 583. None of the funds made available in this Act under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" may be used to transfer excess property of an agency of the United States Government to the Government of Haiti.

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

[SEC. 584. None of the funds appropriated in this Act under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES" may be obligated or expended for assistance to Romania under the Support for East European Democracy (SEED) Act of 1989.

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

[SEC. 585. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a Federal department or agency at any single conference occurring outside the United States.

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

[SEC. 586. Of the amounts provided in title I, under the heading "EXPORT-IMPORT BANK

OF THE UNITED STATES—ADMINISTRATIVE EXPENSES”, not more than \$66,200,000 may be expended while there is a vacancy in position of the head of the Office of Inspector General in the Export-Import Bank of the United States.

**[LIMITATION ON ASSISTANCE TO FOREIGN COUNTRIES THAT REFUSE TO EXTRADITE TO THE UNITED STATES ANY INDIVIDUAL ACCUSED IN THE UNITED STATES OF KILLING A LAW ENFORCEMENT OFFICER]**

**[SEC. 587.** None of the funds made available in this Act for the Department of State may be used to provide assistance to any country the government of which has notified the Department of State of its refusal to extradite to the United States any individual accused in the United States of killing a law enforcement officer, as specified in a United States extradition request.

**[PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA]**

**[SEC. 588.** None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance any assistance to Saudi Arabia.

**[PROHIBITION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK OF THE UNITED STATES TO APPROVE AN APPLICATION FOR A LONG-TERM LOAN OR LOAN GUARANTEE WITH RESPECT TO A NUCLEAR PROJECT IN THE PEOPLE’S REPUBLIC OF CHINA]**

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

**[GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS]**

**[SEC. 590.** None of the funds made available in this Act for the Department of State, other than funds provided under the heading “INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT”, may be used to provide assistance to any country with whom the United States has an extradition treaty and whose government has notified the Department of State of its refusal to extradite to the United States any individual accused of committing a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.

**[This Act may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006”.]** *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:*

**TITLE I—DEPARTMENT OF STATE AND RELATED AGENCY**

**DEPARTMENT OF STATE**

**ADMINISTRATION OF FOREIGN AFFAIRS**

**DIPLOMATIC AND CONSULAR PROGRAMS**

**(INCLUDING TRANSFER OF FUNDS)**

*For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$3,755,118,000: Provided,*

*That of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the “Emergencies in the Diplomatic and Consular Service” appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading, not less than \$328,000,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, not less than \$2,000,000 shall be made available for the Scholar Rescue Fund: Provided further, That funds available under this heading may be made available for a United States Government inter-agency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.*

*In addition, not to exceed \$1,469,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.*

*In addition, for the costs of worldwide security upgrades, \$689,523,000, to remain available until expended.*

**CAPITAL INVESTMENT FUND**

*For necessary expenses of the Capital Investment Fund, \$58,895,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.*

**CENTRALIZED INFORMATION TECHNOLOGY**

**MODERNIZATION PROGRAM**

*For expenses relating to the modernization of the information technology systems and networks of the Department of State, \$74,105,000, to remain available until expended.*

**OFFICE OF INSPECTOR GENERAL**

*For necessary expenses of the Office of Inspector General, \$33,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections.*

**EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS**

*For expenses of educational and cultural exchange programs, as authorized, \$440,200,000, to remain available until expended: Provided, That not to exceed \$2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized: Provided further, That notwithstanding any other provision of law, of the funds appropriated under this heading, \$5,000,000 shall be made available for an endowment for the Aung San Suu Kyi Center for Democracy, and not less than \$13,500,000 shall be made available for edu-*

*cational and cultural exchanges with the People’s Republic of China, including for American studies programs.*

**REPRESENTATION ALLOWANCES**

*For representation allowances as authorized, \$8,281,000.*

**PROTECTION OF FOREIGN MISSIONS AND OFFICIALS**

*For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$9,390,000.*

**EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE**

*For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$603,800,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.*

*In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$900,200,000, to remain available until expended.*

**EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE**

**(INCLUDING TRANSFER OF FUNDS)**

*For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$13,643,000, to remain available until expended as authorized, of which such sums as necessary may be transferred to and merged with funds in the “Repatriation Loans Program Account”, subject to the same terms and conditions.*

**REPATRIATION LOANS PROGRAM ACCOUNT**

**(INCLUDING TRANSFER OF FUNDS)**

*For the cost of direct loans, \$712,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.*

*In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000, which may be transferred to and merged with funds in the “Diplomatic and Consular Programs” account.*

**PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN**

*For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$19,751,000, to remain available until September 30, 2007.*

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

*For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$131,700,000.*

**INTERNATIONAL ORGANIZATIONS**

**CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS**

*For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,166,212,000, to remain available until September 30, 2007: Provided, That the Secretary of State shall, at the time of the submission of the President’s budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days*

in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2006–2007 to exceed the revised United Nations budget level for the biennium 2004–2005 of \$3,695,480,000: Provided further, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL  
PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$1,035,500,000, to remain available until September 30, 2006: Provided, That none of the funds made available under this title shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 6088 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER  
COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$28,700,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$5,300,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL  
COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environ-

ment Cooperation Commission as authorized by Public Law 103–182, \$10,400,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$25,623,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), \$15,000,000, to remain available until September 30, 2007, as authorized.

CENTER FOR MIDDLE EASTERN-WESTERN  
DIALOGUE TRUST FUND

For a grant to the Center for Middle Eastern-Western Dialogue Trust Fund (22 U.S.C. 2078), \$1,000,000 for operation of the Center for Middle Eastern-Western Dialogue in Istanbul, Turkey, to remain available until expended.

In addition, for necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2006, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2006, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2006, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$20,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$8,800,000 to remain available until expended.

COMMISSION FOR THE PRESERVATION OF  
AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON INTERNATIONAL RELIGIOUS  
FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), \$1,000,000.

COMMISSION ON SECURITY AND COOPERATION IN  
EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, \$2,030,000, to remain available as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE  
PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$1,900,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2007.

UNITED STATES-CHINA ECONOMIC AND SECURITY  
REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, \$2,800,000, including not more than \$5,000 for the purpose of official representation, to remain available until September 30, 2007.

UNITED STATES SENATE-CHINA  
INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108–99; 118 Stat. 448), \$150,000 to remain available until September 30, 2007.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$21,850,000, to remain available until September 30, 2007.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, \$603,394,000: Provided, That of the total amount in this heading, not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception, \$37,656,000, to remain available until September 30, 2007.

## BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$10,893,000, to remain available until expended, as authorized.

## TITLE II—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES  
INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$1,000,000, to remain available until September 30, 2007.

## EXPORT-IMPORT BANK LOANS PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2006.

## SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, \$125,000,000, to remain available until September 30, 2009: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2024, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2006, 2007, 2008, and 2009: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

## ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, \$73,200,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of

1992, subsection (a) thereof shall remain in effect until October 1, 2006.

OVERSEAS PRIVATE INVESTMENT CORPORATION  
NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$42,274,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

## PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$20,276,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2006 and 2007: Provided further, That such sums shall remain available through fiscal year 2014 for the disbursement of direct and guaranteed loans obligated in fiscal year 2006, and through fiscal year 2015 for the disbursement of direct and guaranteed loans obligated in fiscal year 2007: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Non-Credit Account and merged with said account.

## FUNDS APPROPRIATED TO THE PRESIDENT

## TRADE AND DEVELOPMENT AGENCY

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

## TITLE III—BILATERAL ECONOMIC ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

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

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, \$1,659,000,000, to remain available until September 30, 2007: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutri-

tion, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed \$350,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: \$375,000,000 for child survival and maternal health; \$30,000,000 for vulnerable children; \$350,000,000 for HIV/AIDS including not less than \$42,000,000 to support the development of microbicides as a means for combating HIV/AIDS; \$285,000,000 for other infectious diseases; and \$369,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: Provided further, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than \$250,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2006 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, not less than \$35,000,000 should be made available for the International AIDS Vaccine Initiative: Provided further, That of the funds appropriated under this heading, \$70,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to \$6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: Provided further, That restrictions with respect to assistance provided with funds appropriated by this Act for HIV/AIDS, family planning, or child survival and health activities shall not be construed to restrict assistance in support of programs to expand the availability and use of condoms for HIV/AIDS prevention and of contraceptives to reduce the incidence of abortion: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, directly supports coercive abortion or involuntary sterilization: Provided further, That the previous proviso shall not be construed to deny funding to any organization or program solely because the government of a country engages in coercive abortion or involuntary sterilization: Provided further, That none

of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

#### DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and

chapter 10 of part I of the Foreign Assistance Act of 1961, \$1,675,000,000, to remain available until September 30, 2006: Provided, That \$350,000,000 should be made available for basic education: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, \$40,000,000 shall be made available for plant biotechnology research and development: Provided further, That of the funds appropriated under this heading, not less than \$1,000,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That not less than \$2,300,000 shall be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, \$10,000,000 shall be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: Provided further, That of the funds appropriated under this heading, not less than \$700,000 shall be made available to the nonprofit organization that conducted the 2001 Micronutrient Compliance Review to improve food aid product quality and nutrient delivery, and shall remain available until expended: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$42,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated under this heading, \$2,000,000 shall be made available for the Doulos Foundation for programs in South Asia: Provided further, That of the funds appropriated under this heading, not less than \$20,000,000 shall be made available for the Election and Political Processes Program of the Office of Democracy and Governance, United States Agency for International Development, of which not less than \$18,000,000 shall be made available for democracy grants: Provided further, That not less than \$5,000,000 should be made available for pilot programs to support efforts to reduce the incidence of child marriage in developing countries: Provided further, That of the funds appropriated under this heading, not less than \$20,000,000 shall be made available to develop clean water treatment activities in developing countries: Provided further, That of the funds appropriated by this Act, not less than \$200,000,000 shall be made available for drinking water supply projects and related activities, of which not less than \$50,000,000 should be made available for programs in Africa.

#### INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$400,000,000, to remain available until expended, of which \$20,000,000 should be for famine prevention and relief.

#### TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior

to beginning a new program of assistance: Provided further, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

#### DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, up to \$21,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,000,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided, That funds made available under this heading shall remain available until September 30, 2007.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$41,700,000.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$620,000,000, of which up to \$25,000,000 may remain available until September 30, 2007: Provided, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect

and engineering services), purchase, or long-term lease of offices does not exceed \$1,000,000: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2007: Provided further, That of the funds appropriated under this heading, not less than \$36,600,000 shall be made available for operations in Iraq and Afghanistan: Provided further, That none of the funds in this Act may be used to open a new overseas mission of the United States Agency for International Development without the prior written notification of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses of the United States Agency for International Development" in accordance with the provisions of those sections.

#### CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$77,700,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not to exceed \$19,709,000 may be made available for the purposes of implementing the Capital Security Cost Sharing Program.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$36,000,000, to remain available until September 30, 2007, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

#### OTHER BILATERAL ECONOMIC ASSISTANCE

##### ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, \$3,036,375,000, to remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, not less than \$240,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than \$495,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and political reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That with respect to the provision of assistance for Egypt for democracy and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: Provided further, That of the funds appropriated under this heading for assistance for Egypt, not less than \$35,000,000 shall be made available for democracy and governance programs and not less than \$5,000,000 shall be made available for scholarships for disadvantaged Egyptian students to attend the American University in Cairo: Provided further, That of the funds appropriated under this heading for assistance for Egypt for economic reform activities, \$227,600,000 shall be withheld from obligation until the Secretary of State determines and re-

ports to the Committees on Appropriations that Egypt has met the calendar year 2005 benchmarks accompanying the "Financial Sector Reform Memorandum of Understanding" dated March 20, 2005, and that Egypt has agreed to the installation of an FM transmitter in Media City for Radio SAWA: Provided further, That of the funds appropriated under this heading, not less than \$2,500,000 should be made available for technical assistance for countries to implement and enforce the Kimberley Process Certification Scheme: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than \$250,000,000 should be made available only for assistance for Jordan: Provided further, That of the funds appropriated under this heading, \$120,000,000 shall be made available for the "Middle East Partnership Initiative": Provided further, That \$35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than \$4,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: Provided further, That funds appropriated under this heading may be made available for Cyprus only for scholarships, administrative support of the scholarship program, bicomunal projects, measures aimed at reunification of the island, and activities to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That of the funds appropriated under this heading, not less than \$35,000,000 shall be made available for assistance for the Philippines: Provided further, That of the funds appropriated under this heading, not less than \$22,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste, of which up to \$1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, not less than \$10,000,000 should be made available for democracy programs and activities in Ethiopia: Provided further, That of the funds appropriated under this heading, not less than \$2,000,000 should be made available for East Asia and Pacific Environment Initiatives: Provided further, That prior to the obligation of funds appropriated under this heading for assistance for the Central Government of Pakistan, the Secretary of State shall submit a report to the Committees on Appropriations describing steps taken in the previous six months by the Government of Pakistan to protect the rights and safety of Pakistani human rights defenders: Provided further, That of the funds appropriated under this heading, \$3,000,000 shall be made available for the Foundation for Security and Sustainability: Provided further, That notwithstanding any other provision of law, \$4,000,000 shall be made available for programs and activities for the Central Highlands of Vietnam: Provided further, That of the funds appropriated under this heading, \$2,000,000 shall be made available for economic development programs conducted by Indonesian universities: Provided further, That of the funds appropriated under this heading, \$5,000,000 shall be made available for democracy and media programs in Thailand: Provided further, That of the funds appropriated under this heading, \$10,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: Provided further, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular noti-

fication procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than \$4,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Nepal: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

#### ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$395,000,000, to remain available until September 30, 2007, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading \$3,500,000 shall be made available for leadership development programs for women and youth and \$5,000,000 shall be made available for rule of law programs for the training of judges.

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

(c) The provisions of section 6029 of this Act shall apply to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 6029 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 109A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

#### ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$565,000,000, to remain available until September 30, 2007: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That funds made available for the Southern Caucasus region may be used, notwithstanding any other provision of law, for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading, \$6,500,000 should be

available only to meet the health and other assistance needs of victims of trafficking in persons: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available to the National Endowment for Democracy for political party development programs in Russia: Provided further, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102-511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than \$7,000,000 shall be made available for nuclear reactor safety initiatives, and not less than \$5,000,000 shall be made available for coal mine safety programs.

(c) Of the funds appropriated under this heading, \$2,500,000 shall be made available for the Business Information Service for the Newly Independent States.

(d)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

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

(2) Paragraph (1) shall not apply to—

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

(B) activities authorized under title V (Non-proliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

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

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

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

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

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

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

(6) humanitarian assistance.

#### INDEPENDENT AGENCIES

##### INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$20,000,000, to remain available until September 30, 2007.

##### AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, \$25,000,000, to remain available until September 30, 2007: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made:

Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

#### PEACE CORPS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$320,000,000, to remain available until September 30, 2007: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That the Director may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$2,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

##### MILLENNIUM CHALLENGE CORPORATION

For necessary expenses for the "Millennium Challenge Corporation", \$1,800,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, up to \$70,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: Provided further, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2006: Provided further, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: Provided further, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact.

#### DEPARTMENT OF STATE

##### GLOBAL HIV/AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$2,020,000,000, to remain available until expended, of which \$150,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25) for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided, That of the funds appropriated under this heading, \$35,000,000 shall be made available for a United States contribution to UNAIDS.

##### DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for

the promotion of democracy, human rights, independent media, and the rule of law globally, \$175,000,000, to remain available until expended: Provided, That funds appropriated under this heading shall be made available notwithstanding any other provision of law, as follows: \$85,000,000 for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State; \$80,000,000 for the National Endowment for Democracy; and \$10,000,000 for a United States contribution to a United Nations democracy fund: Provided further, That funds appropriated under this heading are in addition to funds otherwise available for such purposes: Provided further, That of the funds appropriated by title III of this Act, not less than \$1,448,200,000 shall be made available for democracy, human rights and rule of law programs, of which not more than \$250,000,000 shall be made available for contracts to promote democracy, human rights, and the rule of law globally.

#### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$523,874,000, to remain available until September 30, 2007: Provided, That during fiscal year 2006, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the funds appropriated under this heading, not less than \$16,000,000 shall be made available for training programs and activities of the International Law Enforcement Academies: Provided further, That of the funds appropriated under this heading, not less than \$1,500,000 shall be made available for police training in the Republic of Timor-Leste: Provided further, That of the funds appropriated under this heading, not more than \$30,000,000 may be available for administrative expenses.

#### ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, \$734,500,000, to remain available until September 30, 2007: Provided, That in fiscal year 2006, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided further, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided

further, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That funds made available in this Act for demobilization/reintegration of members of foreign terrorist organizations in Colombia shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not more than \$278,450,000 shall be made available for assistance for the Colombian Armed Forces and National Police: Provided further, That of the funds appropriated under this heading, not less than \$149,757,000 shall be made available for alternative development/institution building in Colombia, which shall be apportioned directly to the United States Agency for International Development: Provided further, That with respect to funds apportioned to the United States Agency for International Development under the previous proviso, the responsibility for policy decisions for the use of such funds, including what activities will be funded and the amount of funds that will be provided for each of those activities, shall be the responsibility of the Administrator of the United States Agency for International Development in consultation with the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs: Provided further, That of the funds appropriated under this heading, not less than \$8,000,000 should be made available for judicial reform programs in Colombia: Provided further, That of the funds appropriated under this heading, in addition to funds made available pursuant to the previous proviso, not less than \$10,000,000 shall be made available to the United States Agency for International Development for organizations and programs to protect human rights: Provided further, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment including endemic species: Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That of the funds appropriated under this heading, not less than \$2,000,000 should be made available through nongovernmental organizations for programs to protect biodiversity and indigenous reserves in Colombia: Provided further, That funds appropriated by this Act may be used for aerial fumigation in Colombia's national parks or reserves only if the Secretary of State determines that it is in accordance with Colombian laws and that there are no effective alternatives to reduce drug cultivation in these areas: Provided further, That section 482(b) of

the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That funds appropriated under this heading that are made available for assistance for the Bolivian military may be made available for such purposes only if the Secretary of State certifies that the Bolivian military is respecting human rights, and civilian judicial authorities are investigating and prosecuting, with the military's cooperation, military personnel who have been implicated in gross violations of human rights: Provided further, That of the funds appropriated under this heading, not more than \$16,000,000 may be available for administrative expenses of the Department of State, and not more than \$7,000,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

#### MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$900,000,000, to remain available until expended: Provided, That not more than \$23,000,000 may be available for administrative expenses: Provided further, That not less than \$40,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds made available under this heading should be made available for assistance for refugees from North Korea: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

#### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$40,000,000, to remain available until expended: Provided, That funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of such Act which would limit the amount of funds which could be appropriated for this purpose.

#### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$440,100,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assist-

ance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed \$37,500,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds made available for demining and related activities, not to exceed \$705,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2007.

#### CONFLICT RESPONSE FUND

For necessary expenses to assist in stabilizing and reconstructing a country that is in, or is in transition from, conflict or civil strife, \$74,000,000, to remain available until expended: Provided, That funds available under this paragraph may be used for assistance for a country only if the Secretary of State determines and reports to the Committees on Appropriations that it is important to the national security interests of the United States to do so and consults with the Committees on Appropriations prior to making any such determination: Provided further, That the President may exercise the authority of section 552 of the Foreign Assistance Act of 1961, without regard and in addition to the dollar limitations contained in that section, to furnish assistance under this heading with respect to any country that is the subject of a determination made under this heading: Provided further, That assistance furnished under this heading for any country that is the subject of a determination under this heading may be made available notwithstanding any other provision of law: Provided further, That the previous proviso shall not apply to section 6051 of this Act: Provided further, That the administrative authorities of the Foreign Assistance Act of 1961 shall be applicable to the funds and resources available under this paragraph: Provided further, That up to an aggregate amount of 5 percent of the funds appropriated under this paragraph may be made available to United States Government agencies for the administrative costs of such agencies in implementing activities under this paragraph: Provided further, That funds and resources available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations except that such notification shall be transmitted at least 5 days in advance of the obligation of funds.

## DEPARTMENT OF THE TREASURY

## INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$20,000,000, to remain available until September 30, 2007, which shall be available notwithstanding any other provision of law.

## DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$99,750,000, to remain available until September 30, 2008: Provided, That not less than \$20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That up to \$75,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

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

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

- (1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement,

other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

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

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: Provided further, That none of the funds appropriated under this heading may be paid to the HIPC Trust Fund for the benefit of any country that has accepted loans from an international financial institution between such country's decision point and completion point: Provided further, That the terms "decision point" and "completion point" shall have the same meaning as defined by the International Monetary Fund.

## TITLE IV—MILITARY ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

## INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$86,744,000, of which up to \$3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training, and funds made available for Haiti, the Democratic Republic of the Congo, and Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations.

## FOREIGN MILITARY FINANCING PROGRAM

## (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,603,600,000: Provided, That of the funds appropriated under this heading, not less than \$2,280,000,000 shall be available for grants only for Israel: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$595,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, \$206,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, \$10,000,000 shall be made available for assistance for Tunisia: Provided further, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated

upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 6015 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Guatemala: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Haiti except pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through non-governmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than \$42,500,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than \$373,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2006 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2006 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

## PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$195,800,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

## TITLE V—MULTILATERAL ECONOMIC ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

## INTERNATIONAL FINANCIAL INSTITUTIONS

## GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$107,500,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility (GEF), by the Secretary of the Treasury, to remain available until expended: Provided, That the GEF Council should approve a performance-based allocation system.

CONTRIBUTION TO THE INTERNATIONAL  
DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$90,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL  
INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$1,300,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL  
SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital in an amount not to exceed \$8,127,000.

CONTRIBUTION TO THE INTER-AMERICAN  
INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, \$1,500,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE  
AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, \$3,742,000, to remain available until expended, of which \$2,000,000 shall be for payments of arrears.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT  
BANK

For payment to the African Development Bank by the Secretary of the Treasury, \$3,638,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL  
SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$88,334,000.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT  
FUND

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

CONTRIBUTION TO THE EUROPEAN BANK FOR  
RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$1,016,000 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL  
SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$2,250,000.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR  
AGRICULTURAL DEVELOPMENT

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

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$330,000,000: Provided, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

TITLE VI—GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE  
DIRECTORS TO INTERNATIONAL FINANCIAL INSTI-  
TUTIONS

SEC. 6001. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO  
UNITED NATIONS AGENCIES

SEC. 6002. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

LIMITATION ON RESIDENCE EXPENSES

SEC. 6003. Of the funds appropriated or made available pursuant to this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 6004. Of the funds appropriated or made available pursuant to this Act, not to exceed \$5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 6005. Of the funds appropriated or made available pursuant to this Act, not to exceed \$250,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed \$4,000 shall be available for entertainment expenses and not to exceed \$130,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$55,000 shall be available for entertainment allowances: Provided further, That of the funds

made available by this Act for the Inter-American Foundation, not to exceed \$2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed \$4,000 shall be available for representation and entertainment allowances: Provided further, That of the funds made available by this Act under the heading "Millennium Challenge Corporation", not to exceed \$115,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES  
ASSISTANCE

SEC. 6006. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2006 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2007 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

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

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

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

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

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

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

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

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

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

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 6007. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 6008. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 6009. (a)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available by titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

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

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

(c) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 6010. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 6011. No part of any appropriation contained in any title of this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapters 4, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 6012. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 6013. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be

available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

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

SURPLUS COMMODITIES

SEC. 6014. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 6015. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Global HIV/AIDS Initiative", "Democracy Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation" (by country only), "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under title III of this Act of less

than 10 percent of the amount previously justified by the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

#### LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 6016. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2007.

#### INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 6017. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or non-proliferation programs.

(c) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(e) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to Europe and Eurasia and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

#### PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 6018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

#### EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 6019. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2006, for programs under title II of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

#### SPECIAL NOTIFICATION REQUIREMENTS

SEC. 6020. None of the funds appropriated by this Act shall be obligated or expended for assistance for Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

#### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 6021. For the purpose of titles II through V of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

#### CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 6022. Up to \$13,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to

\$3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading "Child Survival and Health Programs Fund" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided further, That of the funds appropriated under title III of this Act, not less than \$450,000,000 shall be made available for family planning/reproductive health: Provided further, That the Comptroller General of the United States shall conduct an audit on the use of funds appropriated for fiscal years 2004 and 2005 under the heading "Child Survival and Health Programs Fund", to include specific recommendations on improving the effectiveness of such funds.

#### AFGHANISTAN

SEC. 6023. Of the funds appropriated by titles III and IV of this Act, not less than \$920,000,000 should be made available for humanitarian, reconstruction, and related assistance for Afghanistan: Provided, That of the funds made available pursuant to this section, not less than \$5,000,000 shall be made available for reforestation activities: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: Provided further, That of the funds made available pursuant to this section, not less than \$3,000,000 should be made available for assistance for Afghan families and communities that have suffered losses as a result of the military operations against the Taliban and insurgents, including to employ an individual to serve as a liaison between Afghan families and communities, the Afghan Independent Human Rights Commission, United States Armed Forces, and the United States Agency for International Development: Provided further, That of the funds made available pursuant to this section, not less than \$2,000,000 should be made available for the Afghan Independent Human Rights Commission and for other Afghan human rights organizations: Provided further, That of the funds made available pursuant to this section, up to \$6,000,000 should be available for a National Emergency Response and Preparedness System, to include the development of an Emergency Operations Center: Provided further, That to the maximum extent practicable members of the Afghan National Army should be vetted for involvement in terrorism, human rights violations, and drug trafficking: Provided further, That of the funds allocated for assistance for Afghanistan by this Act not less than \$10,000,000 shall be made available for grants to support training and equipment to improve the capacity of women-led Afghan nongovernmental organizations and to support the activities of such organizations.

#### NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 6024. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the

Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

#### AIRCRAFT PROCUREMENT

SEC. 6025. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act, except for those provided under the headings "Foreign Military Financing Program" and "Broadcasting to Cuba", may be obligated for the procurement of aircraft.

#### DEMOCRACY PROGRAMS

SEC. 6026. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than \$35,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China and Hong Kong: Provided, That funds appropriated under the heading "Economic Support Fund" should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided further, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: Provided further, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b)(1) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than \$25,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedom, and the rule of law in countries located outside the Middle East region with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds made available pursuant to the authority of this subsection should support new initiatives and activities in those countries: Provided further, That of the funds appropriated under this heading, \$5,000,000 shall be made available for continuing programs and activities that provide professional training for journalists: Provided further, That, notwithstanding any other provision of law, not less than \$7,000,000 of such funds may be used for making grants to educational, humanitarian and nongovernmental organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran: Provided further, That, notwithstanding any other provision of law, funds appropriated pursuant to this Act may be made available for democracy, human rights, and rule of law programs for Syria and Iran: Provided further, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(2) In addition to funds made available under subsections (a) and (b)(1), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than \$4,500,000 shall be made available for programs and activities of the National Endowment for Democracy to foster democracy, human rights, civic education, women's development, press freedom, and the rule of law in countries in sub-Saharan Africa.

(c) Of the funds made available under subsection (a), not less than \$25,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, to support the activities described in subsection (a), and of the funds made available under subsection (b)(1), not less than \$15,000,000 shall be made available for such Fund to support the activities described in subsection (b)(1): Provided, That up to \$1,200,000 may be used for the Reagan/Fascell Democracy Fellows program.

(d) Of the funds made available under subsection (a), not less than \$10,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (a), and of the funds made available under subsection (b)(1), not less than \$10,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (b)(1): Provided, That the Secretary of State shall provide a report to the Committees on Appropriations within 120 days of the date of enactment of this Act on the status of the allocation and obligation of such funds.

#### PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 6027. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

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

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

#### DEBT-FOR-DEVELOPMENT

SEC. 6028. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### SEPARATE ACCOUNTS

SEC. 6029. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

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

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

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

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

(C) establish by agreement with that government the responsibilities of the United States

Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

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

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

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

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

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

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

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

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

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

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

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

#### ENTERPRISE FUND RESTRICTIONS

SEC. 6030. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for

the distribution of the assets of the Enterprise Fund.

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

#### BURMA

SEC. 6031. (a) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(b) Of the funds appropriated under the heading "Economic Support Fund", not less than \$8,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That in addition to assistance for Burmese refugees provided under the heading "Migration and Refugee Assistance" in this Act, not less than \$3,000,000 shall be allocated to the Bureau of Population, Refugees and Migration, Department of State, for assistance for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: Provided further, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) The President shall include amounts expended by the Global Fund to Fight AIDS, Tuberculosis and Malaria to the State Peace and Development Council in Burma, directly or through groups and organizations affiliated with the Global Fund, in making determinations regarding the amount to be withheld by the United States from its contribution to the Global Fund pursuant to section 202(d)(4)(A)(ii) of Public Law 108-25.

(d) Notwithstanding any provision of this or any other Act, none of the funds appropriated by this Act may be made available for assistance for the central government of any country that is a major provider of weapons or defense-related equipment to the State Peace and Development Council.

(e) The President may waive subsection (d) if he determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States.

(f) None of the funds appropriated by this Act may be made available for the United Nations Office on Drugs and Crime (UNODC) unless the Secretary of State determines and reports to the Committees on Appropriations that the UNODC in Burma is reporting to other relevant United Nations organizations incidents of gross human rights violations encountered during the conduct of its programs in Burma.

(g) None of the funds appropriated under the heading "Economic Support Fund" may be made available for programs and activities involving the Association of Southeast Asian Nations (ASEAN) if the State Peace and Development Council in Burma assumes chairmanship of ASEAN in 2006.

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

SEC. 6032. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace

Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

#### IMPACT ON JOBS IN THE UNITED STATES

SEC. 6033. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

#### SPECIAL AUTHORITIES

SEC. 6034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 6012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles II and III of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

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

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writ-

ing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

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

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) CONTINGENCIES.—During fiscal year 2006, the President may use up to \$100,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling in section 451(a).

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

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

(i) NATIONAL ENDOWMENT FOR DEMOCRACY.—Funds appropriated by this Act that are provided to the National Endowment for Democracy may be provided notwithstanding any other provision of law or regulation.

(j) UNIVERSITY PROGRAMS.—Notwithstanding any other provision of law, of the funds appropriated under the heading "Development Assistance" in this Act, not less than \$10,000,000 shall be made available to American educational institutions for programs and activities in the People's Republic of China relating to the environment, democracy, and the rule of law: Provided, That funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(k) EXTENSION OF AUTHORITY.—Public Law 107-57, as amended, is further amended as follows in the specified subsections—

(1) subsection 1(b) is amended by striking "2003" and inserting in lieu thereof "2006";

(2) paragraph 1(b)(1) is amended by striking "2003" and inserting in lieu thereof "2006";

(3) paragraph 3(2) is amended to read as follows:

"(2) Such provision of the annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2005 and 2006, as are comparable to section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106-429; 114 Stat. 1900A-25)."; and

(4) section 6 is amended by striking "2003" and inserting in lieu thereof "2006".

(l) ENTERPRISE FUND AND FOUNDATION.—Funds appropriated under the heading "Economic Support Fund" in this or any prior Act making appropriations for foreign operations, export financing and related programs may be made available, including as an endowment, notwithstanding any other provision of law and following consultations with the Committees on Appropriations, to establish and operate a Middle East Enterprise Fund and Foundation, or any other similar entities, for the Middle East

region, to support democracy and private enterprise building, respectively, as well as for related purposes: Provided, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall be deemed to apply to any such fund, foundation, or similar entity referred to under this subsection and to funds made available to such entity in order to enable it to provide assistance, including by grant and financing: Provided further, That prior to the initial obligation of funds for any such fund, foundation, or similar entity pursuant to the authorities of this subsection, other than for administrative support, the Secretary of State shall take steps to ensure, on an ongoing basis, that any such amounts made available pursuant to such authorities are not provided to or through any individual or group that the management of the fund, foundation or entity knows or has reason to believe, advocates, plans, sponsors, or otherwise engages in terrorist activities: Provided further, That section 6030 of this Act shall apply to any such fund, foundation, or similar entity established by this subsection.

(m) EXTENSION OF AUTHORITY.—(1) Section 21(h)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(h)(1)(A)) is amended by inserting after “North Atlantic Treaty Organization” the following: “or the Governments of Australia, New Zealand, Japan, or Israel”.

(2) Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking “or to any member government that Organization if that Organization or member government” and inserting the following: “, to any member of that Organization, or to the Governments of Australia, New Zealand, Japan, or Israel if that Organization, member government, or the Governments of Australia, New Zealand, Japan, or Israel”.

(3) Section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) is amended—

(A) in the first sentence, by striking “The President” and inserting “(a) The President”; and

(B) by adding at the end the following new subsection:

“(b) The President shall seek reimbursement for military education and training furnished under this chapter from countries using assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763, relating to the Foreign Military Financing Program) to purchase such military education and training at a rate comparable to the rate charged to countries receiving grant assistance for military education and training under this chapter.”

(n) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2005” and inserting “2005, and 2006”; and

(B) in subsection (e), by striking “2005” each place it appears and inserting “2006”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2005” and inserting “2006”.

(o) ADMINISTRATIVE EXPENSES.—Of the funds made available under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, not to exceed \$2,000,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses of the United States Agency for International Development to carry out programs in the West Bank and Gaza.

#### ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 6035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to

peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

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

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### ELIGIBILITY FOR ASSISTANCE

SEC. 6036. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading “Assistance for Eastern Europe and the Baltic States”: Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2006, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

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

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

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

#### RESERVATIONS OF FUNDS

SEC. 6037. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made avail-

able under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

#### CEILINGS AND EARMARKS

SEC. 6038. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

#### PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 6039. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed \$750,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

#### PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 6040. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

#### NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 6041. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

#### PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 6042. (a) None of the funds appropriated or otherwise made available by this Act may be available for assistance for any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

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

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such

assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

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

SEC. 6043. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

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

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

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

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

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

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

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

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

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

**LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA**

SEC. 6044. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104-107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

**WAR CRIMES TRIBUNALS DRAWDOWN**

SEC. 6045. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

**LANDMINES**

SEC. 6046. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

**RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY**

SEC. 6047. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

**PROHIBITION OF PAYMENT OF CERTAIN EXPENSES**

SEC. 6048. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

**HAITI**

SEC. 6049. (a) Of the funds appropriated by this Act, not less than the following amounts shall be made available for assistance for Haiti—

(1) \$20,000,000 from "Child Survival and Health Programs Fund";

(2) \$30,000,000 from "Development Assistance";

(3) \$50,000,000 from "Economic Support Fund";

(4) \$15,000,000 from "International Narcotics Control and Law Enforcement";

(5) \$1,000,000 from "Foreign Military Financing Program"; and

(6) \$215,000 from "International Military Education and Training".

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

**LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY**

SEC. 6050. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

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

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

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

**LIMITATION ON ASSISTANCE TO SECURITY FORCES**

SEC. 6051. None of the funds made available by this Act for assistance may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for

such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

#### FOREIGN MILITARY TRAINING REPORT

SEC. 6052. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations of the House of Representatives and the Senate by the date specified in that section.

#### AUTHORIZATION REQUIREMENT

SEC. 6053. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "Overseas Private Investment Corporation", and "Global HIV/AIDS Initiative", may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

#### CAMBODIA

SEC. 6054. (a)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, development and implementation of legislation and implementation of procedures on inter-country adoptions consistent with international standards, rule of law programs, counternarcotics programs, programs to combat human trafficking that are provided through nongovernmental organizations, anti-corruption programs, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(b) Notwithstanding any provision of this or any other Act, of the funds appropriated by this Act under the heading "Economic Support Fund", \$15,000,000 shall be made available for activities to support democracy and human rights, including assistance for democratic political parties in Cambodia.

(c) Funds appropriated by this Act to carry out provisions of section 541 of the Foreign Assistance Act of 1961 may be made available notwithstanding subsection (a).

#### PALESTINIAN STATEHOOD

SEC. 6055. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

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

(2) the elected governing entity of a new Palestinian state—

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

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

(C) is establishing a new Palestinian security entity that is cooperative with appropriate Israeli and other appropriate security organizations; and

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

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

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through

measures including the establishment of demilitarized zones;

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

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly-elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

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

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly-elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 6050 of this Act ("Limitation on Assistance to the Palestinian Authority").

#### COLOMBIA

SEC. 6056. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

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

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduría General de la Nación, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(F) The Colombian Armed Forces are respecting the legal, cultural, and territorial rights of Colombia's indigenous communities.

(3) The balance of such funds may be obligated after July 31, 2006, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

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

#### (c) CONSULTATIVE PROCESS.—

(1) Prior to making the certifications required by subsection (a), the Secretary of State shall consult with the appropriate congressional committees and with the Office of the High Commissioner for Human Rights in Colombia regarding each of the conditions specified in paragraphs (2)(A) through (F) of that subsection.

(2) Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2007, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (a).

#### (d) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

#### ILLEGAL ARMED GROUPS

SEC. 6057. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

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

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

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

#### PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 6058. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

#### WEST BANK AND GAZA PROGRAM

SEC. 6059. (a) OVERSIGHT.—For fiscal year 2006, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading

“Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which he has determined to be involved in or advocating terrorist activity.

(c) **PROHIBITION.**—None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(d) **AUDITS.**—

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

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for the West Bank and Gaza, up to \$1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109-72.

**CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND**

**SEC. 6060. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.**—Of the amounts made available under “International Organizations and Programs” and “Child Survival and Health Programs Fund” for fiscal year 2006, \$35,000,000 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the “UNFPA”): Provided, That of this amount, not less than \$20,000,000 shall be derived from funds appropriated under the heading “International Organizations and Programs”.

(b) **AVAILABILITY OF FUNDS.**—Funds appropriated under the heading “International Organizations and Programs” in this Act that are available for the UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to “Child Survival and Health Programs Fund” and shall be made available only for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

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

(d) **CONDITIONS ON AVAILABILITY OF FUNDS.**—Amounts made available under “International Organizations and Programs” for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

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

(3) the UNFPA does not fund abortions.

**WAR CRIMINALS**

**SEC. 6061. (a)(1)** None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the “Tribunal”) all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

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

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

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

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

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

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

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

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

**USER FEES**

**SEC. 6062.** The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan,

grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions’ financing programs.

**FUNDING FOR SERBIA**

**SEC. 6063. (a)** Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2006, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2006, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia and Montenegro subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Government of Serbia and Montenegro through international financial institutions.

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

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic and Radovan Karadzic, unless the Secretary of State determines and reports to the Committees on Appropriations that these individuals are no longer residing in Serbia;

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

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

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

**COMMUNITY-BASED POLICE ASSISTANCE**

**SEC. 6064. (a) AUTHORITY.**—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) **NOTIFICATION.**—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

**SPECIAL DEBT RELIEF FOR THE POOREST**

**SEC. 6065. (a) AUTHORITY TO REDUCE DEBT.**—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

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

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

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation

Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

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

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

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

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

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

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

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

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

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

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading “Debt Restructuring”.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 6066. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall,

in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

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

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

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

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

REPORTING REQUIREMENT

SEC. 6067. The Secretary of State shall provide the Committees on Appropriations, not later than January 1, 2006, and for each fiscal quarter thereafter, a report in writing on the uses of funds made available under the headings “Foreign Military Financing Program”, “International Military Education and Training”, and “Peacekeeping Operations”: Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

RECONCILIATION PROGRAMS

SEC. 6068. Of the funds appropriated under the heading “Economic Support Fund”, not less than \$20,000,000 shall be made available, notwithstanding any other provision of law, to support reconciliation programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

SUDAN

SEC. 6069. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated by title III of this Act, not less than \$112,350,000 should be made available for assistance for Sudan.

(b) LIMITATION ON ASSISTANCE.—Subject to subsection (c):

(1) Notwithstanding section 501(a) of the International Malaria Control Act of 2000 (Public Law 106-570) or any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts

owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(c) Subsection (b) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that—

(1) the Government of Sudan has taken significant steps to disarm and disband government-supported militia groups in the Darfur region;

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

(3) the Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and that has the support of the United States.

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

(1) humanitarian assistance;

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

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

(e) DEFINITIONS.—For the purposes of this Act and section 501 of Public Law 106-570, the terms “Government of Sudan”, “areas outside of control of the Government of Sudan”, and “area in Sudan outside of control of the Government of Sudan” shall have the same meaning and application as was the case immediately prior to June 5, 2004, and, with regard to assistance in support of a viable peace agreement, Southern Kordofan/Nuba Mountains State, Blue Nile State and Abyei.

PEACEKEEPING ACTIVITIES

SEC. 6070. Notwithstanding any other provision of law, of the funds appropriated or otherwise made available in this Act, not more than \$1,035,500,000 shall be available for payment to the United Nations for assessed and other expenses of international peacekeeping activities.

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

SEC. 6071. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2006, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

INDONESIA

SEC. 6072. (a) Funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the Secretary of State certifies to the appropriate congressional committees that—

(1) the Armed Forces are taking steps to counter international terrorism, consistent with democratic principles and the rule of law, and in cooperation with countries in the region;

(2) the Indonesian Government is prosecuting and punishing, in a manner proportional to the crime, members of the Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights or to have aided or abetted militia groups; and

(3) at the direction of the President of Indonesia, the Armed Forces are implementing reforms to increase the transparency and accountability of their operations and financial management.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States.

#### LIMITATION ON CONTRACTS

SEC. 6073. None of the funds made available under this Act may be used to fund any contract in contravention of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

#### ENVIRONMENT PROGRAMS

SEC. 6074. (a) FUNDING.—Of the funds appropriated under the heading “Development Assistance”, not less than \$165,500,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries, of which not less than \$10,000,000 should be made available to implement the United States Agency for International Development’s biodiversity conservation strategy for the Amazon basin, which amount shall be in addition to the amounts requested for biodiversity activities in these countries in fiscal year 2006: Provided, That of the funds appropriated by this Act, not less than \$17,500,000 should be made available for the Congo Basin Forest Partnership of which not less than \$2,500,000 should be made available to the United States Fish and Wildlife Service for the protection of great apes in Central Africa: Provided further, That of the funds appropriated by this Act, not less than \$180,000,000 shall be made available to support clean energy and other climate change policies and programs in developing countries, of which \$100,000,000 should be made available to directly promote and deploy energy conservation, energy efficiency, and renewable and clean energy technologies, and of which the balance should be made available to directly: (1) measure, monitor, and reduce greenhouse gas emissions; (2) increase carbon sequestration activities; and (3) enhance climate change mitigation and adaptation programs.

(b) CLIMATE CHANGE REPORT.—Not later than 45 days after the date on which the President’s fiscal year 2007 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2006, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President’s Budget Appendix; and

(2) all fiscal year 2005 obligations and estimated expenditures, fiscal year 2006 estimated expenditures and estimated obligations, and fiscal year 2007 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (i) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (ii) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (iii) to promote carbon capture and sequestration measures; (iv) to help meet such countries’ responsibilities under the Framework Convention on Climate Change; and (v) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

#### (c) EXTRACTION OF NATURAL RESOURCES.—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States that any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource should not be provided unless the government of the country has in place or is taking the necessary steps to establish func-

tioning systems for: (i) accurately accounting for revenues and expenditures in connection with the extraction and export of the type of natural resource to be extracted or exported; (ii) the independent auditing of such accounts and the widespread public dissemination of the audits; and (iii) verifying government receipts against company payments including widespread dissemination of such payment information in a manner that does not create competitive disadvantage or disclose proprietary information.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other national resource since September 30, 2005.

#### UZBEKISTAN

SEC. 6075. Assistance may be provided to the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the “Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America”, including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media, and that a credible international investigation of the May 31, 2005, shootings in Andijan is underway with the support of the Government of Uzbekistan: Provided, That for the purposes of this section “assistance” shall include excess defense articles.

#### CENTRAL ASIA

SEC. 6076. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(b) The Secretary of State may waive subsection (a) if he determines and reports to the Committees on Appropriations that such a waiver is important to the national security of the United States.

(c) Not later than October 1, 2006, the Secretary of State shall submit a report to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 6-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) Prior to the initial obligation of assistance for the Government of Kyrgyzstan, the Secretary of State shall submit a report to the Committees on Appropriations describing (1) whether the Government of Kyrgyzstan is forcibly returning Uzbeks who have fled violence and political persecution, in violation of the 1951 Geneva Convention relating to the status of refugees, and the Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment; (2) efforts made by the United States to prevent such returns; and (3) the response of the Government of Kyrgyzstan.

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

#### DISABILITY PROGRAMS

SEC. 6077. (a) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries, to be allocated as follows—

(1) \$1,500,000 for United States organizations that specialize in advocacy for people with disabilities, to provide training, technical, and related assistance for local organizations that work primarily on behalf of people with disabilities in developing countries; and

(2) \$2,500,000 for equipment and other assistance for such local organizations.

(b) Of the funds appropriated under the heading “Operating Expenses of the United States Agency for International Development”, up to \$1,000,000 shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the Administrator of USAID shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

(e) Not later than 180 days after the date of enactment of this Act, and 180 days thereafter, the Administrator of USAID shall submit a report describing the programs, activities, and organizations funded pursuant to this section.

#### ZIMBABWE

SEC. 6078. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

#### TIBET

SEC. 6079. (a) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(b) Notwithstanding any other provision of law, not less than \$4,000,000 of the funds appropriated by this Act under the heading “Economic Support Fund” should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and not less than \$250,000 should be made available to the National Endowment for Democracy for human rights and democracy programs relating to Tibet.

#### DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 6080. None of the funds appropriated for assistance under this Act may be made available

for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

#### WAR CRIMES IN AFRICA

SEC. 6081. (a) The Congress recognizes the important contribution that the democratically elected Government of Nigeria has played in fostering stability in West Africa.

(b) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(c) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance to the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title III of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

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

#### ADMISSION OF REFUGEES

SEC. 6082. (a) The Secretary of State shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the United Nations High Commissioner for Refugees in the identification and referral of refugees.

(b) The Secretary of State should maintain a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

- (1) long-stayers in countries of first asylum;
- (2) unaccompanied refugee minors;
- (3) refugees outside traditional camp settings; and

(4) refugees in woman-headed households.

(c) The Secretary of State shall give special consideration to—

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

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

#### UNOBLIGATED BALANCES

SEC. 6083. The amount appropriated in this Act is hereby reduced by \$200,296,000 to reduce unobligated balances as follows:

(1) From “Diplomatic and Consular Programs”, \$100,296,000.

(2) From “International Narcotics Control and Law Enforcement”, \$100,000,000.

#### SECURITY IN ASIA

SEC. 6084. (a) Of the funds appropriated under the heading “Foreign Military Financing Program”, not less than the following amounts shall be made available to enhance security in Asia, consistent with democratic principles and the rule of law—

(1) \$45,000,000 for assistance for the Philippines;

(2) \$1,500,000 for assistance for Indonesia;

(3) \$1,000,000 for assistance for Bangladesh;

(4) \$4,000,000 for assistance for Mongolia;

(5) \$1,500,000 for assistance for Thailand;

(6) \$1,000,000 for assistance for Sri Lanka;

(7) \$1,000,000 for assistance for Cambodia;

(8) \$500,000 for assistance for Fiji; and

(9) \$250,000 for assistance for Tonga.

(b) In addition to amounts appropriated elsewhere in this Act, \$25,000,000 is hereby appropriated for “Foreign Military Financing Program”: Provided, That these funds shall be available only to assist the Philippines in addressing the critical deficiencies identified in the Joint Defense Assessment of 2003.

(c) Funds made available for assistance for Indonesia pursuant to subsection (a) may be made available for the Indonesian Navy notwithstanding section 6072 of this Act: Provided, That such funds shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available for assistance for Cambodia pursuant to subsection (a) shall be made available notwithstanding section 6054 of this Act: Provided, That such funds shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(e) NEPAL.—

(1) The Congress condemns the Maoist insurgency’s atrocities against civilians, including torture, extrajudicial killings, and forced recruitment of children.

(2) The Congress recognizes the difficulties the Royal Nepalese Army (RNA) faces in countering the Maoist threat, but deprecates the violations of human rights by the RNA.

(3) Funds appropriated under the heading “Foreign Military Financing Program” may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Government of Nepal, including its security forces:

(A) has released all political detainees, including those detained before February 1, 2005;

(B) has restored civil liberties, including due process under law, freedoms of speech, the press and association, and the right of movement;

(C) has demonstrated a commitment to a clear timetable for the return to democratic representative government consistent with the 1990 Nepalese Constitution;

(D) is ensuring that the Royal Anti-Corruption Commission functions as a transparent, non-political, and objective body in accordance with the 1990 Nepalese Constitution and with respect to the judicial process;

(E) has determined the number of and is complying with habeas corpus orders issued by Nepal’s Supreme Court and appellate courts, including all outstanding orders, and the security forces are respecting these orders;

(F) is ensuring the independence of the National Human Rights Commission of Nepal (NHRC) in accordance with constitutional provisions, including providing adequate funding and staff;

(G) is granting civilian prosecutors and judicial authorities, the NHRC, the Office of the

United Nations High Commissioner for Human Rights in Nepal, and international humanitarian organizations, unannounced and unimpeded access to all detainees, witnesses, relevant documents, and other requested information, and is cooperating with these entities to identify and resolve all security related cases involving persons in government custody; and

(H) is taking effective steps to (i) ensure that Nepalese security forces comply with the Geneva Convention on Law of Land Warfare; (ii) end torture, extrajudicial killings, and other gross violations of human rights; and (iii) prosecute and punish, in a manner proportional to the crime, members of such forces who are responsible for such violations.

(4) The Secretary of State may waive the requirements of paragraph (3) if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States.

#### UNITED NATIONS DEVELOPMENT PROGRAM IN BURMA

SEC. 6085. (a) Notwithstanding any other provision of law, of the funds appropriated in any title of this Act, an amount equal to the amount the United Nations Development Program will spend in Burma (including all programs and activities administered by the United Nations Development Program) shall be withheld until the Secretary of State determines and reports to the Committees on Appropriations that all programs and activities of the United Nations Development Program (including all programs and activities administered by the United Nations Development Program) in Burma—

(1) are undertaken only through international or private voluntary organizations that the Secretary of State deems independent of the State Peace and Development Council (SPDC);

(2) provide no financial, political, or military benefit, including the provision of goods, services, or per diems, to the SPDC or any agency or entity of, or affiliated with, the SPDC (including the Myanmar Maternal and Child Welfare Association, the Myanmar Council of Churches, the Myanmar Medical Association, the Myanmar Women Affairs Federation, and the Union of Solidarity Development Association); and

(3) are carried out only after consultation with the leadership of the National League for Democracy.

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report detailing all programs and activities of the United Nations Development Program (including all programs and activities administered by the United Nations Development Programs) in Burma and all recipients and sub-recipients of funds provided under such programs and activities.

#### DEMOCRACY EXCEPTION

SEC. 6086. Funds appropriated for fiscal year 2005 under the headings “Economic Support Fund” and “International Military Education and Training” may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of Division D of Public Law 108-447.

#### UNIVERSITY PROGRAMS

SEC. 6087. Of the funds appropriated by title III of this Act, not less than \$40,000,000 shall be made available to the Office of the Higher Education Community Liaison in the Bureau for Economic Growth, Agriculture and Trade of the United States Agency for International Development and used for projects and activities of United States-based colleges and universities: Provided, That these funds shall be in addition to funds otherwise available under this Act for such programs.

#### RESCISSION

SEC. 6088. Of the unobligated balances available under the heading “United States-Canada Alaska Rail Commission Salaries and Expenses”

in prior Acts making appropriations for the Departments of Commerce, Justice and State, the Judiciary and related agencies, \$2,000,000 is rescinded.

#### COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS

SEC. 6089. (a) Subject to subsection (b), of the funds appropriated under the heading "International Narcotics Control and Law Enforcement", \$5,000,000 should be made available for the purposes of preliminary work by the Department of State, or such other entity as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

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

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is evidence of involvement of the Government of Cuba in drug trafficking.

#### FRANCOPHONE COUNTRIES

SEC. 6090. Of the funds appropriated by title III of this Act, not less than \$5,000,000 shall be made available for English language training programs for Vietnam, Cambodia, Laos, Mali, Cote D'Ivoire, Senegal, and other Francophone countries.

#### TRANSFER OF FUNDS

SEC. 6091. Of the funds appropriated in this Act under the heading "Andean Counterdrug Initiative", up to \$40,000,000 shall be made available for security assistance and non-proliferation activities in the Western Hemisphere: Provided, That of this amount, up to \$10,000,000 shall be transferred to "Non-proliferation, Anti-Terrorism, Demining and Related Programs" for the destruction of man portable air defense systems, small arms, and light weapons: Provided further, That up to \$30,000,000 shall be transferred to "Foreign Military Financing Program" for military and security assistance to coalition partners in Iraq and Afghanistan.

#### ORGANIZED CRIME AND CORRUPTION IN CENTRAL AMERICA

SEC. 6092. (a) In addition to the amounts requested under the heading "Economic Support Fund" for assistance for Guatemala and Nicaragua in fiscal year 2006, not less than \$5,000,000 should be made available for programs and activities to strengthen the Guatemalan Government's capabilities to combat organized crime and corruption, and not less than \$5,000,000 should be made available for media and civil society programs and activities to combat corruption and strengthen democracy in Nicaragua.

(b) Funds made available pursuant to this section shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

#### IRAQ

SEC. 6093. (a) Of the funds available under the heading "Economic Support Fund" for assistance for Iraq, not less than \$10,000,000, to remain available until September 30, 2007, shall be transferred to and merged with funds appropriated under the heading "Iraqi Relief and Reconstruction Fund" and shall be made available for the Marla Ruzicka Iraqi War Victims Fund.

(b) Of the funds available under the heading "Economic Support Fund" for assistance for Iraq, not less than \$1,000,000 shall be made available for programs and activities to strengthen the capacity of the Government of Iraq to transparently manage its revenues, including oil revenues, in accordance with international best practices.

#### NEGLECTED DISEASES

SEC. 6094. Of the funds appropriated under the heading "Child Survival and Health Pro-

grams Fund", not less than \$30,000,000 shall be made available to establish an Integrated Multi-Disease Control ("IMDC") Initiative to demonstrate the health and economic benefits of an integrated response to the control of neglected diseases including intestinal parasites, schistosomiasis, lymphatic filariasis, onchocerciasis, trachoma and leprosy: Provided, That the Administrator of the United States Agency for International Development, in consultation with the Secretary of State, should identify an appropriate multilateral mechanism to carry out this purpose and maximize the leverage of the United States contribution with those of other donors: Provided further, That the IMDC Initiative should operate under the oversight of an Advisory Board to include representatives from the relevant international technical nongovernmental organizations addressing the specific diseases, recipient countries, donor countries, the private sector, UNICEF and the World Health Organization: Provided further, That the Advisory Board should be authorized to make programmatic decisions and evaluate the effectiveness of programs: Provided further, That funds made available pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

#### ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 6095. Of the funds appropriated under title III of this Act, not less than \$3,000,000 shall be made available for pilot projects to improve the capacity of local government agencies and nongovernmental organizations to prevent abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions.

#### FORENSIC ASSISTANCE

SEC. 6096. Of the funds appropriated under title III of this Act, not less than \$3,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, to support investigations, including DNA analysis, in cases of extrajudicial killings and child disappearances in Central and South America: Provided, That funds appropriated under this section are in addition to funds otherwise made available for such purposes.

#### COORDINATOR FOR INDIGENOUS PEOPLES ISSUES

SEC. 6097. (a) After consultation with the Committees on Appropriations and not later than 90 days after enactment of this Act, the Administrator of the United States Agency for International Development shall designate a "Coordinator for Indigenous Peoples Issues" whose responsibilities shall include the following—

(1) consulting with representatives of indigenous peoples organizations;

(2) ensuring that the rights and needs of indigenous peoples are effectively addressed in United States Agency for International Development policies, programs and activities;

(3) monitoring the design and implementation of United States Agency for International Development policies, programs and activities which directly or indirectly affect indigenous peoples; and

(4) coordinating with other Federal agencies on relevant issues relating to indigenous peoples.

#### REPROGRAMMING OF FUNDS

SEC. 6098. (a) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to accounts under such title that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by such title, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relo-

cates an office or employees; (5) reorganizes or renames offices; (6) reorganizes, programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to accounts under such title that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by such title, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

#### PEACEKEEPING MISSIONS

SEC. 6099. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

#### UNOBLIGATED BALANCES REPORT

SEC. 6100. Any Department or Agency to which funds are appropriated in this Act shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

#### RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 6101. None of the funds made available in title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

#### EMBASSY CONSTRUCTION

SEC. 6102. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

## ALLOWANCES AND DIFFERENTIALS

SEC. 6103. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

## TRANSFER AUTHORITY

SEC. 6104. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 6088 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

## UNITED STATES CITIZENS BORN IN JERUSALEM

SEC. 6105. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

## SENIOR POLICY OPERATING GROUP

SEC. 6106. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108-7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108-7.

## STATE DEPARTMENT AUTHORITIES

SEC. 6107. Funds appropriated under title I of this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

## REPORT ON INDOONESIAN COOPERATION

SEC. 6108. Funds available under the heading "International Military Education and Training" may only be made available for assistance for Indonesia if the Secretary of State submits a report to the Committees on Appropriations that describes—

(1) the status of the investigation of the murders of two United States citizens and one Indonesian citizen that occurred on August 31, 2002 in Timika, Indonesia, the status of any individuals indicted within the United States or Indonesia for crimes relating to those murders, and the status of judicial proceedings relating to those murders;

(2) the efforts by the Government of Indonesia to arrest individuals indicted for crimes relating to those murders and any other actions taken by the Government of Indonesia, including the Indonesian judiciary, police and Armed Forces, to bring the individuals responsible for those murders to justice; and,

(3) the cooperation provided by the Government of Indonesia, including the Indonesian judiciary, police and Armed Forces, to requests related to those murders made by the Secretary of State or the Director of the Federal Bureau of Investigation.

## WEST PAPUA REPORT

SEC. 6109. Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations, describing—

(1) the approximate number of Indonesian troops in West Papua including trends in the number and deployment of security forces, the approximate number of armed separatists, and progress toward a political settlement of the conflict there including initiatives from Papuan civil society such as the "land of peace" proposal;

(2) current humanitarian and human rights conditions in West Papua, including access for international and domestic humanitarian and human rights groups and the media;

(3) the extent to which international funding for reconstruction in Aceh is being contracted or subcontracted to firms controlled by or affiliated with the Indonesian military, and the involvement of Acehese local and provincial government and civil society in planning and decision-making in reconstruction efforts;

(4) human rights conditions in Aceh, the approximate number of Indonesian troops in Aceh including trends in the number and deployment of security forces, and efforts by the United States Government to promote a political settlement of the conflict; and

(5) activities of militia, including jihadist-oriented militia, and the extent to which members of Indonesia's security forces support these militia.

## DEMobilIZATION OF FOREIGN TERRORIST ORGANIZATIONS

SEC. 6110. (a) CERTIFICATION.—Funds appropriated by this Act that are available for assistance for Colombia may not be made available for demobilization/reintegration of any Colombian-based foreign terrorist organization (FTO) or its members, unless it is for limited activities that are determined by the Justice Department to be consistent with United States anti-terrorism laws, and the Secretary of State certifies to the Committees on Appropriations that:

(1) The Government of Colombia has not adopted any law or policy that is inconsistent with its obligations under the United States-Colombian treaty on extradition, and has continued to extradite Colombian citizens to the United States, including members and former members of such FTO's, in accordance with that treaty;

(2) The Colombian legal framework governing the demobilization/reintegration of such FTO or its members:

(A) provides for effective investigation, prosecution and punishment, in proportion to the crimes committed, of gross violations of humanitarian law and drug trafficking committed by members of such FTO's;

(B) conditions sentence reductions for each member of such FTO on a full and truthful confession of his involvement in criminal activity; full disclosure of his knowledge of the FTO's structure, financing sources, and illegal assets; and turnover of the totality of his illegal assets;

(C) conditions sentence reductions for each commander of such FTO on a cessation of illegal activity by the troops under his command and on the group's turnover of the totality of its illegal assets; and

(D) provides that members of such FTO will lose all sentence reductions under the law if they are subsequently found to have withheld illegal assets, lied to the authorities about their criminal activities in the group, rejoined the same or another FTO, or engaged in new illegal activities.

(3) An inter-agency working group consisting of representatives from the Drug Enforcement

Administration, the Department of Justice, and the Departments of State and Defense has consulted with local and national Colombian law enforcement and military authorities, representatives from the Office of the United Nations High Commissioner for Human Rights in Colombia, and representatives of Colombian civil society organizations, and has independently concluded in a detailed report submitted to the Committees on Appropriations, based on the best information available to the interagency working group, that:

(A) the FTO is not violating any ceasefire and has ceased illegal activities, including narco-trafficking, extortion, and violations of international humanitarian law;

(B) the FTO's criminal and financial structure is being destroyed and the FTO, or any part thereof, is not regrouping to continue illegal activities;

(C) the Government of Colombia is conducting effective investigations and prosecutions of the commanders of the FTO's for crimes, including violations of international humanitarian law, attributable to them, and, when appropriate, extraditing them to the United States;

(D) the Government of Colombia is aggressively implementing an effective procedure to locate and confiscate illegal assets, held directly or through third parties, by the FTO and its members, such as land, laboratories, and other assets used for the cultivation, processing, and transportation of illegal narcotics; and

(E) the Government of Colombia is enforcing FTO ceasefires by barring individuals who are credibly accused of crimes in breach of any such ceasefire from receiving benefits for demobilization.

(b) CONSULTATIVE PROCESS.—Prior to issuing any certification under this section, the Secretary of State shall consult with internationally recognized human rights organizations and the Office of the United Nations High Commissioner for Human Rights in Colombia regarding each of the conditions specified in this section.

(c) DEFINITIONS.—In this section:

(1) ILLEGAL ASSETS.—The term "illegal assets" means any and all assets that FTO's or their members possess either directly or through third parties, and that—

(A) were acquired through or as a result of criminal activity; or

(B) were in the past or are at present being used for criminal activities, including the production, processing, and trafficking of illicit narcotics.

(2) COMMANDER.—The term "commander" means any person who formally or in practice commands or leads a substantial front or block of an FTO.

(3) FOREIGN TERRORIST ORGANIZATION.—The term "Foreign Terrorist Organization" or "FTO" means any and all groups that were or are, as of the time of certification, on the Department of State's list of Foreign Terrorist Organizations, including the United Self-Defense Forces of Colombia (AUC), Revolutionary Armed Forces of Colombia (FARC), and the National Liberation Army (ELN).

## ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 6111. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government

funds for advocacy and lobbying activities other than those that apply to United States non-governmental organizations receiving assistance under part I of such Act.

## STATEMENT

SEC. 6112. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

“International Fisheries Commission”.  
 “International Broadcasting Operations”.  
 “Broadcasting Capital Improvements”.  
 “Assistance for Eastern Europe and the Baltic States”.  
 “Assistance for the Independent States of the Former Soviet Union”.  
 “Global HIV/AIDS Initiative”.  
 “Foreign Military Financing Program”.  
 “International Organizations and Programs”.  
 (b) Any proposed increases or decreases to the amounts contained in such tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

This Act may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2006”.

Amend the title so as to read: “An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes.”.

Mr. MCCONNELL. Mr. President, let me begin my remarks on the Department of State, Foreign Operations, and Related Programs appropriations bill with a quick word of thanks to Chairman COCHRAN for the allocation and for additional outlays the subcommittee received. With his support, we are able to recommend a bill that provides \$31.7 billion to meet America’s foreign assistance needs.

The bill provides increased assistance above the budget request for accounts that enjoy broad, bipartisan support, including \$1.7 billion for the child survival and health programs fund, \$1.7 billion for development assistance, \$395 million for assistance for Eastern Europe and the Baltic States, and \$565 million for assistance for the independent states of the former Soviet Union.

Understanding the continued importance of combating terrorism, we recommended full funding for assistance for Iraq, Afghanistan, Pakistan, Israel, Egypt, and Jordan. Significant assistance is provided for State Department operations, including full funding for the Broadcasting Board of Governors. We recommend a total of \$2.9 billion for HIV/AIDS, TB, and malaria programs, an increase of \$203 million above the President’s request; \$400 million is for a contribution to the Global Fund, twice the amount of the President’s request. We recommend \$1.8 billion for the Millennium Challenge Corporation, an increase of over \$300 million above last year’s level but, regrettably, \$1.2 billion below the request.

To demonstrate our strong support of the President’s commitment to the promotion of freedom abroad, the bill consolidates democracy programs under a new account entitled, “Democracy Fund.” This includes \$80 million for the National Endowment for Democracy programs.

I encourage Members to come to the floor to offer relevant amendments. Last year, we were fortunate in being able to finish this bill in 5 or 6 hours. So Senator LEAHY and I are optimistic that, with the cooperation of our Members, we can complete this bill sometime either Monday night or Tuesday morning and allow the Senate to move on to other matters that are pressing and need to be dealt with here as we move toward the August recess.

With that, I yield the floor. I know my friend and colleague, Senator LEAHY, will be heard from now.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I agree with what the chairman has said. There is no reason we cannot move very quickly on this bill. In fact, I encourage anybody who has an amendment to come to the floor because if we reach any point where there is not an amendment pending, I am going to be very happy to go to third reading.

It has been a long time since we acted on a Foreign Operations appropriations bill this early in the year. I thank both Chairman COCHRAN and Senator BYRD for that. Again, I say there is no reason we could not pass this bill by tonight or Monday afternoon at the latest. I repeat and emphasize that I want those watching, if they have an amendment, to come forward.

Both Senator MCCONNELL and I have worked very hard to accommodate amendments that both Republicans and Democrats had in this bill. Thanks to the budget allocations we had, we were able to accommodate most of the requests we received from Members and do it in a totally bipartisan way.

Senator MCCONNELL deserves a great deal of credit for producing a well-crafted bipartisan bill. I praise him for that. This may not help him back home—to get this kind of praise from a Democrat—but he deserves it. I don’t agree with everything in the bill, but neither does Senator MCCONNELL. That is why this process works. It is a bill that should receive broad support. We have tried to take into consideration the concerns of Republicans and Democrats. So I thank him and his very capable staff for the way they have worked with me and my staff.

If I might digress for a moment, we read a lot in the press about the partisanship in the Congress and how that affects getting our work done. I note that appropriations bills seem to go through the subcommittees, the full committee, and the Senate floor. I think that is because the Appropriations Committee, by its nature, has attracted many of the senior members of both the Republican and Democratic Parties, and we are used to working together with each other.

Without sounding like those who reminisce a little bit too much about the good old days, I came here 31 years ago. Senator Mike Mansfield was the Democratic leader, and Senator Hugh Scott of Pennsylvania was the Republican leader. Senior Members of the

Senate of both parties worked to get things done. That is what we do in the Appropriations Committee. We work together. The country benefits by it.

I am not going to talk about all the provisions in the bill. The chairman has touched on several of the key accounts. He focused new resources on democracy programs, most of which I agree with. He funded most of the President’s priorities. We have restored cuts in the international health and development programs that Members strongly support.

We were not able to fund the Millennium Challenge Corporation at the level the President wanted. I discussed this with the White House. It will be interesting to see; if it picks up steam and shows positive results, I suspect we are going to provide the funds it needs.

The Millennium Challenge Corporation has much in its goals with which we all agree. I think it is fair to say Members on both sides of the aisle have expressed concern about how slowly it began. There seems to be more effort putting the bureaucracy in place than getting the program out. I know the President has had similar concerns, and the leadership has now changed. I think that is good. It was a concern to many of us that it only was operating in a couple of very small places. Now it may go to others.

I was in Morocco with several other Senators recently. We saw some of the areas where it might well work. I would like to see it pick up steam and show positive results. In the meantime, however, until it does, there is no need to set aside huge amounts of money if it is not going to be used and there are other programs that desperately need money.

The bill, for the first time, contains funds for the State Department’s operations. This used to be under a different subcommittee. Now we have it. We provide the President and Secretary of State with much of what they asked—most of what they asked, in fact. For educational and cultural exchanges, which are popular with Republicans and Democrats, we provide even more in the request.

Let me mention a few other items. We provide \$900 million for refugees, a substantial increase over last year. We felt strongly we should do considerably more for the world’s neediest people. One has only to go to some of these refugee camps or hear about them to realize how terrible it is. Unfortunately, we will see them briefly on the news, almost as though this is a filler for the evening news in between celebrity trials in this country. Then we do not see it again, and we tend to think the suffering has gone away.

In some of these refugee camps, children are being born in the morning and dying in the afternoon—mothers also. People are dying of diseases that would create no problem in this country because we would be immunized against them. They are dying of starvation,

they are dying of mistreatment, and it goes on every single day.

It is unfortunate that a celebrity trial will get significant coverage on the evening news; the suffering in places such as Darfur will not. We need to appeal to the conscience of this great and good Nation. Most Americans are appalled by what they see, but many Americans never get to see it because not enough attention is given.

We have included \$30 million for a new initiative to combat six debilitating diseases such as elephantiasis and intestinal parasites. These cause terrible afflictions for millions of people, many of them children. We never see these in our country because they are easily prevented. They can be cured with minuscule amounts of money, and they have been neglected for far too long.

Many of these diseases, especially in Africa, will cause people to be almost condemned to debilitating diseases, children to horrible parasites, and yet for sometimes pennies, at the most a few dollars, it can be prevented and their life, their hell on Earth, could be prevented.

We have included \$105 million for antimalaria programs. A portion of that will be used to fund the President's new malaria initiative, which I strongly support.

We provide another \$10 million for USAID's Amazon basin and conservation strategy, and we maintain funding for other programs protecting the environment. Again, I urge this money be spent to actually do it, that it actually go into the conservation strategy. We know it needs to be done. We do not need to enlarge bureaucracies in Washington. We need to be on the ground doing the work.

We include additional conditions on our assistance to Nepal on account of the Nepalese King's attempts to dismantle the fledgling democracy there. My key staff member on Foreign Operations, Tim Rieser, was recently in that country. We know the King's decision to dissolve the government, arrest political opponents, and restrict the press is making a solution to that conflict more elusive, isolating Nepal both politically and economically.

We include conditions on funding for the demobilization of foreign terrorist organizations in Colombia. The framework that was recently approved by the Colombian Congress falls far short of what is minimally required to dismantle these horrible terrorist organizations.

We restore the administration's proposed \$11 million cut in our contribution to UNICEF. This saves millions of children's lives. When this country speaks of helping others, why would we be cutting money out of UNICEF? It would have been unthinkable to go along with that cut.

There is a great deal more, and I again commend Senator McCONNELL for what I believe is one of the best foreign operations bills in recent years.

We are going to have a difficult conference with the other body, but if we get the conference budget allocations we need, we should end up with a good result.

I hope Senators who have amendments will make sure they belong on this bill; this is not an authorization bill, this is an appropriations bill—and bring the amendments as soon as they can.

Mr. President, the chairman has stepped off the floor for a moment. I am about to suggest the absence of a quorum, but not quite yet. I repeat, if there are Senators who have amendments, come forward with them. I will be very happy to go to third reading—let's see, it is 20 minutes of 11. I would certainly be willing to wait 5 or 10 minutes to see if anybody has an amendment. I will be glad to do that. I don't think either side requires a rollcall vote.

More seriously, Mr. President, America is the wealthiest, most powerful Nation on Earth. It is a nation with a great moral core. We saw that during the terrible tsunami in recent months, when we poured out aid from this country, not only our Government but even greater amounts from individuals. I know in my church and most people's churches, their synagogues, their mosques, there were collections for money to help aid the tsunami victims. Civic groups, other groups, the Red Cross, Catholic Relief Services, and so many others raising money in the various service clubs—Lion's, Rotary, Kiwanis—it reflects the nature of Americans. We help our neighbors when they are in trouble. We help our neighbors even when they are on the other side of the globe.

So much of what goes on we don't see. We don't see the millions of children who die each year. We don't see the horrible percentage of paternal deaths. We don't see these debilitating and crippling diseases that could so easily be cured. We don't see the need to provide, such as Senator Dole and Senator McGovern proposed, a school lunch program in many poor parts of the world so not only boys but girls would go to school, too, and thus bring about a positive change in society over the years. We spend well under 1 percent of our budget on help. Frankly, I feel we should do more. I think the American people put forward our best face, and we can do even more.

As we eradicate disease, as we eradicate hunger, as we give people an opportunity to create their own businesses, sometimes a microenterprise, we are doing things with which most of the world will agree. In a time when we find so many in the world disagree with the United States—something I, as an American, find very disturbing—let's put forward this great face of America, a face I have known from my childhood on and all of us have known all our lives. Let's put forth this great reservoir of goodness and generosity of the American people. Let the rest of

the world see it. I guarantee, we will find a lot of other countries will step up and join us because this is something that should unite us and not divide us from the rest of the world.

Mr. President, I see the chairman is back on the floor. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I say to my colleague from Vermont, it has been a pleasure working with him over the last, gosh, I guess it is 12 years now, either as chairman or ranking member—we have been here long enough to rotate a couple of times—on this measure. He has made an extraordinarily positive contribution every year.

We labored mightily to keep this bill as bipartisan as possible. The fact that last year we were able to clear it in about six hours indicates widespread satisfaction with the measure or we would have had a lot more action. We realize that is not likely to happen on a Friday morning, but we are intent on moving this matter to completion Monday or Tuesday morning at the latest. We hope everyone will cooperate. If anyone has a measure, if it is a good idea and warrants consideration, show it to Senator LEAHY and myself, and we might agree with you; in which case, we might be prepared to take the amendments. If not, we hope we will have what few votes we expect will be needed Tuesday morning, at the latest, and move on to final passage.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### SUPREME COURT CONFIRMATION DEBATES

Mr. McCONNELL. Mr. President, somewhere out there in our country

today walks the next Justice of the Supreme Court of the United States. Very soon, this Senate will begin to debate that person's confirmation. We don't know yet the nominee's professional background or experience, but sadly, if the past is any guide, we do know what kind of reception that nominee is likely—likely to receive. That is why I rise to speak today.

No one would argue that some recent Supreme Court confirmation debates have been less than ennobling. But it doesn't have to be that way. The experiences of Justices Ginsburg and Breyer by any standard, two very liberal nominees—when my party was in the minority, prove that we can make Senate confirmation to the High Court a rational and orderly process. Sadly, whenever the nominees are named by Republican Presidents, that doesn't seem to be the case.

After recent media reports, I am concerned we may have a circus rather than a dignified confirmation process. Specifically, the Washington Post reported last week that some of our friends on the other side of the aisle have a three-part strategy to defeat the next Supreme Court nominee.

First, according to the Post, they plan to complain that consultation by the President, no matter what the amount, is not sufficient. Second, they plan to paint the nominee as "extreme." Finally, when all else fails, they will object that documents produced in relation to the nominee are somehow inadequate.

I am troubled because we are already beginning to see the first salvos in this three-pronged plan of attack. A week before there was even a vacancy, our Democratic colleagues sent a letter to President Bush demanding that he consult with them. Senator SCHUMER then predicted a "battle royal" unless the degree of consultation satisfied him.

My good friend from Pennsylvania, the chairman of the Judiciary Committee, Senator SPECTER, expressed the frustration of many of us on this side of the aisle when he went to the floor to appeal for civility. As he said so well, "It is hardly the time to be looking to pick a fight."

The fact is, the scope of consultation that President Bush has engaged in is unprecedented. Let me repeat: The scope of consultation that President Bush has engaged in is without precedent. He and his staff have reached out to over 60 Senators from both parties individually to solicit their opinions. The President has had meetings with the Democratic leader and the ranking member of the Judiciary Committee. He has laid his door open to any and all suggestions our friends on the other side of the aisle would care to give. Yet some of our Democratic friends now complain that his extensive outreach is not enough. They demand that the President give them the names of the people he is thinking about nominating. They want, in effect, to serve as co-Presidents by co-nominating a replacement to the Supreme Court.

Despite what some on the far left may say, no fair-minded person can conclude that President Bush has not adequately consulted with the Democrats. He has done more than the Constitution requires by far, and more than his predecessors did. He has consulted with the Senate. Case closed.

Let us now turn to chapter two of the playbook to defeat the nominee: Distort and destroy the nominee's record and character. I have been in the Senate for the last seven Supreme Court nominations. Sadly, there is a historical pattern of devastating, defamatory attacks on honest men and women who just happen to be nominated to the High Court by Republican Presidents. Take what was said about one current member of the Court. During his nomination hearing, he was denounced for his "consistent opposition to women's rights." We were told this nominee's actions "revealed an extraordinary lack of sensitivity to the problems women face in the marketplace, as well as an extraordinary lack of sensitivity to the Equal Employment Opportunity Act." This was what was said about this current member of the Supreme Court. We were told this nominee had a "propensity to find against a female plaintiff," that his judicial decisions "have flown in the face of the applicable law as duly passed by Congress," and his record "raises the question of whether he can fairly, judiciously, and impartially review those cases which will reach him as a Justice on the Supreme Court."

These incredibly harsh criticisms were made by the National Organization of Women. The nominee? Associate Justice John Paul Stevens, appointed to the Court by President Gerald Ford in 1975. Many of Justice Stevens' opinions have brought no small measure of joy to the very same liberal activists who denounced his nomination in such extreme terms. Unfortunately, such hyperbolic attacks have been an almost inevitable fate of Supreme Court nominees of Republican Presidents. I repeat: that has been the fate of Supreme Court nominees of Republican Presidents.

Let me give a more recent example regarding another current Justice. Before this person's confirmation hearing, one liberal activist group concluded the nominee's "opinions and legal briefs threaten to undo the advances made by women, minorities, dissenters, and other disadvantaged groups." And during his hearing, this group said it was "convinced that [this nominee] will not protect the rights of those suffering discrimination on the basis of race, gender, ethnicity, religion, sexual orientation, or literacy."

Nan Aron of the Alliance for Justice made these accusations. I notice Ms. Aron's group and more like it are just as ready to pounce on the new nominee today.

Who was she talking about? Justice David Souter, appointed to the Supreme Court by President George Her-

bert Walker Bush in 1990. It is hard to believe, but true. Such personal invective and histrionics bore no rational relationship to Justice Souter's record and, once again, I doubt these same groups would have a problem with Justice Souter today.

It wasn't just liberal interest groups who made such sharp criticisms of Justice Souter, however. Our colleagues on the other side also questioned Justice Souter's fitness for the Court. For example, the distinguished senior Senator from Massachusetts, Mr. KENNEDY, said,

If Judge Souter joins the current closely divided Supreme Court, he will solidify a five-to-four anti-civil rights, anti-privacy majority inclined to turn back the clock on the historic progress of recent decades. If so, literally millions of our fellow citizens will be denied their rights as Americans to equal opportunity and equal justice under law.

That was Senator KENNEDY in 1990, asserting that the Senate's confirmation of Justice Souter actually risked turning back the clock and jeopardizing the rights of millions of Americans.

We all know that didn't happen. I can only hope that, realizing that, my friends on the other side of the aisle will stop and take a deep breath before attacking the nominee this time around. However, it appears these same old groups are singing the same old song. The ink was not even dry on Justice O'Connor's resignation letter when the far left again began ratcheting up the same tired rhetoric, complaining that the "sky was falling" courtesy of a Supreme Court appointment by a Republican President.

For example, People for the American Way complained, in its usual fashion, that "our very national identity hangs in the balance." And MoveOn.org, a group so far out of the mainstream that it promoted a pacifist response to the 9/11 terrorist attacks, and yet is a major funding source for Democratic candidates, predicted that the nominee would be an "extremist who will undermine the rights of individuals and families."

These left-wing attack groups are loaded for bear and have one thing in common when it comes to a Republican President's nominee for the Supreme Court: Their favorite letters in the word "nomination" are N-O.

So that is why I am a bit apprehensive of the impending Supreme Court confirmation. I think this Senate can have a fair, dignified debate that the country will be proud to see. There is no reason we should not. I believe Senators should be passionate in their beliefs and stand up for what is right. I am not asking anyone to be muzzled. All I am asking for is a little bit of civility, civility and compassion for the man or woman who will soon be named to be the next Justice of the Supreme Court of the United States. Why don't we try looking at the nominee's record? Let's argue the facts. But I urge my friends on the other side of the

aisle, don't prejudge. Don't start up the attack machine, don't declare war and begin the reflexive demagoging of qualified Republican nominees, regardless of who they are.

According to a USA Today article, a recent Gallup Poll found that 86 percent—no small majority—86 percent of Americans believe that our Democratic friends will try to block President Bush's Supreme Court nominee for "inappropriate political reasons." The public is beginning to see this knee-jerk opposition for what it truly is: confrontation for confrontation's sake.

I hope this is not the path we take. According to history, according to media reports, according to the overheated rhetoric of the left-wing fringe groups that have already began gnashing their teeth, it looks that way. But it doesn't have to be that way. Here is what we should do. We should have a fair process. We should treat the nominees with dignity and with respect. And we should have the Court at full strength when it starts its new term on the first Monday in October, October 3.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE SUPREME COURT

Mr. REID. Mr. President, briefly in response to my friend from Kentucky, the distinguished majority whip, I agree with him. We should have a civil debate on the Supreme Court nominee. That is going to happen based on what the President has done to this point.

He met with me in a one-on-one meeting prior to the resignation of Sandra Day O'Connor. He called me the day she resigned. There was a meeting this past Monday in the White House with Senator FRIST, this Senator, and the two leaders of our Judiciary Committee. I thought it was a very good meeting.

What happens regarding a Supreme Court nominee is dependent on the President. From all the indications I have gotten, he does not want a big battle, nor do we. I am hopeful and confident that will be the case.

However, I say directly to my friend from Kentucky, there is no reason we can't make the October 1 date if the President selects someone next week or the week after or the week after that. We can have the FBI working. We can have the Judiciary Committee staffs working. The first or second week in September, there can be hearings that last a week. Everyone can ask all the questions they want. Especially if it is a Supreme Court Justice who is one the President thinks, and he indicated

he would allow us to—certainly I would like to conominate, but I know that is not our purpose in the Senate. He did indicate if there is someone who is deserving of a red flag for reasons that maybe he does not anticipate, we can maybe help in that regard.

Keep in mind, Sandra Day O'Connor, being the brilliant woman she is, made her resignation effective upon appointment of her successor. It would be better if we had the new Supreme Court Justice when they begin their Court hearings in October. We are going to try to do everything we can to cooperate in that regard. If it does not happen, Sandra Day O'Connor will still be there. During this period of time, the summer months, she is still handling her circuit duties, doing everything she needs to do as a member of the Supreme Court. I admire her for not making the resignation effective upon the President receiving that letter. Everyone should cool the rhetoric and see what will happen. The ball is in the President's court.

As has been indicated, a significant number of names were discussed with him. We did not discuss anyone with him in a negative tone. Every person we talked about with him was positive, some of whom he knew, some he knew personally.

I am hopeful this will all work out for the good of the country. When I say "good of the country," it would be better for everyone—the President included, the Democrats and Republicans in the Senate—that we did not have a protracted problem in the Senate regarding Sandra Day O'Connor's replacement. We would do her honor by having someone move into this position without a lot of problems.

#### MISALLOCATION OF SENATE TIME

Mr. REID. Mr. President, my friend, the distinguished majority leader, noted this morning that we have been in session for over 6 months. That is certainly true. My colleague from Tennessee is correct, we have made progress over these last 6 months.

But it is important to the American people that the other side of the story, as Paul Harvey says, is also told. What is that other side of the story? He cited progress we have made but made no mention of the wasted time in this Senate on the so-called judicial option, the nuclear option. The time we wasted there was multiple weeks. I don't know if anyone has kept an accounting of the exact time, but the rough calculation I have made is more than one-third of the time we have been in session—about 89 days—we have devoted all or most of 30 days to that issue. More than one-third of the time we have spent in the Senate was spent on the so-called nuclear option.

What did that involve? First of all, we approved, prior to starting, 208 of the President's nominees and turned down 10. The President, as soon as he was reelected, renominated 7 of the 10

we turned down. Three of the individuals decided they did not want to be judges or they did not want to go through the process. One of the judges retired who the President recess appointed. We spent more than one-third of the Senate's time on seven judges.

From the very beginning of the President's reelection, we said with two of them, there is no problem, the two Michigan judges. No problem whatever. Just bring them here, we will vote on them, and they can go through.

The reason they were turned down earlier is because of all the problems in the past when the majority at that time—the Republicans sometimes were in the minority; it flipped back and forth; but they would not allow some judges who came from Michigan. It was a procedural problem. Upon the President's reelection, we said: You have those two Michigan judges. So we have spent one-third of the Senate's time on five people, five nominees.

These people could be members of the President's family, but would you spend one-third of the Senate's time on that while leaving important issues dealing with this body alone, ignoring them and rejecting them? I don't think so. But these were not members of the President's family but people who wanted to be judges. What did it amount to when we finished? Out of the five, three have been chosen as judges, two were not. It boiled down to three people. That is what it amounts to. I don't think that is a good allocation of our time, and that is a gross understatement.

Not a single day have we spent in this Senate dealing with health care—not a debate on health care, let alone legislation. I don't think we can find a person anywhere in America who would not say, Boy, this problem with health care is significant. Why do they feel that way? Because 45 million Americans have no health care, and millions more are underinsured, meaning they have insurance but it is not very good. This problem is affecting the very core of our society.

Employers know their employees are happier and they are better employees when they have health insurance. Why did these employers not have health insurance for their employees? They are not mean. They are not miserly. They have no health insurance because they cannot figure out a way to get it. With the present state of our society, employers all over America cannot buy health insurance. Once they buy it, it is canceled if someone gets sick or is in an accident. It is a problem we should be spending time on. Ignoring it does not do the trick.

Education. I have said in the Senate, and I will say it again, I met some time ago with all 17 superintendents of schools of the State of Nevada. We have a wide range of sizes of our school districts. The Clark County school district, Las Vegas, has about 300,000 students. It is one of the largest school districts in all of America. That was

one of the 17 with whom I met. One of the 17 is from Esmeralda County, Goldfield. That whole school district has 88 students. So 300,000 versus 88, and in between we have different size school districts.

All 17 superintendents, without exception, when they walked into that meeting with me—I didn't ask if they were Democrats, Republicans, or Independents—all 17 told me, as we went around the room, spending about an hour and 45 minutes together, that the Leave No Child Behind Act is destroying public education in Nevada. I didn't make this up. That is what they told me. It must be a problem. The State of Utah, our neighbor, has dropped out of the program. But we have not spent time in the Senate talking about education—not a single day on education legislation.

Not a single day have we talked about minimum wage. Minimum wage is a very important issue. We have people in Nevada working two and three jobs in the service industry, earning minimum wage, trying to make a go of it. It became so pronounced in Nevada that the State of Nevada, which is known as a pretty conservative State, raised the minimum wage. Now the legislature has to vote again. We are going to put that in our constitution because the Federal Government has not lived up to its expectation.

There are many issues we need to deal with in the Senate. These are issues the majority leader failed to talk about when he was here today. He talked about some of the things we have done, and we have worked closely. Everyone knows I like to have the trains run on time. It is hard for me to get over that. It is difficult for me to want to slow things down. I have lived on this Senate floor for 6 years, and I want as much order as we can have in the Senate. We have worked hard to try to cooperate.

Even though all Democrats did not support the bankruptcy bill, it passed, working through the process. Same with the class action legislation. But some of the things we have passed have not been good for the country.

My distinguished friend, the majority leader, talked about the budget. In this Senate, right before the vote, I read a letter from the leaders of the Lutheran Church, the Methodist Church, the Episcopal Church, the Church of Christ, and others. It was their letter, not mine. They said the budget that was about to be passed—and now is law before this country—was an immoral document. These are church leaders.

I met recently with the leader of all the bishops of the Catholic faith in my office in Washington. They are very concerned about what is happening to the poor, the oppressed in this country with the budgetary folks. They have addressed that to the White House. This budget passed on trillions of dollars of debt to our children, and at the expense of them the wealthiest in this country did much better in this budget.

We have staggering debt in this country. A press conference was held a couple of days ago by the President and others bragging about the deficit not being so big. The budget the President submitted—now we find the midterm report shows it is going to be the third largest debt in the history of this country, only surpassed by two other Bush budgets. And if he added in the disguise he has in this budget where he does not count the Social Security surplus, the debt would be about \$600 billion, the deficit for this 1 year. We have not talked about this issue.

I see in the Senate today my friend from the State of North Dakota. No one, bar none, has spoken more about another problem we do not address in this Senate and the majority leader failed to mention, which is the trade deficit. There was almost a celebration held yesterday regarding the trade deficit this past month which was “only” \$55 billion—only \$55 billion. I am not misspeaking, I am not saying “billion” when it should be “million.”

I don't think we need to brag about the fact we passed CAFTA, which will just make it even bigger. The Catholic Church in Honduras and other places in Central America where CAFTA is going to apply opposed it. Labor unions will oppose it because it is unfair to the working men and women of that part of the world. We should not brag about CAFTA. We should talk about trade policy.

Yes, we passed an energy bill, and I appreciate the limited support we got from my friends on the other side of the aisle. It is better than the House bill, but still it is a very bad bill. It is better than the House bill, no question about it.

We are going to march to conference, and I have agreed to let my folks go to conference on the Energy bill. I hope we can hang on to what we have. Even though it is not very good, it is so much better than the sellout, for lack of a better word, to my folks on the other side of the aisle for the major oil companies. We must still make it through conference where House Republicans remain determined to strip away the good the Senate did and insert giveaways, protections for big energy corporations and chemical companies.

We just finished Homeland Security appropriations. I respect the work of my friend JUDD GREGG and Senator BYRD, the chairman of the subcommittee. We cannot brag about this. I am glad it is finished, but keep in mind, this bill we have in the Senate came with a recommendation from the President to cut spending for first-line responders by about \$412 million.

But when my friends in the majority got finished with it, the amount of money taken from first-line responders, in the bill, totaled \$492 million less than last year. We have thousands of police stations, thousands of fire stations filled with police officers and fire fighters, ambulances, medical respond-

ers, and this Homeland Security budget took money away from them. There were efforts made on the floor yesterday by members of the Republican Party, the majority, to take money from the budget, and it was literally to rob Peter to pay Paul. Thank goodness those amendments did not pass.

So we cannot brag about what we are doing in homeland security. For transit, it was a little better, and I am happy to see that. But there are so many things we need to do that are not being done. We have chemical plants with no protection, nuclear power generating facilities with no protection. We are unable, in the State of Nevada, to respond to each other, one police agency with another police agency. But it is not only Nevada. It is all over the country.

So as we look back on these 7 months we have been in session, more than a third of it was devoted to three people who are now judges. We have done nothing with retirement security, even though we had the scandal with United Airlines. Pensions and savings are going downhill.

Stem cell research: I know we are trying to work something out, and I appreciate and admire what the majority leader, a physician, is trying to do on that. I appreciate his help. We still have not done it yet.

The defense authorization, we have not done that. We have been in session, as I have indicated, for 19 weeks. It is a blemish on this Senate's record that we are 80 percent completed as to the work period this year and we have done about 10 percent of the work we need to do. With only 6 weeks left until the target adjournment, we have done virtually nothing for the American people. It is no wonder the American people have lost confidence in the Republican leadership in this Congress.

We brag about the bankruptcy bill. Who is that for? It is not for the common working men and women in this country. It is for banks and big credit card companies.

Class action legislation: That is not for the American consumers. It is for big business.

So at this time now, we have to turn our attention to a Supreme Court nominee. As I have indicated, when it comes to that nominee, I hope the President will use this opportunity to bring the country together. We really need that, as President Reagan did when he nominated Sandra Day O'Connor. By choosing a consensus nominee, that can be done. It has been done, and we need it so badly today. We need to move away from the partisanship and back to the commonsense center, not just on judges but on all the work we do in the Senate.

The American people sent us to work for them. They have not seen very many results in the first 7 months of this session. But in the weeks ahead, I hope we can change that. I am happy to work with my counterpart and move forward. I want the trains to run on

time. But this was a subject brought up by the distinguished majority leader, and I felt it was appropriate to answer. I have done the best I can in responding.

#### ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, I have been advised by my colleague from North Dakota that he would like to follow me, so I ask unanimous consent that the Senator from North Dakota follow me for a period of 20 minutes. And then it is my understanding that the Senator from Ohio is in the queue, the Senator from Ohio being Mr. DEWINE. So I ask unanimous consent that be the order.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing none, it is so ordered.

The Senator from Florida is recognized.

#### FEMA

Mr. NELSON of Florida. Mr. President, to follow up on one of the things we did accomplish in the Senate, passing last night the Department of Homeland Defense appropriations bill, I want to call to the attention of the Senate three amendments this Senator from Florida had attached to the bill which were passed. They regard FEMA, the Federal Emergency Management Agency. This, of course, has been extremely important to the Nation, but particularly to my State of Florida, having gone through the experience of four hurricanes last year within a 6-week period.

Originally, FEMA did a very good job. A lot of that was as a result of the lessons we had learned from a decade previously from the monster hurricane of 1992, Hurricane Andrew, when one level of Government was not talking to another level. Those lessons learned were applied. Indeed, in the immediate aftermath of those four hurricanes that hit Florida within that 6-week period, FEMA responded, and responded well, working with the State of Florida and the local governments, which in this case for those four hurricanes included most of the counties of Florida. Little did I know, going into August a year ago, I was going to end up visiting almost every emergency operations center in the State of Florida. But that is the fate that befell our State.

But then, in the long run, FEMA started dropping the ball. It was not because they did not have enough money. We appropriated \$13.5 billion—that is with a “B”—for hurricane relief. Of that \$13.5 billion, \$8.5 billion went to FEMA. It was not that it did not have enough money. But they started sending it to the wrong places. They sent over \$30 million to Miami-Dade County, when in fact the hurricane winds never blew in Miami-Dade County.

So one of the amendments has to do with them being required, under law,

to report back to the committee in the Senate and the committee in the House on all of the changes they have made in response to the recent inspector general’s report that named all of these deficiencies in FEMA. One of them was sending millions of dollars into a county where the hurricane winds did not blow.

Another example was they paid for over 300 funerals, but the number of deaths directly attributable or even indirectly attributable to the hurricane was about 125. Why are we paying for that?

Over and over—I cannot tell you how many county commissioners and mayors were calling us, pleading: Why won’t FEMA reimburse us for the debris removal? Over and over we had people saying: FEMA is not sending us any relief.

What is the purpose of FEMA? It is to help people when they are in a time of need and it is authorized under law.

Well, lo and behold, do you know what the most recent one is? It is exactly the reverse. Just a month ago, FEMA sent out \$27 million in payments to people; and now, as of 2 weeks ago, it is demanding the people send it back. They said they made a mistake, that they were not eligible for that—\$27 million?

Well, thank goodness the Governmental Affairs Committee of the Senate, at my request, had an investigation and a hearing. They allowed the senior Senator from Florida to be the leadoff witness. Of course, I chronicled a number of these instances.

So we attached to the legislation that passed last night—the Department of Homeland Security appropriations bill—amendments that will require FEMA to report back to these committees on the changes that have been made in response to these deficiencies that were noticed by the Inspector General’s report.

But we also put on an amendment that will require FEMA to issue consistent and uniform guidelines for the local governments regarding their reimbursement for hurricane debris removal. This was what was so frustrating to our local governments because in one county FEMA would reimburse the local government for the debris removal and in another county it would not. You had this inconsistency. So in our oversight of the executive branch, it is our responsibility to make it. I am happy to say we passed this on this bill.

The third amendment was just a commonsense amendment. Do you know what happened? Last year, they were hiring inspectors to go into homes. The inspector general’s report pointed out that those inspectors did not have very much training. Therefore, they were just writing checks left and right, not knowing what they were doing. They would write, for example, a reimbursement for a demolished house and all the accoutrements and complete furnishings, but, in fact, that

house did not have any furnishings. If the inspector had asked, FEMA would have known. Well, that is going to be dealt with, with the amendment, with them coming back and reporting on the inspector general’s report.

But do you know what else happened? FEMA allowed inspectors to go in, examine a house, and make a determination. But, lo and behold, they then came back, and those inspectors bought those houses at bargain basement prices, when the homeowner was desperate for cash, at below fair market value. The inspector was profiting as a result of the inspector having been hired, representing the U.S. Government, FEMA, to go in there and help the people, and then coming around and taking advantage of the people in their depleted condition.

So we added an amendment, last night, that is going to prohibit those inspectors from entering into contracts with people when they inspect their property. It is common sense.

There is one thing more I want to inform our colleagues in the Senate. When I arrived at the emergency operations center in the State of Florida Sunday afternoon, just before the hurricane hit—at the time when it was about 3 hours out from landfall, it was a category 4—we thought the poor people of Pensacola were going to be absolutely devastated again from the effects they had 10 months ago with Hurricane Ivan, when it hit with such ferociousness. Well, in those intervening hours, by landfall, it had come down from a category 4 to a category 2. By the way, the differential between 145 miles an hour and 125 miles an hour does not sound like much—that is 20 miles an hour—but the differential is exponential in its destructive force. When I arrived at the emergency operations center—and we were so apprehensive—immediately, several people in the State of Florida EOC came up to me and said: Senator, we want to thank you for standing up and opposing legislation that has been filed in the Senate.

It is legislation that was referred to our Senate Commerce Committee, legislation that would require the National Weather Service to take their Web site off the Internet, under the legislation filed, if there is a competing weather service offered by a commercial entity.

In this particular legislation, it is a commercial entity in the State of the Senator who offered the legislation called AccuWeather. What those people in the Florida EOC wanted me to know was that AccuWeather, on Saturday before the hurricane hit on Sunday, had been predicting it was going in to New Orleans or Mississippi, whereas the National Weather Service, through the National Hurricane Center, had that track coming straight to an area between Pensacola and Ft. Walton Beach, exactly the track where the hurricane hit.

If we had not had the National Weather Service accuracy available to

the public of Florida—and they were getting their information from this other entity—the people of the gulf coast of Florida would have let down their guard and then, all of a sudden, they would have gotten hit. There was a lot less destruction this time and, thank the good Lord, no loss of life because people heeded the warnings: Get out. The day before the hurricane, there was a massive evacuation, very orderly. We did not lose one life.

Here again is another reason why we can be thankful we do have such experts. And never, under the guise of privatization, should we say a governmental service that often is the difference between life and death in my State of Florida should be knocked off the Internet. To the contrary, I can tell you last year, the National Weather Service Web site got 9 billion—that is with a “b”—hits in that 6-week period. It is a governmental service I am proud of, and I am proud of all the people at the National Hurricane Center in Miami. I have called Max Mayfield, the director, to tell him how proud I am of all those people. They were right on. We never want to focus on that centerline of the track because Mother Nature has a mind of her own. We want to focus on that cone of possible landfall. But in this case, the National Hurricane Center was right on track. My congratulations to them.

I thank my colleagues for the passage of these amendments regarding FEMA last night on the Department of Homeland Security appropriations bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 1412 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

#### TV MARTÍ

Mr. DORGAN. Mr. President, I point out an amendment I will offer to the Foreign Operations appropriations bill. Let me show a picture of something called Fat Albert. Fat Albert is an aerostat balloon. It is on a tether far up in the sky. The purpose of Fat Albert is to broadcast television signals into the country of Cuba to tell the citizens of Cuba that life under Castro, life in communism in Cuba, is a pretty awful life and you ought to aspire toward a democracy and here are all the good things democracy has to offer.

The fact is, the Cubans already know all that. That is why they get on rafts and risk their lives trying to leave. In any event, if they don't know that, they can tune into a Miami radio station 90 miles away. If they choose not to tune in to a Miami radio station, they can tune in to Radio Martí. That does work. It sends signals to the country of Cuba and people listen to it. But TV Martí does not work.

TV Martí doesn't get into the Cuban marketplace. The Cuban people can't

see it, because the Castro regime jams the signals. We have now spent \$189 million on TV Martí. We send television signals the Cuban people can't see. We spend \$189 million. Apparently, someone feels better because we have wasted this money.

I had an amendment earlier this year to shut this down. Strangely enough, this Senate turned it down. I will give them the chance again on the Foreign Operations bill. I am going to take the money out of that bill, and we will vote on it again.

Why do the Cubans not see these signals? Because Castro jams them. The President is asking for \$21 million more to send television signals to Cuba. They used to use Fat Albert. Fat Albert got loose at one point, meandered over into the Everglades. They had to find some grapple hooks to rescue him. But that wasn't enough.

Incidentally, for most of the time they have broadcast these signals, they broadcast them from 3:30 a.m. until 8:30 a.m. All were jammed. They decided to change that on May 20, 2002, and then they began to broadcast in prime time. An administration official from the State Department said this: We don't have any official evidence that the audience has increased due to the broadcast schedule change.

Chris Coursen, former chairman of the President's board of advisors on broadcasting to Cuba, says until 6 years ago, TV Martí used to do exit interviews with Cubans coming to the United States on rafts and so on to determine whether Cubans, in fact, watched TV Martí. It was clear from those interviews no one was seeing TV Martí in Cuba because Castro was jamming it. We get people coming off a raft. We say: Have you watched Television Martí? No, we can't see it. It gets jammed. What do we do? We keep spending money anyway. And they stopped doing exit interviews with Cubans coming here, because they didn't want to document the fact that nobody could watch TV Martí.

It is now not enough to do it by an aerostat balloon. We now have a specially equipped airplane flying once a week, a C-130, Commando Solo, which is a very special airplane designed for communications strategies in warfare. We have taken an Air National Guard Commando Solo, put it up 4 hours a week, and it still cannot overcome the jammers in Cuba. We went from spending money we don't have on things we don't need to send television signals to people who can't receive them, and then we went to airplanes.

Now the President wants to buy an airplane just for this purpose, buy a new one. The President wants to spend \$21 million more sending a television signal no one can see. It is unbelievable. I want to see somebody vote to continue this funding and then go home and thumb their suspenders and crow about how they oppose Government waste. I want to see one person do that. If ever there was a dem-

onstrated waste in Government, this is it. Everybody in this Chamber knows it. We will see whether finally this Senate will decide to shut down money that is spent that unwisely.

#### MASSIVE WASTE OF TAXPAYER MONEY

Mr. DORGAN. Mr. President, I am going to offer one other amendment on the Foreign Operations appropriations bill. I will offer it on every appropriations bill I get the chance to offer it on. It is legislating on appropriations, but it is important to do.

We have held hearing after hearing on the subject of Halliburton and other contractors in Iraq. There is massive waste of the taxpayers' money. The most recent hearing talked about a whistleblower who worked for Halliburton in a food service enterprise in a supervisory capacity in Iraq. He said: We were serving food to American troops that had expired and outdated stamps on it by as much as a year. We were told to feed it to the troops. There was food in convoys that came under fire, and the food was contaminated with bullets and shrapnel. We were told to take out the bullets and shrapnel, and feed the food to the troops anyway.

He also said—with respect to when he worked for Halliburton we were told if we spoke to a government auditor who came to our base, we would be fired or sent to an area to work where there is an active fire zone. And this in fact happened to him.

This isn't just this hearing. It is not just feeding outdated food to the troops. It is about people who have testified, whistleblowers who have testified at previous hearings and said: We drove \$85,000 new trucks, and we left them on the side of the road. If they had a flat tire or a plugged fuel pump, they got torched. We would just leave them behind. It was a cost plus contract, so there was no need to fix these little problems. Just buy new trucks, and make a nice little profit on the new purchase.

The stories of waste and fraud and abuse are unbelievable, and nobody cares.

Anybody hear of any oversight hearings by the oversight committees of jurisdiction in the U.S. Senate? None, zero. That is why we are holding the hearings I am chairing in the Policy Committee, because no one here cares.

I just sent a letter to Secretary Rumsfeld to say please at least look into this question of whether we are sending men and women in America's uniform to Iraq to fight and serving food that is outdated by as much as a year. Unbelievable.

Bunny Greenhouse testified at the hearing. She is the highest ranking civilian official in the Corps of Engineers, and is responsible for approving large contracts. She always got excellent scores on her performance evaluations. But they didn't like her much when she began to interfere with the

sweetheart deals given to Halliburton—no bid—under circumstances she objected to. She said:

I can unequivocally state that the abuse related to contracts awarded to KBR [Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

Will someone investigate? Who will investigate? The answer is no one. So I am going to propose, as I have previously, a Truman-type committee. Harry Truman, a Democratic Senator from Missouri, when we had a Democrat in the White House, said: I am going to investigate waste, fraud, and abuse in the military. And he found it.

We need an investigation here, and we should have a special committee of the type of the Truman committee. I will offer that amendment once again.

We cannot sit idly by and suggest nothing wrong is happening. This is serious. It ought to be taken seriously. It undermines, in my judgment, those who fight the wars, the men and women who wear America's uniform and go, when asked by the Government, to fight. The least we can do is make certain they are not being fed outdated food, that contractors are not shortchanging them in a range of ways, and make sure the taxpayer isn't being bilked.

We have had testimony about how we paid to put an air conditioner in a building in Iraq, and then it goes to a subcontractor, and eventually goes to another subcontractor, and another one, and pretty soon that room gets a fan and we get charged for an air conditioner. The American taxpayer just gets shafted, and our troops are ill served.

There is so much waste, fraud, and abuse that it is unbelievable.

I will offer these amendments: on the issue of the Truman committee, on the issue TV Marti, and also I may offer my amendment on the issue of the purchase of Unocal by CNOOC.

#### SEXUAL PREDATORS

Mr. DORGAN. Mr. President, I want to mention an issue dealing with sexual predators. We are now hearing, as I did this morning on the news, more information about Mr. Joseph Duncan. He is a violent sexual predator. He raped a young boy at gunpoint and went to prison for 20 years for that crime. He was then released, and went to live in North Dakota. Duncan has now been charged in Idaho with multiple counts of murder and with the abusing of two young children that he kidnapped.

This is a man who, just some months ago, in the month of April, was hauled into an American court in the State of Minnesota, charged with molesting a 6-year-old boy, having had the record of violently raping at gunpoint a teenage boy some long while before. But we are told that the judge in Minnesota did not know this person's previous history. So after walking into a Min-

nesota courtroom, being charged with molesting a 6-year-old, despite his previous history, Mr. Duncan was allowed to post \$15,000 bail and was gone. Now children have been abused and kidnapped by this violent sexual predator. People are dead.

I have introduced a bill called Dru's law. I will put up a picture of this beautiful, young woman, Dru Sjodin. She walked outside of a shopping center in Grand Forks, ND, one night and, similarly, a violent sexual predator, Mr. Rodriguez, allegedly abducted her and murdered her.

Let me tell you about Mr. Rodriguez. Mr. Rodriguez is a man who served 23 years in prison for a violent sexual crime. When released, he was judged by the psychiatrist and psychologist to be at the highest risk for reoffending. He was let out of prison after 23 years. No monitoring at all. At the prison door, it is: So long, see you, hope you do well.

Within 6 months, this man allegedly abducted and murdered this wonderful young woman, a student at the University of North Dakota.

Now, Martha Stewart went to prison, and when she was let out, she was required to wear an electronic bracelet around her ankle so that they knew her whereabouts. I believe she still wears an electronic bracelet. But Joseph Duncan didn't wear an electronic device. And Mr. Rodriguez didn't wear an electronic device.

What is happening in this country—especially with violent sexual predators—is just shameful. We know what causes this, who does it. In most cases, they have been in the hands of law enforcement and the criminal justice system and they have been let out. We know also that over 70 percent of the violent sexual predators will reoffend and, in most cases, will reoffend more violently.

As a result of that, some long while ago, I introduced Dru's law, named after this young woman, Dru Sjodin. It would do three things: One, establish a national registry of sexual predators. There is not now one. There are State registries, but there is no national registry that you can search to find out who lives near you, regardless of state lines.

Second, if a high-risk sex offender is about to be released from prison, there must be notification of the local State attorneys so they can, if they wish, seek additional civil commitment and incarceration.

Third, if a high-risk offender is, in fact released, they must have high-level monitoring upon release. We just cannot allow these people—the violent sexual predators—to end their term, or to come into court on a new charge and to walk back out on the sidewalks to terrorize other innocent Americans.

The Senate passed Dru's law last fall. It didn't get through the House, so I have to start over. I am proud to tell you that ARLEN SPECTER, chairman of the Judiciary Committee, is a cospon-

sor, and ORRIN HATCH, the previous chairman of the Judiciary Committee, has been very supportive of this bill. We have bipartisan cosponsorship. I hope next week we will, by consent, move Dru's law through the Senate again and send it to the House. We must address these issues.

In April, I held a town meeting about the issue of sexual predators in Fargo, ND, which, coincidentally, is where Mr. Duncan was living. I called up on the North Dakota Registry of Sexual Predators for the names of these people living within 2 miles of where I was having the meeting. I told the people at the meeting I want to know that there is this violent offender within blocks of where we are holding this meeting. Here is what I had. I had this piece of paper. I told them about this sexual predator, and his rape of a 14-year-old boy at gunpoint and the burning of his victim.

The fact is, this man was not some stranger with no record.

Then Mr. Duncan went to court on the charge of molesting a 6-year-old boy in another state, and was allowed to post \$15,000 bail because the judge apparently wasn't aware of his record. The judge should certainly have been apprised of his record.

In fact, we cannot any longer—from California, to Texas, to Florida, to Idaho, to North Dakota—continue to see violent sexual predators let out of prison in circumstances that are so much more lenient than that which was required of Martha Stewart when she finished her incarceration. That makes no sense.

Mr. President, I hope that next week perhaps we will have the opportunity by consent to move the legislation, with the support and active cosponsorship of ARLEN SPECTER, chairman of the Judiciary Committee, and also with the support of Senator HATCH, Senator LEAHY, and many others. If we do this, I think we will send hope to all of those who have asked this Congress to take action to do the right thing. I hope that perhaps by this day next week, I am able to say we have been successful in moving that legislation and, hopefully, we can move it to the House and get the President to sign this very important piece of legislation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

#### VIOLENCE IN CONGO

Mr. DEWINE. Mr. President, I want to call attention to and condemn the recent deplorable violence in the Democratic Republic of the Congo. Last Saturday, almost 50 people, mostly women and children, were quite literally burned alive in eastern Congo because of their support for the U.N. peacekeeping mission there. While many of the men in the village fled, the victims—again, the vast majority

women and children—were herded into huts and locked inside while the huts were then set on fire.

The perpetrators of this heinous act were Rwandan rebels who, after the 1994 genocide in Rwanda, fled to the eastern Congo to avoid prosecution for their genocidal actions. Since then, they have roamed the eastern Congo with impunity, spreading death and misery in their wake.

During Saturday's brutal massacre, the rebels taunted their victims, telling them to call on their U.N. saviors to rescue them. "Call on your U.N. saviors if you want to be rescued," they said. But the problem was that the U.N. peacekeepers were not there. They were not there when those women and children needed them the most.

We have to condemn the rebels. What they did was indescribably brutal. But we, also, in the international community have a responsibility to protect the victims, and the international community failed. We have sent the world's largest U.N. peacekeeping mission into the Congo. Yet the violence and instability continues. Sexual scandals in the Congo and elsewhere show that peacekeepers cannot be trusted with the very people they are designed to protect. In addition, peacekeepers often avoid danger, abdicating the responsibility to protect at the very moment they are most needed. I don't want my colleagues in the Senate to think this is an isolated critique of the U.N. peacekeeping mission in the Congo which, in its defense, has been more active in the past few months. This is really an endemic problem, as shown by the 1995 massacre of some 8,000 men and boys in Bosnia by the Bosnian Serb army. The U.N. peacekeeping force was simply unable to protect them. Because of the U.N. peacekeeping mission's failure, 8,000 innocent people lost their lives.

Mr. President, I can also speak at length about the current failures of U.N. peacekeeping in Haiti.

In Haiti, despite a robust U.N. peacekeeping mission that is twice as large as the successful multinational force that includes United States troops that kept the peace immediately following President Aristide's departure, today violence and chaos reign in Haiti. U.N. peacekeepers in Haiti are called *turistas* because they are found more often on the beaches or in local restaurants and bars than actively protecting the people of Haiti.

The U.N. originally argued the problem was more troops were needed. But the quantity is not the problem in Haiti, nor in the Congo. As I mentioned before, Congo hosts the world's largest U.N. peacekeeping force, and the U.N. peacekeeping force in Haiti is twice as large as the contingent of United States, French, and Canadian soldiers who were very effectively able to keep the peace immediately after Aristide left. The problem then is quality. The problem is what they are doing. The problem is what they are not doing.

I certainly do not want to imply all peacekeepers are doing a bad or inadequate job. There are many brave individuals who make up the peacekeeping forces. Some countries certainly have an exemplary reputation for sending competent peacekeepers, but there are far too few quality peacekeepers. It is inconsistent.

The bottom line is the United Nations needs to take a long, hard look, and that all countries in the international community need to take a long, hard look at the peacekeeping missions to ensure that every peacekeeper in every peacekeeping mission is willing to protect and engage.

"Protect and engage" should be the motto of the U.N. because no international mandate is more important than the responsibility to protect innocent civilians.

We know, of course, the United States cannot afford to send U.S. troops—certainly the best in the world—to every single conflict in every single region. That is why we have U.N. peacekeepers, for which we pay a significant amount of money. We pay a significant percentage of the cost of U.N. peacekeepers.

We have peacekeepers so the international community can collectively respond to threats to international peace and security. But simply sending peacekeepers is not enough if they are not going to protect the innocent and engage the wicked. We must demand more from the peacekeepers or we will face the consequences of failed states.

Mr. President, I will come to the floor in the near future and talk at greater length about Haiti and the crisis that is occurring in Haiti. Today I simply want to spend another moment to talk about the peacekeepers.

I had the opportunity to be in Haiti—I have visited Haiti many times—when our U.S. troops were down there shortly after President Aristide left. In my career in the Senate, I don't know anything that has made me prouder to be an American than to see our United States troops in Haiti, to walk the slums of Port-au-Prince with our troops, to see young children come up—run up—these poor children who have absolutely nothing in the world, to run up to our troops and see the relationship between those troops and those children.

When our troops went to Haiti, they did it the right way. They engaged in civil work. They helped clear the sewers. They helped clear the open sewers we find in City Soleil, the worst slum in Port-au-Prince. They would go out and set up clinics to help children and adults with their medical needs. They brought medical care to people who had not seen medical care. At the same time, they brought order and stability. They made City Soleil an example. In a slum in Port-au-Prince of 300,000 to 400,000 people, they brought order and peace, something the people living there have never seen before. The humanitarian groups working in City

Soleil tell me this was the first time they have really seen peace, when our troops were there.

I talked with the U.S. commanders. Our troops were about to leave, and the U.N. peacekeeping mission was about to come in. Our U.S. commanders told me: Senator DEWINE, we are telling the U.N. commanders when they come in, they better take charge immediately. They better let the gang leaders, the thugs, and the people who will cause the problems know who is in charge, and they better let them know immediately because if they do not, we are going to tell them there will be chaos, the violence will return, and death will return to Haiti.

That is what they told the U.N. peacekeeping mission. Tragically, the U.N. peacekeepers apparently did not listen. They did not take charge and chaos has returned.

Many of us have urged the U.N. and the peacekeepers there and the countries involved to be more aggressive with the thugs to help the people of Haiti, to help restore order. But it is not that simple. The U.N. engaged in a mission on July 7, I believe it was, in City Soleil where they tried to deal with one gang leader, a gang leader who had been causing a lot of problems. They did, in fact, deal with him. They killed him. But by the reports I have received from my sources in City Soleil, they also killed 50, 60, 70 civilians, a horrible botched operation, from everything I can tell, at least, and I am still trying to find out exactly what happened.

So it is not just a question of getting tough, it is a question of doing it the right way. It is a question of going out, being among the people, working with the people, having good intelligence, knowing what is going on, and then acting against the people who would rain havoc on the community.

There are a million things wrong with Haiti—a port that does not work, not enough food, electricity that is not on, a government that is struggling. But nothing will work in Haiti, nothing can be done in Haiti unless there is some order, unless there is some security. Haiti today is on the brink of chaos. The United States and the international community are going to have to do something about it.

We are coming very close to the point where the United States, whether we like it or not, is going to have to send troops back to Haiti. No one wants to hear it now. No one wants to talk about that. But that is the situation that is fast approaching.

I will be back on the Senate floor in the next few days to talk more about that, but what we see today is a failed U.N. mission and a very dangerous situation in Haiti. People may ask, Why do we worry about Haiti? Why do we care about what is going on? We care from a humanitarian point of view—8 million people in Haiti who starve every day, people who die from violence every day. We should care about

the children who are down there. We should care about the innocent people.

If we do not care about that, we should care because Haiti is on our doorstep. Haiti is not going to go away. It is there. We should be concerned about it. We should be concerned because Haiti is becoming a transshipment area for drugs into the United States. And we should be concerned because of the boat people who could begin to float back up to Miami where our Coast Guard will again have to turn them around.

So Haiti is of significance to the United States. It always will be because of its geographical location. We will always have to be concerned. We have had U.S. troops down there twice in the last decade. In the last century, we have been involved numerous times. Unless the situation changes quickly in the next several weeks, we are going to have to be involved again.

### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS DEVIN GRELLA

Mr. DEWINE. Mr. President, I come to the Senate floor this afternoon to pay tribute to a brave soldier and fellow Ohioan. PFC Devin Grella from Medina lost his life on September 6, 2004, when an improvised explosive device struck his vehicle near Qarrayah, Iraq. Devin was 21 years old.

When I think about the dedication of our men and women in uniform, I am reminded of something President Ronald Reagan once said about the devotion to freedom. This is what he said:

Freedom is a fragile thing, and it is never more than one generation away from extinction. It is not ours by inheritance. It must be fought for and defended constantly by each generation, for it comes only once to a people.

Devin embodied the spirit of freedom President Reagan so eloquently described. He sacrificed his life so we can continue to be free and so the people of Iraq can have the chance to know the freedoms we hold so dear. His dedication to and love for his country knew no bounds.

Growing up in Medina, Devin loved music and he loved to play the violin, the piano, and the guitar. As one of four boys, Devin was also known for his outgoing personality. Devin's brother Darrin remembers his brother as always having a good time.

Devin attended Medina High School his freshman, sophomore, and senior years, and Archbishop Hoban High School for his junior year. He was a very actively involved student who sang in the choir, ran cross country, and played on the lacrosse team with his younger brother Drew. Lacrosse coach Pat O'Brien described Devin as "a good athlete and a strong kid whom the other players looked up to. You could tell he was having the time of his life when he was on the field."

Off the field, Devin was known for his playful personality. Brother Darrin described the time when Devin intro-

duced himself to Cleveland Cavaliers star LeBron James as "Debron James," since James was his middle name. Known to family and friends as "Deuce"—a reference to his favorite number—Devin was a great guy to have around.

After graduation in 2002, Devin worked at Donato's Pizza, a local restaurant. Adam Stout, a manager at the restaurant, described Devin as a hard worker and a great morale booster who would like to laugh, tell jokes, and make other people laugh.

Indeed, wherever he went, Devin made people smile. He wanted to earn money for college, and out of a sense of patriotism and with a dream of becoming an officer, Devin joined the Army Reserves in December 2003. He was assigned to the 706th Transportation Company out of Mansfield, OH. After completing basic training, Devin was deployed to Iraq in June 2004.

While serving overseas, Devin made a lasting impression on his superiors. Platoon leader 2LT Timothy Searcy noted that Devin was "very motivated and dedicated to his job. He set an example."

Army MAJ Willie Harris described Devin as a dedicated soldier "who was always willing to take on a challenge . . . and who believed in what he was doing."

Devin was doing extremely dangerous work. In Iraq, Devin and his unit were tasked with delivering fuels and supplies to U.S. troops, including during heavy combat with U.S. troops and insurgents at Najaf. He regularly sent e-mails to his family, many of which describe the constant threat of roadside bombings and firefights.

Tragically, a roadside bomb took the life of this brave young man. An IED exploded near Devin's convoy when his unit was resupplying other troops. On that tragic day, our Nation lost a great soldier. More importantly, Donna and Dennis Grella lost a great son; Dustin, Darrin, and Drew lost a great brother; and so many others lost a great friend.

In an e-mail message posted on an Internet tribute to Devin, friend Adam Feeks, from Medina, wrote the following to Devin:

I remember meeting you for the first time in 3rd grade on the basketball court. We became the best of friends shortly thereafter, and our days of watching the Bulls and Cavs games together are days I will never forget. Our unhealthy, but fun obsessions with Mark Price and Michael Jordan will last a lifetime. The memories we shared will never be forgotten. . . . I remember the last thing I said to you. I told you how proud I was of you, and how much I loved you, and that you could tell me all about it when you get back. That day will not come anytime soon. Just know I think about you all the time. Anytime I pick up a ball or step on the football field, it is for you. In my heart is where I keep you friend.

Devin's father, a former Marine, said this about Devin: He loved his church. He loved his family. He loved his country." Dennis also said that the key thing that must be learned from his

son's death is how brave and valiant [Devin] was to give, so that we—you and I and all of us—can have freedom."

Devin's mother remembers her son's enthusiasm and love for life. She remarked that her family's faith helps them find peace. She knows that Devin's death "is just a separation." She said, "We will be together again. It helps you go on. You know you will see him again."

At the service held in Devin's honor at the Medina chapel of the Church of Jesus Christ of Latter-day Saints, Devin's older brother, Darrin, decided to address the crowd because he wanted people to know about his brave and heroic brother. Darrin reflected on a conversation with Devin about his plans to join the Army Reserves and emphasized how proud he was of his brother. He told those gathered that it was an honor to have been [Devin's] brother."

It was indeed an honor for all those who knew Devin. He touched countless lives. Though words will never be enough to express our gratitude for Devin's sacrifice, a simple phrase on his gravestone is able to describe his life and this is what it says: Devin James Grella . . . Loves his Mom/Loves our God/Called to serve.

ARMY SPECIALIST JESSE BURYJ

Mr. President, I rise today to honor a fellow Ohioan, a young man from Canton, whose courage and selflessness knew no bounds. On May 5, 2004, Army SPC Jesse Buryj gave his life to protect his fellow soldiers, to protect the American people, and to protect Iraqis whom he barely knew. He was 21 years old.

Jesse Buryj enlisted in the Army as a way to help him pursue a dream, and that was the dream of someday becoming a police officer. The creed of any police officer is to serve and protect. Jesse didn't just pledge that motto, he lived by it.

Jesse grew up playing kickball and baseball in the street with the other kids of his tight-knit community. Like many active young boys, Jesse experienced his share of broken bones and knocked out teeth. His mother, Peggy, recalls that the nurses in the emergency room at Mercy Medical Center knew him well.

Jesse stood apart, though, from many of the boys his age. He was a particularly well-mannered, well-rounded young man. Angela, Jesse's sister, remembered that her little brother wouldn't wait to be found out if he did something wrong. He used to go ahead and tell on himself.

Jesse attended Canton McKinley High School and was a Bulldog to his core. He played the baritone in the school band, where, on several memorable occasions, he left his indelible mark. Jesse was the first baritone to dot the "I" in the school's Script Ohio formation and was a sight to see at the Massillon-McKinley football game when he draped himself in Christmas lights.

Though dedicated to the band, Jesse didn't spend all his time during practices concentrating on the music. A certain piccolo player, named Amber Tichenor caught his eye. It didn't take long before the two became high school sweethearts. Those around them noticed that they seemed meant for each other right from the start of their days together in the band, so much so that their band director, Ed Arrington, married them in October 2003.

Jesse looked forward to his life together with Amber, still holding onto the dream he had cultivated since the third grade of becoming a police officer in the same department where he served as a cadet throughout high school. Jesse knew that he would not be old enough upon high school graduation to attend the police academy. Not deterred by this, he decided to enlist in the Army to gain experience as a military police officer first. Jesse enlisted in the Army and became an MP.

Family and friends recalled how committed Jesse was to training the summer before his enlistment. He wanted to enter the service as ready as he could be. In September 2002, he was placed with the Army's 66th Military Police Company stationed in Fort Lewis, WA. Before his deployment to Iraq, Jesse worked as a guard at the Pentagon and trained as a paratrooper. While in Iraq, Jesse guarded military checkpoints.

During his all too brief life, Jesse made a huge impact on his friends at home and on his fellow service members. That was very clear to me upon reading several of the e-mail messages that people posted on an Internet tribute to Jesse following his death in Iraq. I would like to read from two of the many e-mails.

SGT Michael D'Saachs from the Military Police Company in Fort Lewis wrote the following:

It's been a year since you were taken from our brotherhood. I will never forget you, my friend. I hope that you will watch over all of us and keep us safe. I never got to thank you for all the tips you gave me before I went to school. We all miss you.

A friend named Matt had this to say:

Jesse—you were the best friend anyone could ask for. I still cannot believe you are gone. Thank you for listening to me when I had problems. Nobody will ever replace you as my battle buddy or best friend. I love you and cannot wait to see you again.

During the military ceremony held in his honor, Jesse's commanders repeatedly spoke of his bravery and sense of responsibility. GEN Dennis Moran said that "as a military police officer, his first job was to serve and protect. He trusted his life to those soldiers as they trusted theirs to him."

Lieutenant Colonel Tatum also spoke fondly of Jesse saying that he gave no ground and showed no fear.

Matthew Beadoin, the best man at Jesse's wedding, described his closest friend as the "bravest person, friend, and soldier [I've] ever known." Others recalled his immense compassion and how much fun he was to just be around.

In memory of this true American hero, the flag was lowered to half-staff at Canton McKinley High School and a memorial to Jesse was placed in the band room. During the funeral procession, members of the community lined the street to show their support for Jesse's family.

I conclude my remarks by reading from an e-mail message that Allen Vandayburg of Mansfield, OH, left on that Internet tribute for Jesse. I have met Allen Vandayburg. I met him and his wife when I attended the calling hours for their 20-year-old son, Army SPC A.J. Vandayburg, who was killed in Iraq a short time before Jesse.

He wrote the following:

We are so sorry for your loss. . . . We also know [your] pain. We lost our son in Iraq. There are no words and the pain is forever, but just know you are not alone in your grief, as we well found out. Not only did we lose a child, but America lost a hero. I am a police officer, and it sounds like Jesse would have made a fine Officer, as we already know he was a great soldier. Remember—you are not alone.

My wife, Fran, and I continue to keep Jesse's wife, Amber; his parents, Steve and Peggy; and his sister, Angela, in our thoughts and in our prayers.

STAFF SERGEANT OMER T. HAWKINS

Mr. President, I rise this afternoon to pay tribute to a fellow Ohioan and a true American hero. On October 14, 2004, SSG Omer "O.T." Hawkins, from Cherry Fork in Adams County, gave his life in service to our Nation. He was killed when an improvised explosive device detonated near his vehicle outside Ar Ramadi, Iraq. O.T. was 31 years-old.

When we think about the sacrifices of our servicemen and women, we should remember what President Ronald Reagan said in his first inaugural address. He said that "no arsenal or no weapon in the arsenals of the world is as formidable as the will and moral courage of free men and women."

SSG O.T. Hawkins lived these words. He loved this country more than anything else and was proud to serve in protection of it. He knew the potential costs and dangers of military service, but he never shied away. Family and friends will forever remember O.T.'s dedication to the cause of freedom and his commitment to bringing that freedom to people around the world.

O.T. knew from a young age that he wanted to join the Army. When he was just 10 years old, he composed a three sentence letter to the Army written in cursive. In it, he wrote: Do you take 10 year-old boys? If you do, I will come and sign up. Please, can I join?" O.T. asked his mother, Lisa, to mail his letter. Instead, she safely tucked it away into her Bible.

O.T.'s mother still has that letter today, 22 years later.

When O.T. was a kid, even the games he played were geared toward joining the military. His friend, Russell Todd, knew O.T. since their days in elementary school together. He remembers

that all O.T. ever talked about was joining the Army. The two young boys used to play war games on a hill outside Cherry Fork.

At North Adams High School, O.T. was known as a quiet kid, but one who enjoyed the occasional prank and practical joke. Russell Todd also remembers the time the two decided to ride the carousel horses at K-Mart, at 4 in the morning. Though he loved to have fun, O.T. also had a serious side, being voted as "most likely to succeed" by the rest of his senior class.

O.T.'s teachers describe him as that rare student who could combine humor with intellect and determination. History teacher, Tom Breeze, remembers O.T. as a scholar and voracious reader, who would skim through an almanac or encyclopedia "looking for bits of information because he just liked to learn." O.T. played baseball and was on the debate team. And, though he could have pursued just about any career he wanted after high school, the military remained his number one love and life-long goal.

Just 2 days after his high school graduation and 8 years after he wrote that priceless letter to the Army expressing his desire to join, O.T. enlisted in the Army. Not only was he following his dream, O.T. was following in the footsteps of his father, William, who had been an engineer with the Marines until he passed away from a brain aneurysm in 1977.

Once in the Army, O.T. was recognized by his superiors as a passionate and capable soldier. Having served on tours of duty in Afghanistan, Bosnia, Egypt, Kosovo, and Somalia, O.T. was a deeply respected and beloved superior. As a member of the 44th Engineer Battalion, 2nd Infantry Division, stationed in Camp Howze in Korea, O.T. saw it as his mission to keep his men safe. After all, O.T. considered his comrades to be family. His fellow soldiers felt the same.

Army Specialist Justin Malzac wrote the following in an email message posted on an Internet tribute to O.T. after his death:

I had the honor to serve in the same company and platoon as Staff Sergeant Hawkins. His aura always gave great hope to his soldiers. He was a stunning leader and a great man, I am just thankful to have known him. He has left a permanent impact on me. Rest in peace, "Mother Hen."

O.T. Hawkins' life was tragically cut short less than 2 weeks into his deployment as platoon leader. When he died, Our Nation lost a great soldier. But, more importantly, O.T.'s family lost a great son, brother, and uncle.

I had the privilege of meeting O.T.'s family and friends at the memorial service held in his honor. I want to thank them for sharing their memories with me. After speaking with them, it is clear that this extraordinary young man believed in his service and lost his life doing what he truly loved. I know that O.T. lives in their memories.

His mother, Lisa, fondly recalls that when O.T.'s nephew was born, O.T.

tucked a tiny American flag into the baby's curled fist.

His brother—Missouri National Guardsman, James "Buck" Hawkins—will cherish the letters O.T. sent in support of his duty and service to our Nation.

His sister, Cherry, will remember the brother she treated more like a son.

They all find solace in knowing that O.T. now peacefully rests alongside another great man and dedicated serviceman—O.T.'s dad, William.

We will never forget SSG Omer T. Hawkins.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HOMELAND SECURITY APPROPRIATIONS

Mr. BYRD. Mr. President, I opposed the Ensign and McCain amendments Nos. 1219 and 1171 to the Homeland Security Appropriations bill, H.R. 2360.

These amendments would have shifted \$566 million from grants for first responders, including our State and local police officers, firefighters, and emergency health providers, to provide for an increase in detention beds and border security personnel. Those cuts in first responder funds would have been in addition to the \$467 million in first responder cuts already included in the underlying bill, resulting in a cut of 43 percent below fiscal year 2005. Such a cut in funding for equipping and training our first responders at a time when the Nation is at risk of a terrorist attack would not be appropriate. In addition, the Ensign amendment would have provided new spending power to the Homeland Security Secretary, which is not necessary or appropriate.

Having successfully sponsored an amendment to the fiscal year 2005 Iraq supplemental that added 500 Border Patrol agents, 218 immigration investigators, and detention officers, and 1,950 detention beds, and having worked closely with Chairman GREGG to see that the underlying bill includes robust funding for our border security, I know that such efforts can be achieved without cutting vital funds for our first responders or providing new spending authority to the Secretary of Homeland Security. Indeed, if the amendments were adopted, the funds would likely have sat in the Treasury because the Department could not hire and train more personnel than the levels provided in the committee bill.

That is why I, along with a bipartisan majority of the Senate, joined with the chairman to oppose these amendments.

Mr. FEINGOLD. Mr. President, I want to add my thoughts to the debate

on the Department of Homeland Security appropriations bill for fiscal year 2006.

First, I want to preface my remarks by applauding the chairman and ranking member of the Homeland Security Appropriations Subcommittee for their work on this important bill. They worked within very difficult constraints and had to make incredibly difficult tradeoffs in deciding where to place our homeland security spending priorities. The fight against terrorism is our number one priority and this appropriations bill is a key component in that fight.

We have been debating this important bill in the aftermath of the recent terrorist attacks in London. Those horrible attacks served as yet another reminder of the importance of working with our allies to defeat terrorist networks. This tragic event also reminds us of how much we rely on our first responders and the employees of the Department of Homeland Security to keep us safe. I want to thank these brave men and women who work daily to protect this Nation. They are on the front lines of the fight against terrorism. They are the ones who are called on to stop and respond to any future attack upon our Nation. This bill includes important resources these brave men and women need to perform their critical tasks.

I was pleased that the Senate adopted my amendment requiring the Department of Homeland Security to report to Congress on its use of data-mining in fiscal year 2006. This amendment will provide the American people with critical information about the use of and plans for data-mining technology and the way highly personal information, like credit reports, travel records and other personal information, may be obtained and used by our Government. This amendment will not stop any data-mining—it simply requires the Department of Homeland Security to report to Congress on any data-mining programs it is using or developing and how these programs implicate the civil liberties and privacy of all Americans. With complete information, the American people will be able to make considered judgments about which programs should and should not go forward.

I was also pleased that the Senate adopted an amendment that I cosponsored that was offered by Senator VOINOVICH. This amendment increases funding for Emergency Management Performance Grants, EMPG, by \$10 million to \$190 million, which is \$20 million more than requested by the President. The EMPG program is crucial in assisting State and local officials in preparing for all-hazards emergencies. The program provides emergency managers with the resources they need to increase coordination and planning so that if an emergency occurs, State and local officials will respond much more efficiently and effectively. Although this boost in funding

does not fully address the \$264 million shortfall identified last year by the National Emergency Management Association, it is an important step in the right direction.

Unfortunately, not all of our first responder programs fared as well. Many, including firefighter grants and State homeland security grants, were significantly cut. This bill also has less funding for transit security than last year's Senate bill and bipartisan efforts to increase that funding to levels authorized by the Senate last year unfortunately failed. Although I am very disappointed with the major cuts to first responder programs and the failure to increase transit funding, I believe this bill accomplishes a lot within the budgetary constraints in which it operates. It goes a long way towards improving our border security and to combating the multitude of evolving threats faced by our Nation. However, I regret that it does not go far enough.

Let me explain. I strongly agree with the distinguished chairman when he said that Congress must decide on the budget priorities within the context of a reasonable budget for national defense and homeland security. We must answer the question: Do our national security budget priorities most effectively address the threats we face? I believe that this homeland security bill does a reasonably good job within its limited budget allocation. However, within the broader context of our overall national security spending, our priorities are abysmally out of touch with reality. For example, we continue to spend \$8 billion to \$10 billion a year on an unproven missile defense system. Those figures suggest that this troubled program is almost twice as important to our Nation's security as Customs and Border Protection, three times more important than the entire Transportation Security Administration, and three times more important than the combined funding for our first responders, ports, transit, and rail security. It is time to take a broader view when it comes to our national security budget priorities and make the tradeoffs that must be made.

I supported several amendments that would have added funding for critical security needs not fully addressed in this bill. I must point out again this year that I do not take lightly my decision to vote in favor of spending more money. Fiscal responsibility is one of my highest priorities and I constantly look for ways to limit government spending. I am honored that the Concord Coalition and others have recognized me for my efforts in this regard. Although fiscal responsibility remains one of my top priorities, it is imperative that we provide the resources needed to combat terrorism.

I voted for this bill because it provides funding for many important security needs. However, our Nation's vulnerabilities demand more and I will continue to work to ensure that our vital homeland security needs are met.

STOPPING GUN VIOLENCE THROUGH PUBLIC  
AWARENESS

Mr. LEVIN. Mr. President, I would like to make my colleagues aware of one of the many organizations working to bring an end to the gun violence problem in this country, the PAX organization based in New York City. According to their Web site, PAX is "the largest non-political, nonprofit organization dedicated to ending the gun violence epidemic in America." As part of its public health campaigns, PAX promotes commonsense solutions to help protect families, teenagers, and children from the tragedy of gun violence.

One national program run by PAX, known as the Asking Saves Kids or ASK Campaign, encourages parents to simply ask other parents if there are guns in the homes where their children play. According to statistics cited by the ASK Campaign, more than 40 percent of households with children have guns. In the overwhelming majority of these households, the child also knows where the gun is hidden. Using public service advertising and grassroots education, the ASK Campaign is working to prevent accidental shootings involving children by encouraging parents to take common sense steps to protect their children. The ASK Campaign is a partnership between PAX and the Academy of Pediatrics and is supported by more than 400 organizations nationwide including the American Medical Association, the American Federation of Teachers, the National Education Association, the Children's Defense Fund, and the Police Executive Research Forum.

According to PAX, in 75 percent of the school shootings in our country, the attackers told other students of their plans prior to the attack. In addition, PAX states that students bring more than 100,000 guns to school every day. To help address these issues, PAX has created the Speak Up Campaign. The centerpiece of the campaign is a national hotline, 1-866-SPEAK-UP, where children and teenagers can call to anonymously report threats involving weapons at their school. Since the creation of the hotline in 2002, the Speak Up Campaign has received more than 5,000 calls which were then passed along to appropriate law enforcement officials. To increase public awareness of school violence prevention and the Speak Up hotline, the campaign has created an outreach program for schools and other community organizations. PAX has also partnered with various cable networks including MTV, NBC, ABC, and CBS to help reach children, teens, and parents with its message.

I thank the PAX organization and their partners for their work to end gun violence. Their commonsense approach provides families with practical solutions to help protect themselves from the tragedy of gun violence. I am hopeful that the 109th Congress will do more to support their efforts by taking up and passing sensible gun safety legislation.

INTRODUCTION OF BILLS AND  
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Ms. SNOWE, Ms. CANTWELL, Mr. BOND, Mr. BURNS, Mr. LEAHY, Mr. JEFFORDS, Mr. CARPER, Mr. BINGAMAN, and Mr. ROCKEFELLER):

S. 1411. A bill to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DORGAN:

S. 1412. A bill to prohibit the merger, acquisition, or takeover of Unocal Corporation by CNOOC Ltd. of China; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 1413. A bill to redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza; considered and passed.

By Mr. HATCH:

S. 1414. A bill to provide for the conduct of a study of the suitability and feasibility of establishing the Trail of the Ancients National Heritage Area in the Four Corners region of the States of Utah, Colorado, Arizona, and New Mexico; to the Committee on Energy and Natural Resources.

## ADDITIONAL COSPONSORS

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 969

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 1089

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1089, a bill to establish the National Foreign Language Coordination Council to develop and implement a foreign language strategy, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1174

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1174, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 1249

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was withdrawn as a cosponsor of S. 1249, a bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005-2006.

At the request of Mr. CORZINE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1249, supra.

S. 1265

At the request of Mr. VOINOVICH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitably matched to donors of bone marrow and cord blood.

S. 1325

At the request of Mr. FRIST, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1325, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1388

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1388, a bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

S. 1399

At the request of Mr. THOMAS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1399, a bill to improve the results the executive branch achieves on behalf of the American people.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Ms. SNOWE, Ms. CANTWELL, Mr. BOND, Mr. BURNS, Mr. LEAHY, Mr. JEFFORDS, Mr. CARPER, Mr. BINGAMAN, and Mr. ROCKEFELLER):

S. 1411. A bill to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I am pleased to join my distinguished colleague from Maine and Chair of the Small Business and Entrepreneurship Committee, Senator OLYMPIA J. SNOWE, in reintroducing the National Small Business Regulatory Assistance Act. This bill has a long history of bipartisan support in Congress because of the critical assistance it provides to small businesses.

Small businesses, particularly small businesses with very few employees, often are overwhelmed with the task of complying with Federal regulations, especially when implementation varies for different regions of the country, or from State to State. Many small businesses fail to comply with important and needed labor and environmental regulations not because they want to break the law, but because they are unaware of the actions they need to take to comply. In addition, small business owners are often afraid to seek guidance from Federal agencies for fear of exposing problems at their businesses.

One important way to help small businesses comply with Federal regulations is to provide them with free, confidential advice outside of the normal relationship between a small business and a regulatory agency. The Small Business Administration's Small Business Development Centers, SBDCs, are in a unique position to provide this type of assistance, with some 1,000 centers around the country, well-established relationships and visibility within local communities, and the trust of area small businesses.

Our bill establishes a 4-year pilot program to award competitive matching grants to 20 selected SBDCs, two from each SBA region, which would allow these SBDCs to provide regulatory compliance assistance to small businesses. The SBA would be authorized to award grants between \$150,000 and \$300,000, depending on the population of the SBDC's state.

Under our legislation, the SBDCs would need to form partnerships with

Federal compliance programs, conduct educational and training activities, offer free-of-charge compliance counseling to small business owners, and consult with the SBA's independent Office of Advocacy. The legislation will complement, not duplicate, current small business development assistance and expand upon existing regulatory compliance help.

The legislation we are reintroducing today uses only SBA funds and will serve to complement current small-business development assistance as well as existing compliance assistance programs. Versions of this legislation introduced in previous Congresses had used Environmental Protection Agency, EPA, enforcement funds to pay for these grants.

The SBA's independent Office of Advocacy estimates that small businesses with fewer than 20 employees—which make up 89 percent of all U.S. businesses—pay nearly \$7,000 per employee to comply with Federal regulations. This is nearly 60 percent higher than the cost to larger firms. While all small businesses should be complying with Federal regulations, the Federal Government should also do its best to ensure that the burden on small businesses is minimized, that small businesses are taken into account when new regulations are drafted, and that unnecessarily burdensome regulations are eliminated. In addition, the government should make sure that small businesses understand the regulations. Often, noncompliance is due to confusion not ill intent. By providing free, private regulatory assistance, we can increase compliance while decreasing the burden on small businesses.

Small-business owners have enough on their plates without worrying about complying with confusing regulations. This legislation will decrease the burden on small businesses by helping them cut through government red tape. Small businesses can succeed when it comes to complying with Federal regulations, if provided with the necessary tools and information. The National Small Business Regulatory Assistance Act will go a long way toward assisting our Nation's small businesses that want to comply with Federal regulations.

The legislation we are introducing today is nearly identical to the Kerry-Ensign legislation introduced last Congress. On the House side, the National Small Business Regulatory Assistance Act, H.R. 230, has been introduced and passed by Congressman John Sweeney of New York in each of the past three Congresses and was just approved by the Small Business Committee yesterday. In 2002, our Senate version passed the Committee on Small Business and Entrepreneurship but was not taken up by the full Senate.

I am pleased to say that we have the full support of the Association of Small Business Development Centers, which has been working closely with us to reintroduce the Senate version of this

legislation, as well as support from the National Small Business Association, the American Industrial Hygiene Association, and Congressman Sweeney.

I want to express my sincere thanks to Chair SNOWE for her hard work and support on this issue. I also want to thank our cosponsors, Senators CANTWELL, BOND, BURNS, LEAHY, JEFFORDS, CARPER, BINGAMAN, and ROCKEFELLER for their ongoing efforts to pass this important assistance. I urge all of my colleagues to support this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1411

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Small Business Regulatory Assistance Act of 2005".

#### SEC. 2. PURPOSE.

The purpose of this Act is to establish a 4-year pilot program to—

- (1) provide confidential assistance to small business concerns;
- (2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations derived from Federal law;
- (3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;
- (4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and
- (5) expand the services delivered by the Small Business Development Centers under section 21(c)(3)(H) of the Small Business Act to improve access to programs to assist small business concerns with regulatory compliance.

#### SEC. 3. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

- (1) ADMINISTRATION.—The term "Administration" means the Small Business Administration.
- (2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.
- (3) ASSOCIATION.—The term "association" means the association established pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of Small Business Development Centers.
- (4) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term "participating Small Business Development Center" means a Small Business Development Center participating in the pilot program established under this Act.
- (5) REGULATORY COMPLIANCE ASSISTANCE.—The term "regulatory compliance assistance" means assistance provided by a Small Business Development Center to a small business concern to assist and facilitate the concern in complying with Federal and State regulatory requirements derived from Federal law.
- (6) SMALL BUSINESS DEVELOPMENT CENTER.—The term "Small Business Development Center" means a Small Business Development Center described in section 21 of the Small Business Act (15 U.S.C. 648).

(7) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers.

(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—In carrying out the pilot program established under this section, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such Centers shall—

(A) provide access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990 (42 U.S.C. 7661f);

(B) conduct training and educational activities;

(C) offer confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations derived from Federal law, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;

(D) provide technical assistance;

(E) give referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator; and

(F) form partnerships with Federal compliance programs.

(2) REPORTS.—Each participating Small Business Development Center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Small Business Administration, as the Administrator may direct, a quarterly report that includes—

(A) a summary of the regulatory compliance assistance provided by the Center under the pilot program;

(B) the number of small business concerns assisted under the pilot program; and

(C) for every fourth report, any regulatory compliance information based on Federal law that a Federal or State agency has provided to the Center during the preceding year and requested that it be disseminated to small business concerns.

(d) ELIGIBILITY.—A Small Business Development Center shall be eligible to receive assistance under the pilot program established under this section only if such Center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(e) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(1) GROUPINGS.—

(A) CONSULTATION.—In consultation with the association, and giving substantial weight to the recommendations of the association, the Administrator shall select the Small Business Development Center Programs of 2 States from each of the groups of States described in subparagraphs (B) through (K) to participate in the pilot program established under this section.

(B) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(C) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(D) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Vir-

ginia, the District of Columbia, and Delaware.

(E) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(F) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(G) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(H) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(I) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(J) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(K) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(2) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 60 days after the date of publication of final regulations under section 4.

(f) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program established under this section.

(g) GRANT AMOUNTS.—Each State program selected to receive a grant under subsection (e) shall be eligible to receive a grant in an amount equal to—

(1) not less than \$150,000 per fiscal year; and

(2) not more than \$300,000 per fiscal year.

(h) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(1) not later than 30 months after the date of disbursement of the first grant under the pilot program established under this section, initiate an evaluation of the pilot program; and

(2) not later than 6 months after the date of the initiation of the evaluation under paragraph (1), transmit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(A) the results of the evaluation; and

(B) any recommendations as to whether the pilot program, with or without modification, should be extended to include the participation of all Small Business Development Centers.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) \$5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) \$5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program established under this section only with amounts appropriated in advance specifically to carry out this section.

(j) TERMINATION.—The Small Business Regulatory Assistance Pilot Program established under this section shall terminate 4 years after the date of disbursement of the first grant under the pilot program.

#### SEC. 4. RULEMAKING.

After providing notice and an opportunity for comment, and after consulting with the association (but not later than 180 days after the date of enactment of this Act), the Administrator shall promulgate final regulations to carry out this Act, including regulations that establish—

(1) priorities for the types of assistance to be provided under the pilot program established under this Act;

(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

(3) standards relating to any national service delivery and support function to be provided by the association under the pilot program;

(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the pilot program.

By Mr. DORGAN:

S. 1412. A bill to prohibit the merger, acquisition, or takeover of Unocal Corporation by CNOOC Ltd. of China; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, today I am introducing a piece of legislation that deals with the issue of a Chinese oil company called CNOOC, a state-owned corporation that has proposed to acquire a United States oil company called Unocal.

The purpose of my legislation—and I may well also offer it as an amendment to the Foreign Operations appropriations bill we will consider today and next week—is to prohibit the sale of Unocal Corporation to CNOOC. The legislation provides that notwithstanding any other provision in the law, the merger, acquisition, or takeover of Unocal Corporation by CNOOC is prohibited. Let me explain why I am introducing.

I bear no ill will toward the Chinese. China is an extraordinarily large country. The Chinese have an extraordinary rate of economic growth. They are very involved in the world economy. We have a large trade deficit, regrettably, with the Chinese. That has to do with a range of unfair trade practices and other things. We had a \$162 billion trade deficit with the Chinese in the past year. This year it is on track to top \$200 billion.

I understand what the Chinese are trying to do. They are trying to meet their future energy needs. They have four large state-owned energy companies. Their companies, including CNOOC, are attempting to acquire in many different ways opportunities to satisfy their energy needs. In attempting to acquire Unocal, they are attempting to acquire a U.S. corporation with substantial strategically important oil assets for our country.

The reason I believe we ought to prohibit the sale of an American oil company to a Chinese state-owned oil company is this: There is not and would not be reciprocal treatment. If a United States oil company or a United States company wanted to buy a Chinese oil company, it wouldn't happen. The Chinese Government wouldn't approve it. The four large oil companies in China are all state controlled, and as

a practical matter, the Chinese government is not about to approve that any of those companies be purchased by a foreign government or foreign company. There is no reciprocal opportunity for a United States corporation to acquire an oil company in China.

The Chinese Government is a Communist government. Its economy is emerging as market-driven economy under the umbrella of the Chinese Government. That causes a lot of tensions and interesting circumstances. The Chinese have joined the WTO. They have made all kinds of representations about opening their marketplace. But the fact is, once again, the largest oil companies, like most other major enterprises in China, are state controlled. It makes no sense that we would allow a Chinese state-controlled oil company to acquire, in this case Unocal, a United States oil company at a time when we would not be able to reciprocate and we would be prevented from acquiring a Chinese oil company if we wished to do so.

I don't know what the administration's position would be on this. They have a review process. To the extent that the review process takes place, I believe that review process ought to be expanded. But I hope we can avoid all of that by simply deciding as a Congress this is not something that meets our national interest. Our strategic, security, and economic national interest is not served by allowing this to happen.

I am introducing this legislation today, and I know that there are many Members of Congress who share my view that this is not a transaction that meets the strategic, security, and economic interests of this country. We must trade with China. China is an emerging nation with a very substantial imprint on the world economy. The free flow of commerce and market capital is important. I understand that. This legislation that I am offering is not in any way an attempt to send a message that we do not want good trade relations with China. But it is very much intended to send this message: reciprocal opportunities ought to exist in these transactions, and they would not and do not in this case involving CNOOC and Unocal.

It is also important to point out that the money with which CNOOC, a Chinese state-controlled oil company, would purchase a United States oil corporation would be in many ways attributable to deep subsidies by the Government of China for a state-owned enterprise in China that wishes to acquire a United States oil company.

For that reason I will introduce this bill today. I may well also offer it as an amendment to the appropriations bill on Monday.

By Mr. HATCH:

S. 1414. A bill to provide for the conduct of a study of the suitability and feasibility of establishing the Trail of the Ancients National Heritage Area in

the Four Corners region of the States of Utah, Colorado, Arizona, and New Mexico; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce S. 1414, a bill that authorizes a study necessary for establishing the Trail of the Ancients National Heritage Area in the Four Corners region of the States of Utah, New Mexico, Colorado, and Arizona. I am joined by Senators BENNETT, BINGAMAN, DOMENICI, and ALLARD as cosponsors of this bill.

The Four Corners region in the Southwestern United States contains many of the most stunning and well-preserved archaeological sites in our country. It also offers monuments, museums, and other attractions which draw visitors from all over the world. The rare archaeology of this part of the world combined with an awesome natural setting makes this a region like no other. With this bill we hope to lay the groundwork to give this region the attention that it so richly deserves.

Six years ago, Congress voted to support a partnership among these four States and the Federal Government in order to construct an Interpretive Center at the intersection of the Four Corners. This Center has recently opened and now provides a wonderful physical locus for travel in the region. Visitors to this spot can stop, rest, learn about the area, and purchase goods produced by the local Tribes.

The designation of the surrounding region as a National Heritage Area would complement this experience at the Center and is the logical next step. Designation as a National Heritage Area would provide geographic and interpretive coherence to the region's remarkable landscape and the amazing cultural sites dispersed within it. Designation as a National Heritage Area would give visitors to this area an experience that integrates land, people, and history in a meaningful way.

The Four Corners region is also home to the Navaho, Hopi, and Ute Indian Tribes, whose ancestors contributed to this remarkable heritage. Ancestral Puebloan Indians lived here from about A.D. 1 to 1300 and left many of the distinctive sites and structures that are visible today. The Navaho and Ute are descendants of these early peoples. The history of this area stretches even further back in time, to the Paleo-Indian era of at least 10,000 years ago. Remains from this era provide a glimpse into a way of life very different from today. The area also features sites that chronicle the more recent history of the region's native peoples, and of the immigrants who came to this area as our country expanded to the West.

This bill provides for the Secretary of the Interior to conduct the suitability and feasibility study in cooperation with the Four Corners Heritage Council. This Council is a critical partner in the study, and is prepared to take the lead in this task. The Council consists of members from all four States in the

Four Corners area. These members are appointed by the governor of each State and include representatives from the private sector, local communities, and the Tribes. We are fortunate to have such a well-established entity with a good track record of accomplishments to take on the study task.

The bill follows the new guidelines for National Heritage Areas recently passed by this body and was crafted in consultation with the National Park Service and the Four Corners Heritage Council. Once passed, this bill should move easily through the process to completion. Final designation of this area as the Trail of the Ancients National Heritage Area would link many of the cultural and recreational sites in the region for the benefit of local communities and visitors to the area. Designation of the area would not impose restrictions on private property or require acquisition of additional land.

S. 1414 is the first step in the national heritage area designation process. Designation of this area as the Trail of the Ancients National Heritage Area would give these remarkable historic treasures the national prominence they deserve, and would provide a structure for the State and local communities to promote heritage tourism and economic development. I urge my colleagues to support this bill.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1226. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1227. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1226. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table, as follows:

On page 326, between lines 10 and 11, insert the following:

##### SUPPORT FOR DEMOCRACY IN IRAN

SEC. 6113. (a) \$10,000,000 shall be made available to the Department of State for the President to provide, notwithstanding any other provision of law, financial and political assistance, including the awarding of grants, to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the awarding of grants to independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.

(b) Financial and political assistance may be provided under this section to any individual, organization, or entity that, as determined by the President—

(1) opposes the use of terrorism;

(2) advocates the adherence by the Government of Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) The President shall consult with the Committees on Appropriations of the Senate and the House of Representatives not later than 15 days before obligating funds for the provision of assistance under this section to any individual, organization, or entity.

(d) The amount appropriated by title V under the heading "GLOBAL ENVIRONMENTAL FACILITY" is hereby reduced by \$10,000,000.

**SA 1227.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, which was ordered to lie on the table; as follows:

On page 326, between lines 9 and 10, insert the following:

**TITLE VII—MULTILATERAL DEVELOPMENT BANK REFORM**

**SEC. 7001. SHORT TITLE.**

This title may be cited as the "Development Bank Reform and Authorization Act of 2005".

**SEC. 7002. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

(2) **GROUP OF 7.**—The term "Group of 7" means Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States.

(3) **GROUP OF 8.**—The term "Group of 8" means the Group of 7 and Russia.

(4) **MULTILATERAL DEVELOPMENT BANKS.**—The term "multilateral development banks" means the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank, the World Bank, and any subsidiary or affiliate of such institutions.

(5) **PERSON.**—The term "person" includes a government, a government-controlled entity, a corporation, a company, an association, a firm, a partnership, a society, and a joint stock company, as well as an individual.

(6) **SECRETARY.**—Except as otherwise provided, the term "Secretary" means the Secretary of the Treasury.

(7) **WORLD BANK.**—The term "World Bank" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Multilateral Investment Guarantee Agency and any subsidiary or affiliate of such institutions.

**SEC. 7003. ANTICORRUPTION PROPOSAL AND REPORT.**

(a) **PROPOSAL.**—The Secretary shall develop a proposal for a mechanism or program, that includes consideration of an anticorruption trust and of a set aside of

loans or grants, that could be established at the multilateral development banks—

(1) to assist poor countries in investigations and prosecutions of fraud and corruption related to a loan, grant, or credit of the multilateral development banks;

(2) to provide the means for hands-on prosecutorial training and education in order to better equip recipient countries to fight fraud and corruption; and

(3) to build the capacity of agencies in recipient countries to prevent fraud and corruption.

(b) **REPORT.**—Not later than September 1, 2006, the Secretary shall submit to the appropriate congressional committees a report on the proposal required by subsection (a).

**SEC. 7004. PROMOTION OF POLICY GOALS AT MULTILATERAL DEVELOPMENT BANKS.**

Title XV of the International Financial Institutions Act (22 U.S.C. 262o et seq.) is amended by adding at the end the following:

**"SEC. 1505. PROMOTION OF POLICY GOALS.**

**"(a) DEFINITIONS.**—In this section:

**"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

**"(2) MULTILATERAL DEVELOPMENT BANKS.**—The term 'multilateral development banks' means the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank, the World Bank, and any subsidiary or affiliate of such institutions.

**"(3) PERSON.**—The term 'person' includes a government, a government-controlled entity, a corporation, a company, an association, a firm, a partnership, a society, and a joint stock company, as well as an individual.

**"(4) SECRETARY.**—Except as otherwise provided, the term 'Secretary' means the Secretary of the Treasury.

**"(5) WORLD BANK.**—The term 'World Bank' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Multilateral Investment Guarantee Agency, and any subsidiary or affiliate of such institutions.

**"(b) TRANSPARENCY.**—

**"(1) PUBLICATION OF STATEMENTS.**—

**"(A) IN GENERAL.**—Not later than 60 calendar days after a meeting of the board of directors of a multilateral development bank, the Secretary shall provide for publication on the website of the Department of the Treasury of—

**"(i)** the justification for each vote by the United States Executive Director at the multilateral development bank on any policy, loan, grant, or credit before the board of directors of the bank; and

**"(ii)** any official position statement issued at the meeting by such United States Executive Director at the bank concerning—

**"(I)** a lending, grant, or guarantee operation which would result or be likely to result in significant social or environmental effects; or

**"(II)** an institutional policy or strategy of the bank, including operational policies, anticorruption policies, and sector or thematic strategies that were subject to public consultation or public comment period.

**"(B) REDACTED MATERIAL.**—The Secretary may redact material from the material to be made available under subparagraph (A) if the Secretary determines such material is too sensitive for public distribution.

**"(2) INFORMATION DISCLOSURE.**—The Secretary shall instruct the United States Exec-

utive Director at each multilateral development bank to use the voice and vote of the United States to make available to the public all draft country strategies not less than 120 calendar days prior to consideration of such strategies by the board of directors of the bank.

**"(c) STRENGTHENING DEVELOPMENT BANK ADMINISTRATION.**—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the following United States policy goals:

**"(1)** Each multilateral development bank should require annual mandatory financial disclosure of any possible or apparent conflict of interest by each employee of the bank, consultant to the bank, or independent expert to the bank whose duties and responsibilities include, through decision or the exercise of judgment, the taking of any action regarding—

**"(A)** contracting or procurement;

**"(B)** developing, administering, managing, or monitoring loans, grants, programs, projects, subsidies, or other conferred financial or operational benefits provided by the bank; or

**"(C)** evaluating or auditing any project, program or entity.

**"(2)** Each multilateral development bank should reform the 'pressure to lend' incentive structure at such bank by linking project design and implementation and results to staff performance appraisals and should require that staff increase its focus on monitoring existing loans.

**"(3)** Each multilateral development bank should continue strengthening whistleblower policies at the bank to the level of emerging standards reflected in national and international law in the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.), and the Inspector General Act of 1978 (5 U.S.C. App.).

**"(4)** Each multilateral development bank should continue strengthening voluntary disclosure programs for firms and individuals participating in projects financed by such banks, to the level of emerging best-practices as expressed in the Department of Defense Guidelines for Voluntary Disclosure and the audit policy of the Environmental Protection Agency.

**"(5)** All loan, credit, guarantee, and grant documents and other agreements with borrowers should include provisions for the financial resources and conditionality necessary to ensure that a person who obtains financial support from a multilateral development bank complies with applicable bank policies and national and international laws in carrying out the terms and conditions of such documents and agreements, including bank policies and national and international laws pertaining to the comprehensive assessment and transparency of the activities supported, such as those concerning public consultation, access to information, public health, safety, and environmental protection.

**"(6)** Each multilateral development bank should develop, if it has not already done so, clear procedures setting forth a clear and uniform definition of sanctionable misconduct and the circumstances under which a person will be barred from receiving a loan, contract, grant, or credit from such bank, should make such procedures available to the public, and should make the identities of such person available to the public.

**"(7)** Each multilateral development bank should coordinate policies consistent with best practices across international institutions on issues including common definitions

of fraud and corruption, debarment procedures, procurement and consultant guidelines, and fiduciary standards so that a person that is debarred by one multilateral development bank is ineligible to conduct business with the other multilateral development banks during the specified ineligibility period.

“(d) ANTICORRUPTION PRACTICES.—

“(1) VOICE AND VOTE.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of the United States anticorruption policy described in paragraph (2)(A), and to use the voice and vote of the United States to achieve such policy at the bank.

“(2) ANTICORRUPTION POLICY.—

“(A) IN GENERAL.—The anticorruption policy referred to in paragraph (1) is a policy that requires a person (including beneficiaries of investment loans and grants made by a multilateral development bank), as well as a bidder, supplier, or contractor under a contract financed by a multilateral development bank to observe the highest standard of ethics during the procurement and execution of such a contract. Such a standard of ethics should be consistent with those in the Foreign Corrupt Practices Act of 1977 (Public Law 95-213; 91 Stat. 1496) and prohibit corrupt practices, fraudulent practices, collusive practices, and coercive practices.

“(B) DEFINITIONS.—In this paragraph:

“(i) COERCIVE PRACTICE.—The term ‘coercive practices’ means harming or threatening to harm, directly or indirectly, persons, or their property, to influence the issuance, receipt, execution, or performance of any contract, loan, credit, grant, or other conferred financial or operational benefit provided by each multilateral development bank.

“(ii) COLLUSIVE PRACTICE.—The term ‘collusive practices’ means a scheme or arrangement between 2 or more bidders, with or without the knowledge of the Borrower, designed to establish bid prices at artificial, noncompetitive levels.

“(iii) CORRUPT PRACTICE.—The term ‘corrupt practice’ means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of a public official (including staff of a multilateral development bank) in the issuance, receipt, execution, or performance of any contract, loan, credit, grant, or other conferred financial or operational benefit by each multilateral development bank.

“(iv) FRAUDULENT PRACTICE.—The term ‘fraudulent practice’ means a misrepresentation or omission of facts in order to influence the issuance, receipt, execution, or performance of any contract, loan, credit, grant, or other conferred financial or operational benefit by each multilateral development bank.

“(e) STRENGTHENING DEVELOPMENT BANK AUDITING.—

“(1) IN GENERAL.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the United States policy goal that each multilateral development bank, that has not already done so, should—

“(A) establish an independent investigation office and an internal auditing function that is free from interference in determining the scope of investigations and internal auditing, performing work, and communicating results, and that regularly report to the board of directors of the bank;

“(B) adopt and implement an internationally recognized internal controls framework, allocate adequate staffing and budget to au-

dit, require external auditor attestations of internal controls, over external financial reporting and forensic audits of loans where fraud is suspected; and

“(C) develop and formally adopt a procedure for the confidential voluntary reporting of misconduct by individuals and firms participating in bank-financed projects in exchange for leniency.

“(2) CORRUPTION INVESTIGATION INFORMATION CENTER.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the United States policy goals that—

“(A) the banks should create a Corruption Investigation Information Center to be staffed by the banks and charged with maintaining a relational investigative database for use by investigators from all the banks. Such database should contain forensic, financial, and transnational information pertaining to projects finance by a bank that is developed as a result of investigations within a bank, for use by all banks as a means to taking collective enforcement action against entities, individuals, and officials engaged in corruption in connection with a project finance by a bank; and

“(B) the banks should explore the creation of a program to provide incentives for companies to report their own fraudulent or corrupt transactions in exchange for a reduced sanction.

“(3) INDEPENDENT INVESTIGATIVE FUNCTION.—

“(A) IN GENERAL.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the establishment of an independent investigative function to investigate corruption in their operational activities.

“(B) REPORT.—Each year, the United States Executive Director of each multilateral development should submit to the Secretary a report on—

“(i) the status of the investigative function at the Director’s bank;

“(ii) the Director’s views as to whether the investigative function remains operationally independent and capable of carrying out its mission; and

“(iii) what policies, practices, or procedures are needed to strengthen the investigative function at each bank.

“(f) COMPENSATION PACKAGES FOR PEOPLE NEGATIVELY AFFECTED BY DEVELOPMENT BANK PROJECTS.—

“(1) VOICE AND VOTE.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to use the voice and vote of the United States to achieve the policy described in paragraphs (2) and (3) at the bank.

“(2) COMPENSATION POLICY.—Each multilateral development bank should, for each project funded by the bank where compensation, including resettlement or rehabilitation assistance, is to be provided to persons adversely impacted by the project, require that a fair, impartial, independent, transparent, and responsive mechanism be established for, or included in the design and financing of, the project to receive, adjudicate, and resolve complaints from a person who is eligible for compensation if such person, not more than 6 years after the date of the completion of the project, finds that the compensation is either inadequate or improperly implemented.

“(3) REPORT ON RESETTLEMENT.—Each multilateral development bank should publish in its annual report the number of people that have been resettled by projects funded by such bank during the previous fiscal year

and report on the rehabilitation status of resettled people in relevant project documents.

“(g) EVALUATION.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the following goals:

“(1) Each multilateral development bank should make the results of project and non-project operations evaluations available to the public, including through the Internet Web site of the bank. Such information should include data on the number of projects evaluated per year as a percentage of total projects carried out.

“(2) Each multilateral development bank should require that all loans, grants, credits, policies, and strategies, including budget support, prepared by the bank include specific outcome and output indicators to measure results, and that the indicators and results be published periodically during the execution and at the completion of the appropriate project or program, and at the number of years after such completion determined to be appropriate for such loan, grant, credit, policy, or strategy.

“(3) Each multilateral development bank should promote rigorous independent evaluation of projects and policies to ensure that the intent of such projects and policies is realized. Each bank should encourage applicants and borrowers to agree, in consultation with an independent evaluator or evaluators, to design projects to facilitate the evaluation of outcomes. Rigorous independent evaluations should measure the impact on those served by a loan, grant, or credit and should have a carefully constructed comparison group to help measure the impacts of the loan, grant, or credit.

“(h) QUALIFICATION POLICY.—

“(1) VOICE AND VOTE.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to encourage the bank to implement the qualification policy for borrowing countries described in paragraph (2), and use the voice and vote of the United States to achieve such policy at each bank.

“(2) QUALIFICATION POLICY FOR BORROWING COUNTRIES.—The qualification policy for borrowing countries referred to in paragraph (1) is a policy that requires, in addition to the standards in effect on the date of the enactment of the Development Bank Reform and Authorization Act of 2005, each multilateral development bank to qualify a country for budget support, adjustment lending, policy lending for nonproject loans, grants, or credits, or other loans directed to the country’s budget based on transparency in procurement and fiduciary requirements and requiring the borrowing country to make its budget available to the public before funds are disbursed to that country.

“(i) MICROFINANCE AND BUSINESS DEVELOPMENT.—The Secretary shall inform the management of each multilateral development bank and the public that it is the policy of the United States to encourage microfinance services for the poor and very poor (as that term is defined in section 259 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214a)), and micro-, small-, and medium-enterprise development programs, because of the merit of these programs in addressing poverty and economic growth, particularly in a country where the government of such country ranks poorly in the World Bank Institute’s governance indicators.

“(j) EXTRACTIVE INDUSTRY TRANSPARENCY.—

“(1) REQUIREMENTS FOR RESOURCE ASSISTANCE.—The Secretary shall instruct the United States Executive Director at each multilateral development bank to inform the

bank and the public and use their voice and vote of the United States so that any investment, loan, credit, grant, or guarantee made by a multilateral development bank for extraction or export of oil, gas, coal, timber, or other natural resource should not be provided unless the recipient government has in place, or is taking the necessary steps to establish prior to June 2008, functioning systems for—

“(A) accurately accounting for all revenues received by a borrowing government from a person and all payments to a government in connection with the extraction or export of natural resources, such as gas, oil, oil shale, tar sands, coal, any metal, mineral, or timber;

“(B) the independent auditing of such payments and such revenues by a credible, functionally independent auditor applying international auditing standards, and making publicly available the auditor’s findings and recommendations, including a reconciliation of aggregate payments and revenues;

“(C) verifying government receipts against company payments made by each person, including widespread dissemination of annual payment information in a manner that does not create competitive disadvantage or disclose proprietary information;

“(D) establishing a legal framework for disclosure of payments from a person or contracts with a person and outlining the level and extent of disclosure or payment information by persons in the extractive industries;

“(E) making available to the public all contracts between the government of such country or any person owned or controlled by such government, and any person that is engaged in the extraction or export of natural resources through a project or program supported by a bank, unless an appropriate person, including the person that is engaged in such extraction or export, determines such disclosure would cause substantial competitive harm;

“(F) adopting internal control and audit procedures for handling resource revenue receipts through internal government accounts or special fund arrangements and clearly describing and disclosing to the public the spending of such receipts from such accounts or funds;

“(G) establishing a national audit body or equivalent organization which is independent of the executive, that would provide timely reports for the legislative, and public on the financial integrity of government accounts; and

“(H) applying the revenue transparency approach described in this paragraph equally and fully to all extractive companies operating in the country, including State-owned entities.

“(2) REQUIREMENTS FOR SPONSORS OF RESOURCE PROJECTS.—The Secretary shall inform the management of each multilateral development bank and the public that it is the policy of the United States that any multilateral development bank assistance, including any investment, loan, or guarantee, provided to public or private sector sponsors for the extraction or export of natural resources should only be provided if the government of the country has in place or is taking necessary steps to establish the functioning systems described in subparagraphs (A) through (G) in paragraph (1) and if the sponsors of such projects publicly disclose revenue payments made to the government of such country.

“(3) COMPLIANCE WITH TRANSPARENCY GUIDELINES PRIOR TO APPROVAL OF ASSISTANCE.—In furtherance of the policy described in paragraphs (1) and (2), not later than 3 years after the date of the enactment of the Development Bank Reform and Authorization Act of 2005, the Secretary shall inform

the management of each multilateral development bank and the public that it is the policy of the United States to oppose any secondary or follow-up investment, loan, credit, grant, or guarantee if the recipient government does not have in place the systems described in subparagraphs (A) through (G) of paragraph (1).

“(4) REPORT TO CONGRESS.—Not later than June 1, 2006, and annually thereafter, the Secretary of the Treasury shall submit to Congress and make available on the web site of the Department of the Treasury, a report that includes, for each multilateral development bank, the following:

“(A) A description of the assistance approved during the previous fiscal year for project or program development set out in paragraph (1) or (2).

“(B) An assessment of the extent to which each country receiving such assistance is implementing a program that complies with the policy set out in paragraph (1), based on all relevant information including the views of the international institutions and of civil society organizations.

“(C) An assessment of the extent to which a person that received such assistance has disclosed payments to governments and agreed to contract disclosure, as described in subparagraphs (D) and (E) of paragraph (1).”.

**SEC. 7005. CONTRIBUTIONS TO MULTILATERAL DEVELOPMENT BANKS.**

(a) WORLD BANK.—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

**“SEC. 23. FOURTEENTH REPLENISHMENT.**

“(a) CONTRIBUTION AUTHORITY.—

“(1) IN GENERAL.—The United States Governor of the Association is authorized to contribute on behalf of the United States \$2,850,000,000 to the fourteenth replenishment of the resources of the Association.

“(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$2,850,000,000 for payment by the Secretary of the Treasury.”.

(b) AFRICAN DEVELOPMENT BANK FUND.—The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

**“SEC. 218. TENTH REPLENISHMENT.**

“(a) CONTRIBUTION AUTHORITY.—

“(1) IN GENERAL.—The United States Governor of the Fund is authorized to contribute on behalf of the United States \$407,000,000 to the tenth replenishment of the resources of the Fund.

“(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$407,000,000 for payment by the Secretary of the Treasury.”.

(c) ASIAN DEVELOPMENT FUND OF THE ASIAN DEVELOPMENT BANK.—The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

**“SEC. 32. EIGHTH REPLENISHMENT.**

“(a) CONTRIBUTION AUTHORITY.—

“(1) IN GENERAL.—The United States Governor of the Bank is authorized to contribute

on behalf of the United States \$461,000,000 to the eighth replenishment of the resources of the Fund.

“(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$461,000,000 for payment by the Secretary of the Treasury.”.

**SEC. 7006. REPORTS TO CONGRESS.**

(a) REPORTS FROM THE GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) SENSE OF CONGRESS ON ACCESS TO INFORMATION.—It is the sense of Congress that—

(A) to evaluate the compliance of the multilateral development banks with the policies of the United States described in section 1505 of the International Financial Institutions Act, as added by section 7004 of this title, and to prepare the reports required by this section, the Comptroller General of the United States should have full and complete access to financial information relating to the multilateral development banks, including information related to the performance, accountability, oversight, financial transactions, organization, and activities of the multilateral development banks;

(B) the Secretary should seek to conclude memorandums of understanding with the multilateral development banks to ensure that the United States will have access to documents related to information described in subparagraph (A); and

(C) the Secretary of the Treasury should facilitate access by the Comptroller General of the United States to the financial information described in subparagraph (A).

(2) REPORT ON REFORMS AT THE MULTILATERAL DEVELOPMENT BANKS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the appropriate congressional committees a report on the extent of the implementation of the reforms called for by the Group of 8 or by the Group of 7, starting with the 2000 Okinawa Summit, as delineated in *communiqué* AE1s, chairman’s statements, and other official communication through the summit or finance ministerial processes of the Group of 8 or the Group of 7.

(3) REPORT ON FINANCIAL STRUCTURE OF THE WORLD BANK.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to the appropriate congressional committees a report on the appropriateness of the World Bank’s equity-loan ratio to best address financial risks and development goals.

(4) REPORT ON EFFECTIVENESS OF MULTILATERAL DEVELOPMENT BANKS.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) conduct a review of the effectiveness of each multilateral development bank in achieving the mission of such bank as set out in the articles of agreement of such bank, specifically poverty reduction and economic development; and

(B) submit to the appropriate congressional committees a report on the findings of the review.

(5) REPORT ON CONSISTENCY OF MULTILATERAL DEVELOPMENT BANK PRACTICES WITH STATUTORY POLICIES.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the appropriate

congressional committees a report on the extent to which the practices of the multilateral development banks are consistent with the policies of the United States, as expressly contained in Federal law applicable to the multilateral development banks.

(b) REPORTS ON IMPLEMENTATION OF POLICY GOALS.—

(1) NEW REQUIREMENTS.—

(A) INITIAL REPORT.—Not later than September 1, 2006, the Secretary shall submit a report to the appropriate congressional committees that describes the actions taken by the United States Executive Director at each multilateral development bank to implement the policy goals described in this Act and the amendments made by this Act and any other actions that should be taken to implement such goals.

(B) UPDATES.—The Secretary shall submit to the appropriate congressional committees an annual update of the report required by subparagraph (A) for each of the fiscal years 2007, 2008, and 2009.

(2) REPORT ON EXISTING REQUIREMENTS.—

(A) INITIAL REPORT.—Not later than September 1, 2006, the Secretary shall submit a report to the appropriate congressional committees that describes the actions taken by the United States Executive Director at each multilateral development bank to implement the policy goals described in section 1504 of title XV of the International Financial Institutions Act (22 U.S.C. 2206-3) and any other actions that should be taken to implement such goals.

(B) UPDATES.—The Secretary shall submit to the appropriate congressional committees an annual update of the report required by subparagraph (A) for each of the fiscal years 2007, 2008, and 2009.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing previously scheduled before the Committee on Energy and Natural Resources on Tuesday, July 19, at 10 a.m., in Room SD-366 of the Dirksen Senate Office Building in Washington, DC, has been rescheduled for 2:30 p.m. of that same day.

The purpose of the oversight hearing is to receive testimony regarding the effects of the U.S. nuclear testing program on the Marshall Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Josh Johnson or David Marks.

## AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Man-

agement, Government Information, and International Security be authorized to meet on Friday, July 15, 2005, at 9:30 a.m., for a hearing regarding "Securing American Sovereignty: A Review of the United States' Relationship with the WTO."

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRIVILEGE OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Harry Christy, a detailee from the Secret Service working on my staff, and Joe Bowab, a detailee of the staff of the Foreign Relations Committee, be granted privileges of the floor for the remaining time of the debate on H.R. 3057.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Eric Williams, an intern in my office, be given floor privileges for the duration of the consideration of the State-Foreign Operations appropriations bill today or any other day it may extend.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Bill Martin, a fellow with the office of Senator SUNUNU, be granted the privilege of the floor during debate on the Foreign Operations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2005 second quarter mass mailings is Monday, July 25, 2005. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC., 20510-7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office.

## COLIN L. POWELL RESIDENTIAL PLAZA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1413, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1413) to redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1413) was read the third time and passed, as follows:

S. 1413

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. DESIGNATION OF COLIN L. POWELL RESIDENTIAL PLAZA.

(a) DESIGNATION.—The Federal building in Kingston, Jamaica, formerly known as the Crowne Plaza and now a staff housing facility for the United States mission in Jamaica, shall be known and designated as the "Colin L. Powell Residential Plaza".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the Colin L. Powell Residential Plaza.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: 202 through 210.

I further ask unanimous consent the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Terry L. Gabreski, 2941

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. David G. Ehrhart, 5401

Col. Richard C. Harding, 9947

#### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Walter L. Sharp, 4862

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. John F. Kimmons, 1861

The following named officer for appointment in the Reserve of the Army to the

grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Paulette M. Risher, 2429

IN THE MARINE CORPS

The following named officer for appointment as Chairman of the Joint Chiefs of Staff and appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

*To be general*

Gen. Peter Pace, 7426

IN THE NAVY

The following named officer for appointment as Vice Chairman of the Joint Chiefs of Staff and appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154:

*To be admiral*

Adm. Edmund P. Giambastiani, Jr., 8318

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Albert M. Calland, III, 0101

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Paul E. Sullivan, 4158

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY, JULY 18,  
2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2:30 p.m. on Monday, July 18. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to

date, time for the two leaders be reserved, and the Senate then resume consideration of calendar No. 158, H.R. 3057, the Foreign Operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. FRIST. On Monday, the Senate will resume consideration of the Foreign Operations appropriations bill, which we commenced today. Amendments will be offered and debated over the course of the afternoon on Monday. As always, I encourage all members who have amendments to contact the bill managers as early as possible so that they can schedule time for floor consideration. Our next vote will occur around 5:30 p.m. on Monday. It is my expectation that we will be voting in relation to one or more amendments to the Foreign Operations appropriations bill on Monday afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Florida, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

ADJOURNMENT UNTIL 2:30 P.M.,  
MONDAY, JULY 18, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2:30 p.m. on Monday, July 18, 2005.

Thereupon, the Senate, at 1:36 p.m., adjourned until Monday, July 18, 2005, at 2:30 p.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, July 15, 2005:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. TERRY L. GABRESKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. DAVID G. EHRHART  
COL. RICHARD C. HARDING

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. WALTER L. SHARP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOHN F. KIMMONS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. PAULETTE M. RISHER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

*To be general*

GEN. PETER PACE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

*To be admiral*

ADM. EDMUND P. GIAMBASTIANI, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. ALBERT M. CALLAND III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. PAUL E. SULLIVAN