Findings and Recommendations on the Most Effective Use of USAID-CUBA Funds Authorized by Section 109(a) of the Cuban Liberty and Democratic Solidarity (Helms-Burton) Act of 1996

March 2008
Introduction

Recently, the U.S. Congress authorized substantial new funding for the promotion of a peaceful transition to democracy in Cuba. Since 1996, most of the funding for that purpose has been allocated under the authority extended by Section 109(a) of the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, better known as the Helms-Burton Act.

After extensive research conducted by the Cuban American National Foundation, we have concluded that the US Government program in support of a democratic transition in Cuba has been rendered utterly ineffective due to restrictive institutional policies and a lack of oversight and accountability of grantee recipients within the United States Agency for International Development (USAID), the primary U.S. government agency tasked with distributing democracy funding. The purpose of this report is to indicate the underlying reasons for the programs failures, prior to the allocation of new funds, and to recommend a more efficient mechanism for USAID-Cuba and related government agencies to deliver current and future assistance to Cuba’s opposition, making it a truly effective tool of democracy promotion.

As this report will detail, a significant majority of the funds destined for Cuba’s beleaguered opposition, are actually spent in operating expenses by U.S. based non-profits. This reality runs counter to the purpose of USAID-Cuba’s program goal to: ‘promote a peaceful transition to democracy in Cuba by assisting the development of Cuban civil society.’ and is atypical of the agency’s proven track record of efficient and effective promotion of development and democracy in other parts of the globe.

The stated major mission elements of USAID-Cuba program are:

1.) Building solidarity with Cuba’s human rights activists.
2.) Giving voice to Cuba’s independent journalists.
3.) Helping develop independent Cuban NGO’s.
4.) Defending the rights of Cuban workers.
5.) Providing direct outreach to the Cuban people.
6.) Planning for a transition.
7.) Evaluation.

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The grantee recipients cited in this report all receive funding under “Building solidarity with Cuba’s human rights activists”. This mission element is the primary one within USAID-Cuba’s stated goal of promoting a peaceful transition to democracy in Cuba by “assisting the development of Cuban civil society”.

Our research indicates that less than 46% of total USAID-Cuba funds from 1998 to 2006 were allocated to “Building solidarity with Cuba’s human rights activists”. The four grantees included in this study received the overwhelming majority of the funds dedicated for this purpose. The majority of the remaining +56% of USAID-Cuba funds were distributed among Universities and think-tanks for the purpose of studying different elements of the process of transition to democracy in Cuba. Furthermore, according to our research (See Chart I), only 36% of the funds allocated to these four grantees for the purpose of “Building solidarity with Cuba’s human rights activists” were actually used to purchase and distribute books, equipment and humanitarian aid to civil society groups on the island—which means that less than 17% of all USAID-Cuba funds were used in direct, on-island assistance. The remaining 83% was used to cover operating expenses of grantee organizations, off-island transition studies and U.S. based activities.

The facts presented here, related to the funding of USAID-Cuba programs, have been extensively documented by an independent audit conducted by Price Waterhouse in 20013 as well as a more recent General Accounting Office audit conducted in 20064 Our findings are in full accordance with the conclusions of these audits indicating that the program was never developed and managed in a way that would provide enough, significant, direct, support to truly bolster the efforts of Cuba’s brave activists.

Addressing the program’s shortcomings become more relevant at this time when Cuba is at a critical juncture in its history, and its citizens are increasingly and openly demonstrating their deep discontent with the current regime. Yet, Cuba’s embattled opposition finds itself with little material support from the United States as a result of the misdirection of tens of millions of dollars in U.S. funds.

The Cuban American National Foundation continues to believe, as when it firmly supported its inclusion in both the Torricelli and Helms-Burton Acts, that a program of direct, substantive, financial as well as humanitarian assistance to the Cuban internal opposition is essential, as it was in Eastern Europe in countries like Poland, and elsewhere, for the development of civil society in preparation for an eventual transition to democracy.

All financial information obtained herein has been compiled from each 501(c)3 organization’s Internal Revenue Service (IRS) tax returns as well as information contained in the quarterly reports submitted by said organizations to USAID, documents that are available by law to the American public. Grantees were selected based on the amount of funding received from government sources. Only grant recipients with available and complete financial information were included.

**Background**

With the enactment of the Cuban Democracy Act (CDA), introduced by Congressman Robert Torricelli and signed by President George H.W. Bush on October 24, 1992, the United States acknowledged the importance of creating a track for U.S. policy towards Cuba that would help alleviate humanitarian needs and increase communication with the people of Cuba, particularly those seeking democratic change. This proactive element to U.S. policy would compliment the existing embargo which sought to isolate the Cuban regime diplomatically and economically at a time when the Cuban economy, devoid of the massive Soviet subsidies it had become accustomed to, was in a down spiral.

Through the landmark legislation, the authority to assist members of independent Cuban civil society, including human rights advocates, independent journalists and librarians and improve forms of communication between family members in the United States and those in Cuba was established under what became widely known as ‘Track II’ of U.S. foreign policy toward the island nation. Authority for this assistance is provided through Section 1705(g) of the CDA which states:

*The United States Government may provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba.*

5 Public Law 102-484, 22 USC CHAPTER 69 - CUBAN DEMOCRACY
On December 6, 1993, one year after its passage, Assistant Secretary of State for Inter-American Affairs, Alexander Watson, testified to the relevance of CDA and the importance of a two-track policy before the House of Representatives Committee on Foreign Affairs:

“What is our response to this human tragedy, in a country just 90 miles from our shores? On the one hand, we will continue our diplomatic, political, and economic isolation of the Cuban Government and maintain our economic embargo as a form of leverage and pressure on the Cuban Government to start to meet the economic and political needs of its people. On the other hand, we will actively reach out to the Cuban people with humanitarian assistance, an offer of improved telecommunications, and an increased flow of information. This two-track policy, which is reflected in the Cuban Democracy Act, is supported by this Administration because it meets our strategic as well as our humanitarian interests as a nation.”

“These two tracks are clearly complementary. As the authors of the Cuban Democracy Act wisely recognized, we must make it clear that the regime’s denial of basic human rights is and will remain unacceptable to the United States, while still reaching out to the Cuban people.”

To support Cubans working towards democratic change, in 1993, the National Endowment for Democracy (NED) distributed more than $500,000 in grants to U.S. non-profit organizations, including: Freedom House, the Jose Marti Foundation, the American Institute for Free Labor Development, the Cuban Committee for Human Rights, and the Human Rights Information Bureau. Yet, aside from the minimal grant monies provided by NED, which over two decades (from 1984 to 2005) totaled a mere $13.3 million; there was no significant funding source for Cuba democracy promotion.

In Congress, the introduction of the Cuban Liberty and Democratic Solidarity (Libertad) Act in 1995 by Senator Jesse Helms and Congressman Dan Burton began to center debate in Washington’s policy circles around the importance of tightening the noose on the Castro regime while providing much needed oxygen to the Cuban people and particularly to Cuba’s nascent opposition movement. The Helms-Burton Act (as it was also known) created such a vehicle for achieving these ends.

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6 U.S. Department of State Dispatch, Transcript of testimony, December 6, 1993
As momentum for the passage of Helms-Burton began to gather on Capitol Hill, the Clinton Administration created an Interagency Working Group on Cuba (IWG) in June of 1995. The group consisted of representatives from the United States Agency for International Development (USAID), the Bureau of Inter American Affairs and the Cuba Desk at the State Department (ARA), as well as representatives from the National Security Council (NSC), and the United States Interests Section in Havana (USINT). IWG was then tasked with developing a strategy to increase people-to-people contact and outreach and support to forces of democracy on the island.

On October 6, 1995, during a speech at Freedom House, President Bill Clinton announced the first NGO grant for democracy promotion in Cuba:

“In our own hemisphere, only one country, Cuba, continues to resist the trend toward democracy. Today we are announcing new steps to encourage its peaceful transition to a free and open society. We will tighten the enforcement of our embargo to keep the pressure for reform on, but we will promote democracy and the free flow of ideas more actively. I have authorized our news media to open bureaus in Cuba. We will allow more people to travel to and from Cuba for educational, religious, and human rights purposes. We will now permit American nongovernmental organizations to engage in a fuller range of activities in Cuba. And today, it gives me great pleasure to announce that our first grant to fund NGO work in Cuba will be awarded to Freedom House to promote peaceful change and protect human rights.”

Freedom House was granted a total of one million dollars that year.

As a vote on the Helms-Burton bill was nearing in the Congress, the Clinton Administration expressed its opposition to key parts of the Helms-Burton bill that were intended to strengthen the trade embargo, but following the shoot down murder of four members of the Brothers to the Rescue organization by the Cuban regime on February 24, 1996, and facing tremendous pressure from the Cuban American community, President Clinton signed the bill into law on March 12, 1996.

Section 109(a) of the Helms-Burton Act, authorized the support for democratic and human rights groups and international observers:

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7 The White House, Office of the Press Secretary, Press Release, Remarks by the President in Freedom House Speech, October 6, 1995
(a) Authorization.--Notwithstanding any other provision of law (including section 102 of this Act), except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.
(2) Humanitarian assistance to victims of political repression, and their families.
(3) Support for democratic and human rights groups in Cuba.
(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

Pursuant to section 109(a), the program expanded to include 18 grants to U.S.-based NGOs, funded through the Economic Support Fund (ESF), appropriated to the Department of State and administered through USAID. A confidential USAID memo dated March 22, 1996, shows consensus among the participating government agencies, including Latin American and Caribbean Office, the US Interests Section in Havana, the State Department as well as the Senate Foreign Relations Committee, to provide direct cash aid in the amount of up to $10,000 per year, to opposition leaders in Cuba and upwards of $400 to ‘victims of repression’.

At that time, the Office of the Inspector General of the agency was concerned about the ability to track the funds because of the constraints of operating in Cuba, but left the decision of whether to allow cash aid to be sent, to the discretion of USAID. Larry Byrne, then Assistant USAID Administrator, made the decision to ban sending cash aid. He was quoted in the Miami Herald as saying that his decision was made in part because: "I was not in favor of them trying to buy somebody to shoot Fidel Castro or whatever else they might do with the money.”

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8 Confidential USAID memo, March 22, 1996, obtained through FOIA request
Mr. Byrne’s unwarranted allegations against those he was charged to assist run contrary to the Cuban opposition’s peaceful methods of protest and their historical rejection of any form of violence despite the cruel repression they are subjected to by the regime. More surprising is the fact that a decision based on the severe mischaracterization of a group by a mid-level Clinton Administration official over a decade ago, has never been challenged or modified by the George W. Bush Administration or any of the Cuban-American members of the South Florida congressional delegation. This arbitrary policy has resulted in perpetuating a distorted image of the Cuban opposition here and on-island, and more importantly, is the single most direct cause of the substantive failures of Cuba democracy support programs.

**Current State of Program**

USAID has distributed over $65 million in grants since 1996 to U.S. based NGO’s and Universities for democracy promotion in Cuba. In 2005, the Department of State also initiated a grant program for democracy assistance to Cuba through the Department of Human Rights and Labor (DRL), though the majority of the funding continues to be managed and distributed by USAID, the subject of this analysis.

As the General Accounting Office notes in its 2006 report, up until 2004, all of the grants distributed by USAID-Cuba were provided unsolicited through a non-competitive process. A confidential internal USAID memo dating back to 1997 cites the government approaching one specific Miami-based non-profit organization (today one of USAID largest recipients) stating: “The Directorio Revolucionario is a small Cuban-American organization receiving most of its funding from the International Republican Institute. They have not approached USAID for meeting or financing. Despite the fact that they already have IRI funds and are likely to continue getting IRI funds, the NSC and the ARA have asked them to submit a proposal for USAID funding.”

The non-competitive process employed for so many years at USAID-Cuba, not only excluded other possibly qualified groups or institutions from applying but may have also helped to create performance disincentives for grantee recipients.

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11 National Security Council
12 U.S. State Department, Bureau of Inter American Affairs
who perceived no competition for funding. Today, USAID has established a competitive process; however, the overwhelming majority of funds continue to be distributed to the same grantee organizations.

The GAO report also signals several problems with the management of the program citing issues with lack of internal controls and oversight: “internal controls over both the awarding of Cuba program grants and the oversight of grantees do not provide adequate assurance that the grant funds are being used properly or that grantees are in compliance with applicable laws and regulations.” In addition, it notes that a ‘lack of adequate oversight and monitoring by USAID program office allowed for questionable expenditures by grantees to go undetected; moreover, grantee compliance with cost-sharing provisions was not adequately addressed.’

As can be evidenced in Chart I below, four of USAID largest grant recipients under Category 1 funding which we were able to obtain financial information about, rely almost exclusively on government monies to maintain their operations. This is in an infringement of USAID Acquisition & Assistance Policy Directive, dated July of 2002, that states: “… USAID policy is that cost sharing is an important element of the USAID-recipient relationship. When used, its application should be flexible, case specific, and should be used to support or contribute to the achievement of results.” This cost-share requirement has not been enforced by USAID-Cuba and today has resulted in the near total dependency of these groups on government funding to maintain their operations. Not applying the cost-share requirement severely hampers the ability of USAID-Cuba to ensure its grantees sustainability if funding is scaled back or terminated and runs contrary to USAID goal of entering into public-private partnerships that enhance the work of an existing organization leading to stronger, self-sustaining NGO’s.

The lack of oversight of grantee spending has also resulted in an egregious misdirection of resources by some grantee recipients. Chart I demonstrates that Grantee B, from 1998 through 2005, for example, spent an average of 85% of government funding on salaries, employee benefits and office overhead, while a paltry 4% was spent in direct assistance to the Cuban people. Grantee A spent an average of 42% of total government funding on salaries, employee benefits, and office overhead, and 19.4% in direct assistance to the Cuban people. In contrast, Grantee C, averaged 17.4% in salaries, employee benefits and office overhead and a very significant 75.8% of government funding was spent by the organization in assistance to Cuban civil society.
The stark difference between Grantee B and Grantee C, both tasked with helping to build Cuban civil society, demonstrates that it is possible to spend a significant portion of the funding in aid to Cuba’s dissidents—the intended recipients of USAID efforts. This also demonstrates that USAID lack of supervision and implementation of spending guidelines to grantees, has allowed some U.S.-based NGOs to misdirect funds to such a level that the funding is actually being used almost in whole, on simply sustaining the operations of said U.S.-based NGO. Chart I provides an average percentage of funds spent on-island in Cuba from 1998 through 2006 for four of USAID-Cuba largest grant recipients: Grantee A spent 19% in Cuba, Grantee B spent 4% in Cuba, Grantee C spent 81% in Cuba and Grantee D spent 27% in Cuba.

Perhaps the policy that has most severely crippled the programs effectiveness is a ban on providing cash assistance to dissidents and or sub-granting even small amounts of money to independent civil society organizations within Cuba. As a recent poll of prominent Cuban dissidents indicates (see Appendix A), aid in the form of direct cash remittances is viewed to be the most effective. This type of direct USAID assistance was enormously successful in helping the efforts of Polish Solidarity, and more recently, Serbian opposition to Slobodan Milosevic. Currently it costs anywhere from $5 to $25 a pound to send material aid to Cuba. Because direct mail service does not exist, organizations and individuals wishing to send aid to Cuba must do so through agencies licensed through the Department of Treasury’s Office of Foreign Assets Control, which then ship the goods via third countries.

Roger Noriega, former Undersecretary of State for the Western Hemisphere during President Bush’s first term and principal Senate staffer involved in the drafting of the Helms-Burton legislation, said in an interview with the Miami Herald, 13 that the policy ‘created a ridiculous situation where we were spending ten times the cost of shipping to send in materials that could be bought on the market (in Cuba) if we just gave cash and got a receipt’. USAID-Cuba’s first Director, Peter Orr also spoke to the Miami Herald stating: ‘Shipping stuff into the island is an incredible waste. It’s very expensive, it can get confiscated. All these arguments were raised by me and others at the time. In my opinion—I can prove it—is that the decision was consciously made to distance the program from the ground in Cuba, and make it less effective.’ 14


14 Corral, Oscar, Pablo Bachelet, Miami Herald, Democracy money spent on cashmere, crabmeat, December 14, 2006
Lack of monitoring of the programs’ effectiveness on the ground in Cuba has also contributed to its lack of overall performance, particularly the inability to track the amount of aid reaching Cuban civil society and the utility of such assistance. In the 2001 audit conducted by Price Waterhouse, it noted the importance of assigning a USAID-Cuba program employee to USINT in Havana stating: “Monitoring and evaluation of Program activities taking place within Cuba itself have been sporadic to date. Coordination of activities within Cuba has also been extremely limited. The addition of USAID officer in Havana would be a step toward more effective programming, communication, and reliable monitoring and evaluation of in-country activities.”

Currently, there is no one assigned at USINT to monitor the aid or lack thereof that arrives from USAID grantee organizations. This severely cripples the ability to provide any reliable data on how much assistance is reaching Cuban civil society members and whether or not that assistance is appropriate and effective.

As stated in this document’s introduction, the purpose of this analysis is to provide a series of recommendations to enhance the ability of the U.S. government to assist Cuban civil society in their struggle for freedom. A significant overhaul of processes and procedures employed by USAID should take place prior to the distribution of additional funding. We are convinced that if future support is substantive and direct, the process of democratization we all desire for the Cuban people would not be further delayed.

Recommendations

**Permit direct cash aid**—Change USAID-Cuba’s internal policy of banning cash aid to independent civil society groups, dissidents, and the families of political prisoners in Cuba. As stated in this report, the architects of the Helms-Burton legislation believed in the importance of providing direct cash aid to assist
democracy activists as well as to alleviate the humanitarian needs of the families of political prisoners. The current policy was a result of a unilateral decision made by a USAID administrator which should be immediately reversed in the interests of helping bring about a democratic transition in such a crucial period in Cuba’s history. For several years, with appropriate monitoring and the use of receipts, a number of NGOs, including Plantados and the Foundation for Human Rights in Cuba, have been successful in substantiating and verifying the use of private direct cash aid sent to dissidents and civil society organizations in Cuba.

**Impose a Cost-Share requirement**—USAID should implement and enforce a minimum 40-50% cost-share requirement for all U.S. based non-profits seeking to obtain funding for Cuba democracy programs. This requirement is in spirit with USAID ‘public-private’ partnership initiatives that have been incredibly successful in other parts of the globe. The enhanced financial contribution of NGOs would help counter the Cuban government portrayal of dissidents and civil society activists as creations and dependents of the USG. In addition, it would help ensure that the contracted agency is not fully reliant upon the U.S. government funding for its existence and that said agency can continue to provide aid to Cuban civil society should said funding be scaled back or discontinued.

**Allow sub-granting to Cuba-based Independent Civil Society Organizations**—USAID should allow and encourage sub-granting to independent civil society groups in Cuba by USAID-Cuba grantee organizations. This process of sub-granting to independent groups in Cuba will truly help build organic NGO’s in Cuba—a vital part of establishing a functioning civil society in Cuba that can take on the responsibilities of a democratic transition.

**Require USAID-Cuba grantees to spend a minimum of 75% of government funds in direct aid to Cuban Civil Society**—A minimum of 75% of government funding received by grantee recipients should be dedicated to direct aid to the Cuban people. Grantee recipients should no longer be permitted the significant misdirection of funds that has occurred with USAID-Cuba grant monies in the past. While we understand some of the funding may be directed to salary, overhead costs, etc., the funding of these should be obtained mainly through non-government sources—this is why the cost-share provision is so critical.

**Assign USAID-Cuba program staff to USINT in Havana**—The Price-Waterhouse audit conducted in 2001, noted the importance of placing a USAID-Cuba staff person at USINT. This is critical to monitor and evaluate the effectiveness of USAID grantee support of Cuban civil society and likewise recommend improvements. The USAID staff at USINT can also provide oversight.
of sub-grants to Cuba based independent NGO’s if sub-granting is incorporated into USAID-Cuba’s program.

Dedicate majority of USAID funding for Cuba democracy to assisting the growth of independent civil society and support for dissident organizations—As stated in the report, up until 2006, 56% of USAID-Cuba funding had gone to Universities and other institutions to study Cuba transition scenarios. While there is clearly a value to conducting research and providing analysis on the issue, a significant majority of the funding for democracy promotion in Cuba should not be spent on U.S.-based studies but on helping to develop Cuban civil society and supporting the work of dissident organizations; those who will ultimately pave the way for a democratic transition.
Grantee Total Revenue: Government vs. Other

Grantee A

- $8,360,604, 96%
- $363,820, 4%

From Government: $363,820 (4%)
Other: $8,360,604 (96%)

Grantee B

- $6,268,727, 99%
- $33,226, 1%

From Government: $33,226 (1%)
Other: $6,268,727 (99%)

Stolen from the Archive of Dr. Antonio R. de la Cova
http://www.latinamericanstudies.org/cuba-books.htm
Grantee C

- $15,856, 1%
- $8,480,220, 99%

Grantee D

- $81, 0.005%
- $1,381,360, 99.995%
Total Grantee Expenses: Off-island vs. On-island

Grantee A

- Off-island: $1,686,437, 19%
- On-island: $7,060,538, 81%

Grantee B

- Off-island: $5,803,002, 96%
- On-island: $251,077, 4%
Grantee C

- Off-island: $1,549,824, 19%
- On-island: $6,446,384, 81%

Grantee D

- Off-island: $374,378, 27%
- On-island: $1,026,761, 73%
Grantee Funds Spent On-island

Grantee A

Year

Grantee B

Year

Stolen from the Archive of Dr. Antonio R. de la Cova
http://www.latinamericanstudies.org/cuba-books.htm
Grantee C

Year
2000 2001 2002 2003 2004 2005 2006
On-island Total Expenses

Grantee D

Year
2001 2002 2003 2004 2005
On-island Total Expenses

Stolen from the Archive of Dr. Antonio R. de la Cova
http://www.latinamericanstudies.org/cuba-books.htm
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<td>$247,270</td>
<td>$4</td>
<td>$247,274</td>
<td>$33,968</td>
<td>$0</td>
<td>$281,242</td>
<td></td>
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<tr>
<td></td>
<td>2001</td>
<td>$309,117</td>
<td>$2</td>
<td>$311,229</td>
<td>$37,958</td>
<td>$0</td>
<td>$347,277</td>
<td></td>
</tr>
<tr>
<td>TOTAL (2000-2005)</td>
<td></td>
<td>$1,381,360</td>
<td>$81</td>
<td>$1,381,441</td>
<td>$237,869</td>
<td>$4,505</td>
<td>$1,602,806</td>
<td></td>
</tr>
</tbody>
</table>

**Note:**
- Income and expenses don't match because of depreciation and excess or deficit of funds spent at time of reporting.
- Expenses on supplies have been included as an on-island expense, but where supplies were actually allocated is unclear.