Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

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

2 That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, 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.

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, $541,400,000, to remain available until September 30, 2006: 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, 2021 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2003, 2004, 2005, and 2006: 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 East European country, any Baltic State or any agency or national thereof: 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 until September 30, 2003.

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, $68,300,000: 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, 2003.

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 $39,885,000: 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, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit 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 2003 and 2004: Provided further, That such sums shall remain available through fiscal year 2011 for disbursement of direct and guaranteed loans obligated in fiscal year 2003, and through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004. 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, $44,512,000, to remain available until September 30, 2004.

In addition, for an additional amount for “Trade and Development Agency” for trade capacity building assistance, $5,000,000, to remain available until September 30, 2003: Provided, That any funds made available by this paragraph shall be made available subject to the regular notification procedures of the Committees on Appropriations.

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, 2003, 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
1. Act of 1961 and title I of Public Law 106–570, for child survival, reproductive health/family planning, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, $1,710,000,000, to remain available until September 30, 2004: 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, and related education programs, which directly address the needs of mothers and children; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other infectious diseases; 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 programs: Provided further, That of the funds appropriated under this heading, not to exceed $175,000, 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: $340,000,000 for child survival and maternal health; $30,000,000 for vulnerable children; $746,500,000 for HIV/AIDS; $105,000,000 for other infectious diseases; $120,000,000 for UNICEF; and $368,500,000 for family planning/reproductive health: **Provided further,** That of the funds appropriated under this heading, up to $100,000,000 may be made available for International Mother and Child HIV Prevention activities, up to $60,000,000 may be made available for a United States contribution to The Vaccine Fund and up to $10,000,000 may be made available for the International AIDS Vaccine Initiative: **Provided further,** That of the funds appropriated under this heading, not less than $250,000,000 should be made available 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 payments for projects and activities: **Provided further,** That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund: **Provided further,** That of the funds appropriated under this heading, 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: Provided further, That, notwithstanding any other provision of this Act, funds appropriated under this heading that are available for child survival and health programs shall be apportioned to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any comparable provision of law, may not be used to transfer or allocate any part of such funds to the Department of Health and Human Services including any office of that agency, except that the authority of those sections may be used to transfer or allocate up to $25,000,000 of such funds to the Centers for Disease Control and Prevention: 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 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 vol-
untary 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 referr-
al 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 pur-
poses); (2) the project shall not include payment of incen-
tives, bribes, gratuities, or financial reward to: (A) an indi-
vidual in exchange for becoming a family planning accep-
tor; or (B) program personnel for achieving a numerical
target or quota of total number of births, number of fam-
ily 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 infor-
mation 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 of the Senate and the House of Representatives, 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 fi-
nancing, and related programs, the term “motivate”, as it relates to family planning assistance, shall not be con-
strued to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options:

*Provided further,* That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assist-

**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, $1,398,000,000, to remain available until September 30, 2004: *Provided,* That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Develop-
ment’s Global Development Secretariat, may be made available except through the regular notification proce-
dures of the Committees on Appropriations: *Provided fur-
ther,* That $162,500,000 should be allocated for trade ca-
pacity building: *Provided further,* That $218,000,000 should be allocated for basic education, of which $20,000,000 is available only for programs to increase the professional competence of national and regional edu-
cation administrators: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: 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 $32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $200,500,000, to remain available until expended.

In addition, for assistance for the West Bank and Gaza, $50,000,000, to remain available until expended: Provided, That none of the funds appropriated in this paragraph may be obligated or expended with respect to providing funds to the Palestinian Authority.

In addition, for assistance for Afghanistan, $65,000,000, to remain available until expended: Provided, That these funds shall be used for humanitarian and reconstruction assistance for the Afghan people including health and education programs, housing, to im-
prove the status of women, infrastructure, and assistance for victims of war and displaced persons.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $40,000,000, 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.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, funds may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, and under the heading “Assistance for Eastern Europe and the Baltic States”: Provided further, That such funds, when added to the funds transferred pursuant to the authority contained under this heading in Public
Law 107–115, shall not exceed $24,500,000, which shall be made available only for micro and small enterprise programs and other programs which further the purposes of part I of the Act: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: 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 loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,591,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds appropriated 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, $45,200,000.
OPERATING EXPENSES OF THE UNITED STATES AGENCY
FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $572,200,000: 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.

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, $43,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: 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: 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.

For necessary expenses to carry out the provisions of section 667, $33,700,000, to remain available until September 30, 2004, which sum shall be available for the Oper-
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, $2,445,000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading, not less than $600,000,000 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 or by October 31, 2002, whichever is later: Provided further, That, in addition to the funds made available under the preceding proviso, of the funds appropriated under this heading $200,000,000 shall be made available for assistance for Israel, all or a portion of which may be transferred to, and merged with, funds appropriated by this Act under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs” for defensive, non-lethal anti-terrorism assistance in accordance with the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961: Provided further, That not less than $615,000,000 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 eco-
nomic reforms which are additional to those which were
undertaken in previous fiscal years: Provided further, That
in exercising the authority to provide cash transfer assist-
ance 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 not less than
$45,000,000 of the funds appropriated under this heading
should be made available for assistance for Afghanistan,
which shall be used for reconstruction assistance for the
Afghan people including education programs, housing, to
improve the status of women, and infrastructure, includ-
ing roads and bridges: Provided further, That not less than
$35,000,000 of the funds appropriated under this heading
should be made available for Lebanon to be used, among
other programs, for scholarships and direct support of the
American educational institutions in Lebanon: Provided
further, That not less than $15,000,000 of the funds ap-
propriated under this heading should be made available
for Cyprus to be used only for scholarships, administrative
support of the scholarship program, bicommmunal projects,
and measures aimed at reunification of the island and de-
signed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in the previous proviso, the term “assistance” includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: *Provided further*, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, exporting 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, $25,000,000, 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, 2004.

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, $520,000,000, to remain available until September 30, 2004, 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 funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” should not exceed 15 percent of the total resources pledged by all donors for cal-
endar year 2003 for assistance for Kosovo as of March 31, 2003: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction: Provided further, That not less than $5,000,000 should be made available for assistance for the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund’s disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) 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.

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

(e) The provisions of section 529 of this Act shall apply to funds made available under subsection (d) and 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 529 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.

(f) 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 Appropria-
tions that the Federation of Bosnia and Herzegovina has
not complied with article III of annex 1–A of the General
Framework Agreement for Peace in Bosnia and
Herzegovina concerning the withdrawal of foreign forces,
and that intelligence cooperation on training, investiga-
tions, and related activities between Iranian officials 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 assist-
ance for the Independent States of the former Soviet
Union and for related programs, $755,000,000, to remain
available until September 30, 2004: Provided, That the
provisions of such chapters shall apply to funds appro-
priated by this paragraph: Provided further, That of the
funds made available for the Southern Caucasus region,
notwithstanding any other provision of law, funds may be
used 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, not less than $1,500,000
should be available only to meet the health and other assistance needs of victims of trafficking in persons.

(b) Of the funds appropriated under this title, $82,500,000 should be made available for assistance for Georgia.

c) Of the funds appropriated under this title, not less than $83,433,000 should be made available for assistance for Armenia.

(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 for 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.

(e)(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 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.
(f) Of the funds appropriated under this heading, not less than $60,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, basic education, environmental and reproductive health/family planning, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(g) None of the funds appropriated under this heading may be made available for assistance for the Government of Ukraine unless the Secretary of State determines and certifies to the Committees on Appropriations that, since September 11, 2001, the Government of Ukraine has not facilitated or engaged in arms sales or arms transfers to Iraq: Provided, That this paragraph shall not apply to assistance to combat infectious diseases or assistance for victims of trafficking in persons, and to activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(h) Funds made available by this Act for assistance for the Government of Uzbekistan may be made available 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 Be-
between the Republic of Uzbekistan and the United States of America”.

**INDEPENDENT AGENCIES**

**INTER-AMERICAN FOUNDATION**

For expenses necessary 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, $16,000,000, to remain available until September 30, 2004.

**AFRICAN DEVELOPMENT FOUNDATION**

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $19,689,000, to remain available until September 30, 2004: 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.
For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $317,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2004: Provided further, That the Director of the Peace Corps may make appointments or assignments, or extend current appointments or assignments, to permit United States citizens to serve for periods in excess of five years in the case of individuals whose appointment or assignment, such as regional safety security officers and employees within the Office of the Inspector General, involves the safety of Peace Corps volunteers: Provided further, That the Director of the Peace Corps may make such appointments or assignments notwithstanding the provisions of section 7 of the Peace Corps Act limiting the length of an appointment or assignment, the circumstances under which such an appointment or assignment may exceed five years, and the percentage of appointments or assignments that can be made in excess of five years.
For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $197,000,000, to remain available until expended: Provided, That during fiscal year 2003, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, $10,000,000 should be made available for the demand reduction program: Provided further, That of the funds appropriated under this heading, not more than $24,062,000 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, $731,000,000, to remain available until expended: Provided, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading for assistance for Colombia: 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, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in fiscal year 2003, 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 section 3204(b)(1)(A) of Public Law 106–246, as amended, shall remain applicable to funds made available for fiscal year 2003: 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 ille-
gal security cooperative, such helicopter shall be imme-
diately returned to the United States: Provided further,
That none of the funds appropriated by this Act may be
made available to support a Peruvian air interdiction pro-
gram until the Secretary of State and Director of Central
Intelligence certify to the Congress, 30 days before any
resumption of United States involvement in a Peruvian air
interdiction program, that an air interdiction program
that permits the ability of the Peruvian Air Force to shoot
down aircraft will include enhanced safeguards and proce-
dures to prevent the occurrence of any incident similar to
the April 20, 2001 incident: Provided further, That the
Secretary of State, in consultation with the Administrator
of the United States Agency for International Develop-
ment, 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 ap-
propriated under this heading, a report on the proposed
uses of all funds under this heading on a country-by-coun-
try basis for each proposed program, project, or activity:
Provided further, That of the funds appropriated under
this heading, not more than $15,680,000 may be made
available for administrative expenses of the Department
of State, and not more than $4,500,000 may be made available 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, contributions 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, $800,000,000, which shall remain available until expended: Provided, That of the funds appropriated under this heading, not more than $16,000,000 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 the 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(e)),
$20,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-ter-
rorism and related programs and activities, $347,400,000,
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, sec-
tion 23 of the Arms Export Control Act or the Foreign
Assistance Act of 1961 for demining activities, the clear-
ance 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, section
301 of the Foreign Assistance Act of 1961 for a voluntary
contribution to the International Atomic Energy Agency
(IAEA) and a voluntary contribution to the Korean Penin-
sula Energy Development Organization (KEDO), and for
a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided,
That the Secretary of State shall inform the Committees on Appropriations at least 15 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Non-proliferation 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 following consultation with the appropriate committees of Congress: 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 $500,000, in addition to funds otherwise available for such purposes, may be used for ad-
ministrative expenses related to the operation and management of the demining program.

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 (relating to international affairs technical assistance activities), $11,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

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, $80,000,000, 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 grant financed military education and training for Guatemala may only be available for expanded international
military education and 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, $4,080,200,000: Provided, That of the funds appropriated under this heading, not less than $2,100,000,000 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 or by October 31, 2002, whichever is later: 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 $550,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2003 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 or by October 31, 2002, whichever is later: *Provided further,* That funds appropriated 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): *Provided further,* That except as provided in the following proviso, none of the funds appropriated by this paragraph may be made available for helicopters and related support costs for Colombia: *Provided further,* That up to $98,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading “International Narcotics Control and Law Enforcement” for helicopters, training and other assistance for the Colombian Armed Forces for security for the Cano Limon pipeline.

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 Liberia: 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 nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: 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 $38,000,000 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 $356,000,000 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 2003 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.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $125,000,000: 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

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $147,812,533, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $874,338,333, 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, $1,630,696, 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 Multilateral Investment Guarantee Agency 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 $6,825,178.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $30,351,667, for the United States share of the increase in subscriptions to capital stock, 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, $24,590,667, 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, $97,886,133, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,104,473, 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 $79,602,688.

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, $113,073,333, 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, $35,804,955, 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 $123,328,178.
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, $15,003,667, 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, $190,400,000: Provided, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

Sec. 501. Except for the appropriations entitled “International Disaster Assistance”, and “United States Emergency Refugee and Migration Assistance Fund”, not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

Sec. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assist-
ance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

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

LIMITATION ON RESIDENCE EXPENSES

Sec. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 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 $95,000 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 $2,000 shall be available for entertainment expenses and not to exceed $125,000 shall be available for representation 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 $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

Sec. 506. None of the funds appropriated or made available (other than funds for “Nonproliferation, Anti-terrorism, Demining and Related Programs”) pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

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, Iraq, Libya, North Korea, Iran, Sudan, 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. 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 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 BETWEEN ACCOUNTS**

**Sec. 509.** (a) 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.

(b) Notwithstanding subsection (a), 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.

(c) 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 five 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.

(d) 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

HR 5410 RH
transferred under such authority may be made available for the cost of such audits.

DEOBLIGATION/REOBLIGATION AUTHORITY

Sec. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this section may not be used in fiscal year 2003.

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, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, 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 allo-
cated or obligated for cash disbursements in order to ad-
dress balance of payments or economic policy reform ob-
jectives, 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 govern-
ment of any country which is in default during a period
in excess of one 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 consulta-
tions with the Committees on Appropriations, that assist-
ance 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 ex-
pended to finance any loan, any assistance or any other
financial commitments for establishing or expanding pro-
duction 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 in 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. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for “Child
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 re-
programming for an activity, program, or project under
chapter 1 of part I of the Foreign Assistance Act of 1961
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 provi-
sion of this Act or any other Act, including any prior Act
requiring notification in accordance with the regular noti-
fication 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 pro-
vided 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 cir-
cumstances 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, 2004.

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 investment; and

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

Assistance may be furnished without regard to this subsection if the President determines 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 non-proliferation programs.

(d) Funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall...
Union” for the Russian Federation, Armenia, Georgia, and Ukraine 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) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) 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 appro-
priations 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 the New Independent States 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 2003, 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 Colombia, Liberia, Sudan, Zimbabwe, Pakistan, or the Democratic Republic of Congo 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 $11,000,000 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 this Act that are made available 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: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

AFGHANISTAN

Sec. 523. Of the funds appropriated by title II of this Act and under the heading “International Organizations and Programs”, not less than $295,500,000 shall be made available for humanitarian and reconstruction assistance for Afghanistan, including assistance to improve
the status of women in Afghanistan, assistance to victims of war, and assistance to repair roads and bridges, of which not less than $2,500,000 should be made available for multiservice women’s centers.

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.
SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings “Trade and Development Agency” and “Peace Corps”, 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.

DEMOCRACY PROGRAMS

SEC. 526. (a) 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: Provided, That notwithstanding any other provision of law, not to exceed $3,000,000 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 made available to nongovernmental organizations located outside the People’s Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibet: Provided further, That funds made available pursuant to the authority of this subsection for programs, projects, and activities for the People’s Republic of China shall be subject to the regular notification procedures of the Committees on Appropriations.
(b) Funds appropriated by this Act under the heading “Economic Support Fund” may be made available, notwithstanding any other provision of law, for programs and activities to foster democracy, human rights, press freedoms, women’s development, and the rule of law in countries 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 or bolster ongoing programs and activities in those countries: 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.

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 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 Develop-
ment shall report on an annual basis as part of the just-
ification documents submitted to the Committees on Ap-
propriations on the use of local currencies for the adminis-
trative 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 chap-
ter 4 of part II of the Foreign Assistance Act of 1961,
as cash transfer assistance or as nonproject sector assist-
ance, 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 not-
withstanding 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 Res-
olution 648 (House Report No. 98–1159).

(3) Notification.—At least 15 days prior to obli-
gating any such cash transfer or nonproject sector assist-
\textbf{COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS}

Sec. 530. (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.
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.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

Sec. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or
(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

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

SEC. 532. 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. 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 project or activity that
contributes to the violation of internationally recog-
nized workers rights, as defined in section 507(4)(E)
of the Trade Act of 1974, of workers in the recipient
country, including any designated zone or area in
that country: Provided, That in recognition that the
application of this paragraph should be commensu-
rate with the level of development of the recipient
country and sector, the provisions of this subsection
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, LEBANON, MONTE-
NEGO, VICTIMS OF WAR, DISPLACED CHILDREN, AND
DISPLACED BURMESE.—Funds appropriated by this Act
that are made available for assistance for Afghanistan,
and funds appropriated in titles I and II of this Act that
are made available for Lebanon, Montenegro, and for vic-
tims of war, displaced children, and displaced Burmese,
may be made available notwithstanding any other provi-
sion of law: Provided, That funds appropriated by this Act
to carry out the provisions of section 541 of the Foreign
Assistance Act of 1961 may be made available notwithstanding section 557 of this Act.

(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 15 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 7 of such contractors shall be assigned to any bureau.
or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Procurement; the Bureau for Africa; and the Bureau for Asia and the Near East: 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) Contingencies.—During fiscal year 2003, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) Small Business.—In entering into multiple award indefinite-quantity contracts with funds appro-
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.

(g) **Shipment of Humanitarian Assistance.**—During fiscal year 2003, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961, funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas.

**Policy on Terminating the Arab League Boycott of Israel and Normalizing Relations with Israel**

Sec. 535. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;
(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts
of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

Sec. 536. Of the funds appropriated or otherwise made available by this Act for “Economic Support Fund”, assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

Sec. 537. (a) Assistance Through Nongovernmental 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 the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, 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 2003, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to re-
strict assistance under the Agricultural Trade Develop-
ment 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.

EARMARKS

Sec. 538. (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 not possible 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 repro-
grammed 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. 539. (a) 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.

(b) 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. 540. 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. 541. 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. 542. 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 GOVERN-
MENTS THAT EXPORT LETHAL MILITARY EQUIP-
MENT TO COUNTRIES SUPPORTING INTERNATIONAL
TERRORISM

Sec. 543. (a) None of the funds appropriated or oth-
erwise made available by this Act may be available to any
foreign government which provides lethal military equip-
ment to a country the government of which the Secretary
of State has determined is a terrorist government for pur-
poses of section 6(j) of the Export Administration Act.
The prohibition under this section with respect to a for-
egn government shall terminate 12 months after that gov-
ernment 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 fur-
nishing of such assistance. Any such report shall include
a detailed explanation of the assistance to be provided, in-
cluding 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

OWNED BY FOREIGN COUNTRIES

SEC. 544. (a) IN GENERAL.—Of the funds made
available for a foreign country under part I of the Foreign
Assistance Act of 1961, an amount equivalent to 110 per-
cent of the total unpaid fully adjudicated parking fines
and penalties owed to the District of Columbia and New
York City, New York by such country as of September
30, 2002, that were incurred after the first day of the
fiscal year preceding the current fiscal year shall be with-
held from obligation for such country until the Secretary
of State certifies and reports in writing to the appropriate
congressional committees that such fines and penalties are
fully paid to the government of the District of Columbia
and New York City, New York.

(b) DEFINITION.—For purposes of this section, the
term “appropriate congressional committees” means the
Committee on Foreign Relations and the Committee on
Appropriations of the Senate and the Committee on Inter-
ational Relations and the Committee on Appropriations
of the House of Representatives.
LIMITATION ON ASSISTANCE FOR THE PLO FOR THE
WEST BANK AND GAZA

SEC. 545. None of the funds appropriated by this Act
may be obligated for assistance for the Palestine Libera-
tion 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 sus-
pend or make inapplicable section 307 of the Foreign As-
sistance Act of 1961 and that suspension is still in effect:

Provided, That if the President fails to make the certifi-
cation 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 Lib-
eration Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 546. 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 sec-
tion 552(e) of the Foreign Assistance Act of 1961, as
amended, of up to $30,000,000 of commodities and serv-
ices for the United Nations War Crimes Tribunal estab-
lished with regard to the former Yugoslavia by the United
Nations Security Council or such other tribunals or com-
missions 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 or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

**LANDMINES**

SEC. 547. 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. 548. None of the funds appropriated by this Act may be obligated or expended to create in any part of Je-
rusalem 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 Pal-
estinian Authority over Gaza and Jericho or any successor
Palestinian governing entity provided for in the Israel-
PLO Declaration of Principles: Provided, That this re-
striction shall not apply to the acquisition of additional
space for the existing Consulate General in Jerusalem:
Provided further, That meetings between officers and em-
ployees of the United States and officials of the Pales-
tinian Authority, or any successor Palestinian governing
entity provided for in the Israel-PLO Declaration of Prin-
ciples, 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. 549. None of the funds appropriated or other-
wise made available by this Act under the heading “Inter-
national 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 entrance fees at sporting events and amusement parks.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 550. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—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.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—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) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United
States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) Definitions.—As used in this section the term “United States person” refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

CARIBBEAN BASIN

Sec. 551. (a) 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: Provided, That the authority provided by this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Of the funds appropriated by title II of this Act and of the funds appropriated to carry out food assistance programs managed by the United States Agency for International Development, a total of not less than $52,500,000 should be allocated for assistance for Haiti in fiscal year 2003.

(c) Of the funds appropriated by title II of this Act, a total of $37,680,000 should be allocated for assistance for Nicaragua and $40,130,000 should be allocated for as-
sistance for Honduras, to address the conditions of in-
creasing poverty in the rural sectors of those countries
through programs that support, among other things, in-
creased agricultural production and other income gener-
ating opportunities, improved health, and expanded edu-
cation opportunities, especially for disadvantaged youth.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN

AUTHORITY

SEC. 552. (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 pro-
viding 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.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 553. 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 effec-
tive measures to bring the responsible members of the se-
curity forces to justice.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS
IN THE RUSSIAN FEDERATION

SEC. 554. None of the funds appropriated under this
Act may be made available for the Government of the Rus-
sian Federation, after 180 days from the date of the en-
actment of this Act, unless the President determines and
certifies in writing to the Committees on Appropriations
and the Committee on Foreign Relations of the Senate
that the Government of the Russian Federation has imple-
mented no statute, executive order, regulation or similar
government action that would discriminate, or would have
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.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 555. Of the funds appropriated in titles II and
III of this Act under the headings “Economic Support
Fund”, “Foreign Military Financing Program”, “Inter-
national Military Education and Training”, “Peace-
keeping Operations”, for refugees resettling in Israel
under the heading “Migration and Refugee Assistance”,
and for assistance for Israel to carry out provisions of
chapter 8 of part II of the Foreign Assistance Act of 1961
under the heading “Nonproliferation, Anti-Terrorism,
Demining and Related Programs”, not more than a total
of $5,466,700,000 may be made available for Israel,
Egypt, Jordan, Lebanon, the West Bank and Gaza, the
Israel-Lebanon Monitoring Group, the Multinational
Force and Observers, the Middle East Regional Demo-
cracy Fund, Middle East Regional Cooperation, and Middle
East Multilateral Working Groups: Provided, That any
funds that were appropriated under such headings in prior
fiscal years and that were at the time of the enactment
of this Act obligated or allocated for other recipients may not during fiscal year 2003 be made available for activities that, if funded under this Act, would be required to count against this ceiling: *Provided further,* That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

**ENTERPRISE FUND RESTRICTIONS**

Sec. 556. 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.

**CAMBODIA**

Sec. 557. (a) 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 support basic human needs.
(b) None of the funds appropriated by this Act may be made available for assistance (except for assistance for basic education and funds appropriated under the heading “Child Survival and Health Programs Fund”) for the Central Government of Cambodia.

FOREIGN MILITARY TRAINING REPORT

SEC. 558. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2003, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2002 and 2003, including those proposed for fiscal year 2003. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.
(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 559. (a) Of the funds made available under the heading “Nonproliferation, Anti-terrorism, Demining and Related Programs”, not to exceed $50,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as “KEDO”), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 15 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula;

(2) North Korea is complying with all provisions of the Agreed Framework; and

(3) the United States is continuing to make significant progress on eliminating the North Korean
ballistic missile threat, including further missile tests
and its ballistic missile exports.
(c) The President may waive the certification require-
ments of subsections (b)(1) and (b)(3) if the President
determines that it is vital to the national security interests
of the United States and provides written policy justifica-
tions to the appropriate congressional committees. No
funds may be obligated for KEDO until 15 days after sub-
mission to Congress of such waiver.
(d) The Secretary of State shall, at the time of the
annual presentation for appropriations, submit a report
providing a full and detailed accounting of the fiscal year
2004 request for the United States contribution to KEDO,
the expected operating budget of KEDO, proposed annual
costs associated with heavy fuel oil purchases, including
unpaid debt, and the amount of funds pledged by other
donor nations and organizations to support KEDO activi-
ties on a per country basis, and other related activities.

PALESTINIAN STATEHOOD

Sec. 560. (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 congres-
sional 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 fully 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) 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 552 of this Act (“Limitation on Assistance to the Palestinian Authority”).

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

Sec. 561. 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.

IRAQ

Sec. 562. Notwithstanding any other provision of law, funds appropriated under the heading “Economic Support Fund” may be made available for programs benefiting the Iraqi people and to support efforts to bring about a political transition in Iraq.

WEST BANK AND GAZA PROGRAM

Sec. 563. (a) OVERSIGHT.—For fiscal year 2003, 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 Controller 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 Pro-
gram 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 or entity 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.

(c) 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.

INDONESIA

Sec. 564. (a) Funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Indonesian military personnel only if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations in East Timor and Indonesia;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting illegal militia groups in East Timor and Indonesia;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor and demonstrating a commitment to preventing incursions into East Timor by member of militia groups in West Timor;
(4) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the armed forces and militia groups responsible for human rights violations in East Timor and Indonesia;

(5) demonstrating a commitment to civilian control of the armed forces by reporting to civilian authorities audits of receipts and expenditures of the armed forces;

(6) allowing United Nations and other international humanitarian organizations and representatives of recognized human rights organizations access to West Timor, Aceh, West Papua, and Maluku; and

(7) releasing political detainees.

BRIEFINGS ON POTENTIAL PURCHASES OF DEFENSE ARTICLES OR DEFENSE SERVICES BY TAIWAN

SEC. 565. (a) BRIEFINGS.—Not late than 90 days after the date of enactment of this Act, and not later than every 120 days thereafter during fiscal year 2003, the Department of State, in consultation with the Department of Defense, shall provide detailed briefings to the appropriate congressional committees (including the Committees on Appropriations) on any discussions conducted between any executive branch agency and the Government of Taiwan during the preceding 120 days (or, in the case
of the initial briefing, since the date of enactment of this Act) on any potential purchase of defense articles or de-
fense services by the Government of Taiwan.

(b) EXECUTIVE AGENCY DEFINED.—In this section, the term “executive branch agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

Sec. 566. (a) None of the funds appropriated by this Act may be made available for assistance for the govern-
ment of any country for which the Secretary of State de-
termines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

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

VOLUNTARY SEPARATION INCENTIVES

Sec. 567. Section 579(c)(2)(D) of the Foreign Oper-
ations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), as amended, is further amended by striking
“December 31, 2002” and inserting in lieu thereof “December 31, 2003”.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

Sec. 568. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under “International Organizations and Programs”, $25,000,000 for fiscal year 2003 shall be available for the United Nations Population Fund (hereafter in this section referred to as the “UNFPA”) subject to subsection (c).

(b) 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.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under “International Organizations and Programs” for fiscal year 2003 for the UNFPA may not be made available to the 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;

(3) the UNFPA does not fund abortions; and
(4) the UNFPA does not provide any funding for the State Planned-Birth Commission (Jihua Shengyu Weiyuanhui) or its regional affiliates in the People’s Republic of China.

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

(1) Not later than February 15, 2003, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 569. (a) FUNDING CONDITIONS.—Of the funds made available under the heading “International Financial Institutions” in this Act, 10 percent of the United States portion or payment to such International Financial Insti-
stitution shall be withheld by the Secretary of the Treasury, until the Secretary certifies to the Committees on Appropriations that, to the extent pertinent to its lending programs, the institution is—

(1) implementing procedures for conducting annual audits by qualified independent auditors for all new investment lending;

(2) implementing procedures for annual independent external audits of central bank financial statements for countries making use of International Monetary Fund resources under new arrangements or agreements with the Fund;

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

(4) implementing a process to assess a recipient country’s procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new investment lending; and

(5) taking steps to fund and implement programs and policies to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.
(b) DEFINITIONS.—The term “International Financial Institutions” means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 570. 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.
Sec. 571. (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 publicly 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, the provision of documents,
and the surrender and transfer of publicly indicted persons 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 publicly 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.


USER FEES

SEC. 572. 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 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’ lending programs.

FUNDING FOR YUGOSLAVIA

Sec. 573. (a) Funds appropriated by this Act may be made available for assistance for the Central Government of the Federal Republic of Yugoslavia (or the central government of a successor state) after March 31, 2003, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2003, the Secretary of the Treasury should instruct the United States executive directors to international financial institutions to support loans and assistance to the Central Government of the Federal Republic of Yugoslavia (or the central government of a successor state) subject to the conditions in subsection (c):

Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia (or the central government of a successor state) 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 Central Government of the Federal Republic of Yugoslavia (or the central government of a successor state) is—

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

(2) taking steps that are consistent with the Dayton Accords to end 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) Subsections (b) and (c) shall not apply to humanitarian assistance or assistance to promote democracy.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 574. (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: Provided, That the Secretary of State shall report to the Committees on Appropriations not later than May 1, 2003, regarding the extent to which existing bilateral agreements have been amended to reflect this policy.

(b) Reimbursement of Foreign Taxes.—Of the funds appropriated by this Act that are allocated for assistance for a foreign country and for the West Bank and Gaza Program, an amount equivalent to 200 percent of the total taxes assessed against United States assistance programs by a foreign government or entity, either directly or through grantees, contractors and subcontractors, as of the date of the enactment of this Act that were assessed beginning on the first day of the United States fiscal year preceding the current fiscal year, and for which a proper claim for refund has been submitted to the foreign government, shall be withheld from obligation for 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 reimbursement
provisions of subsection (b), except that the Secretary of
State shall report to the Committees on Appropriations
not later than May 1, 2003, on the degree to which coun-
tries or entities impose such taxes, and the steps the
United States Government has taken to end this practice
in conformance with subsection (a): Provided, That the re-
port required under this subsection may be combined with
the report required under subsection (a).

(d) Refund to the Treasury and Reprogram-
mimg of Funds.—Of the funds withheld from obligation
for each country or entity pursuant to subsection (b), one-
half may become available for reprogramming for other
purposes (pursuant to section 515 of this Act and con-
sistent with the purposes for which such funds were origi-
nally appropriated) and one-half shall be deposited in the
General Fund of the Treasury on, or within 5 days after,
September 1, 2003, pursuant to the certification required
under subsection (b).

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

(f) Definitions.—As used in this section—
(1) the terms “taxes” and “taxation” refer to excise taxes, value added taxes, and customs duties, or any other similar form of taxation on United States assistance, excluding income taxes or similar taxes; 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 ON USE OF MULTILATERAL ASSISTANCE TO SUPPORT TERRORISM

SEC. 575. (a) REVIEW BY THE COMPTROLLER GENERAL.—Not later than May 1, 2003, the Comptroller General of the United States shall provide a report to the Committees on Appropriations on the extent to which the Department of State is complying with section 301(c) of the Foreign Assistance Act of 1961, and on the implementation of procedures that have been established by the United Nations Relief and Works Agency for Palestine
Refugees in the Near East (UNRWA) to meet the standards of the Department of State regarding compliance with the requirements of section 301(c) that no contributions by the United States to UNRWA are made except on the condition that UNRWA take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerilla type organization or who has engaged in any act of terrorism.

(b) Enforcement.—The Secretary of State shall report to the Committees on Appropriations no later than 60 days following the enactment into law of this Act on the procedures that have been established by the Department of State to ensure that section 301(c) of the Foreign Assistance Act of 1961 is enforced to the fullest extent practicable.

COLOMBIA

SEC. 576. (a) Determination and Certification Required.—None of the funds appropriated by this Act may be made available for assistance for the Colombian Armed Forces until the Secretary of State determines and certifies to the appropriate congressional committees that:

(1) the Commander general of the Colombian Armed Forces is suspending from the Armed Forces those members, 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 groups;

(2) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities (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 and relevant military documents and other information), in prosecuting and punishing in civilian courts 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 groups; and

(3) the Colombian Armed Forces are taking effective measures to sever links (including by 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 groups, and to execute outstanding orders for capture for members of such groups.
(b) Consultative Process.—At least 10 days prior to making the determination and certification required by this section, and every 120 days thereafter during fiscal year 2003, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (a).

(c) Report.—One hundred and twenty days after the enactment of this Act, and every 120 days thereafter during fiscal year 2003, the Secretary of State shall submit a report to the Committees on Appropriations describing actions taken by the Colombian Armed Forces to meet the requirements set forth 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. 577. (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.

BURMA

SEC. 578. (a) 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 $8,500,000 should be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located
outside Burma, for the purpose of fostering democracy in Burma, supporting the provision of medical supplies and other humanitarian assistance to Burmese located in Burma or displaced Burmese along the borders, and for other purposes: Provided, That of this amount not less than $200,000 should be made available to support newspapers, publications, and other media activities promoting democracy inside Burma: Provided further, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) Of the funds appropriated by this Act under the heading “Child Survival and Health Programs Fund”, not less than $2,000,000 should be made available for the prevention, treatment, and control of HIV/AIDS, tuberculosis, malaria, and other infectious diseases in Burma.

TROPICAL FOREST CONSERVATION

Sec. 579. Of the funds appropriated under the heading “Development Assistance”, $50,000,000 is available to carry out tropical forest conservation activities authorized by the Foreign Assistance Act of 1961, of which amount up to $40,000,000 may be available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, pursuant
to the provisions of part V of such Act, the Tropical Forest Conservation Act of 1998.

AUTHORIZATIONS

Sec. 580. The Secretary of the Treasury may, to fulfill commitments of the United States, contribute on behalf of the United States to the seventh replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank; to the thirteenth replenishment of the resources of the International Development Association; and to the ninth replenishment of the resources of the African Development Fund. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $412,000,000 for the Asian Development Fund, $2,850,000,000 for the International Development Association, and $354,000,000 for the African Development Fund.

CUBA

Sec. 581. 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.

TRADE CAPACITY BUILDING

Sec. 582. 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 $452,000,000 should be made available for trade capacity building assistance.

American Churchwomen and Other Citizens in El Salvador and Guatemala

Sec. 583. (a) To the fullest extent possible information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of six other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) The Department of State is urged to pursue all reasonable avenues in assuring the collection and public release of information pertaining to the murders of the six American citizens in Guatemala.

(c) The President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims’ families such information, consistent with existing standards and procedures on classification.

(d) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classi-
(e) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

This Act may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003”.
A BILL

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

September 19, 2002

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed