

**Calendar No. 417**112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 3241****[Report No. 112-172]**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2013, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 24, 2012

Mr. LEAHY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2013, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 Department of State, foreign operations, and related pro-  
6 grams for the fiscal year ending September 30, 2013, and  
7 for other purposes, namely:

1 TITLE I  
2 DEPARTMENT OF STATE AND RELATED  
3 AGENCY  
4 DEPARTMENT OF STATE  
5 ADMINISTRATION OF FOREIGN AFFAIRS  
6 DIPLOMATIC AND CONSULAR PROGRAMS  
7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Department of State  
9 and the Foreign Service not otherwise provided for,  
10 \$7,437,468,000, of which up to \$1,428,468,000 is for  
11 Worldwide Security Protection (to remain available until  
12 expended): *Provided*, That funds made available under  
13 this heading shall be allocated as follows:

14 (1) HUMAN RESOURCES.—For necessary ex-  
15 penses for training, human resources management,  
16 and salaries, including employment without regard  
17 to civil service and classification laws of persons on  
18 a temporary basis (not to exceed \$700,000), as au-  
19 thorized by section 801 of the United States Infor-  
20 mation and Educational Exchange Act of 1948,  
21 \$2,448,702,000, to remain available until September  
22 30, 2014, of which not less than \$132,311,000 shall  
23 be available only for public diplomacy American sal-  
24 aries, and up to \$218,110,000 is for Worldwide Se-

1 security Protection and shall remain available until ex-  
2 pended.

3 (2) OVERSEAS PROGRAMS.—For necessary ex-  
4 penses for the regional bureaus of the Department  
5 of State and overseas activities as authorized by law,  
6 \$2,631,039,000, to remain available until September  
7 30, 2014, of which not less than \$409,255,000 shall  
8 be available only for public diplomacy international  
9 information programs.

10 (3) DIPLOMATIC POLICY AND SUPPORT.—For  
11 necessary expenses for the functional bureaus of the  
12 Department of State, including representation to  
13 certain international organizations in which the  
14 United States participates pursuant to treaties rati-  
15 fied pursuant to the advice and consent of the Sen-  
16 ate or specific Acts of Congress, general administra-  
17 tion, and arms control, nonproliferation and disar-  
18 mament activities as authorized, \$892,982,000, to  
19 remain available until September 30, 2014.

20 (4) SECURITY PROGRAMS.—For necessary ex-  
21 penses for security activities, \$1,464,745,000, to re-  
22 main available until September 30, 2014, of which  
23 up to \$1,210,358,000 is for Worldwide Security Pro-  
24 tection and shall remain available until expended.

1           (5) FEES AND PAYMENTS COLLECTED.—In ad-  
2           dition to amounts otherwise made available under  
3           this heading—

4                   (A) as authorized by section 810 of the  
5           United States Information and Educational Ex-  
6           change Act, not to exceed \$5,000,000, to re-  
7           main available until expended, may be credited  
8           to this appropriation from fees or other pay-  
9           ments received from English teaching, library,  
10          motion pictures, and publication programs and  
11          from fees from educational advising and coun-  
12          seling and exchange visitor programs; and

13                   (B) not to exceed \$15,000, which shall be  
14          derived from reimbursements, surcharges, and  
15          fees for use of Blair House facilities.

16          (6) TRANSFER, REPROGRAMMING, AND OTHER  
17          MATTERS.—

18                   (A) Notwithstanding any provision of this  
19          Act, funds may be reprogrammed within and  
20          between subsections under this heading subject  
21          to section 7015 of this Act.

22                   (B) Of the amount made available under  
23          this heading, not to exceed \$10,000,000 may be  
24          transferred to, and merged with, funds made  
25          available by this Act under the heading “Emer-

1 agencies in the Diplomatic and Consular Serv-  
2 ice”, to be available only for emergency evacu-  
3 ations and rewards, as authorized.

4 (C) Funds appropriated under this heading  
5 are available for acquisition by exchange or pur-  
6 chase of passenger motor vehicles as authorized  
7 by law and, pursuant to 31 U.S.C. 1108(g), for  
8 the field examination of programs and activities  
9 in the United States funded from any account  
10 contained in this title.

11 (D) Of the funds appropriated under this  
12 heading, up to \$56,500,000, to remain available  
13 until expended, may be transferred to, and  
14 merged with, funds previously made available  
15 under the heading “Conflict Stabilization Oper-  
16 ations” in title I of prior acts making appro-  
17 priations for the Department of State, foreign  
18 operations and related programs.

19 (E) Of the funds appropriated under this  
20 heading, not more than \$570,763,000 may be  
21 made available for Department of State oper-  
22 ations in Afghanistan, not more than  
23 \$29,970,000 may be made available for such  
24 operations in Pakistan, and not more than

1           \$250,000,000 may be made available for such  
2           operations in Iraq.

3                           CAPITAL INVESTMENT FUND

4           For necessary expenses of the Capital Investment  
5 Fund, \$90,000,000, to remain available until expended,  
6 as authorized: *Provided*, That section 135(e) of Public  
7 Law 103–236 shall not apply to funds available under this  
8 heading.

9                           OFFICE OF INSPECTOR GENERAL

10          For necessary expenses of the Office of Inspector  
11 General, \$67,000,000, notwithstanding section 209(a)(1)  
12 of the Foreign Service Act of 1980 (Public Law 96–465),  
13 as it relates to post inspections.

14                       EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

15          For expenses of educational and cultural exchange  
16 programs, as authorized, \$625,000,000, to remain avail-  
17 able until expended: *Provided*, That not to exceed  
18 \$5,000,000, to remain available until expended, may be  
19 credited to this appropriation from fees or other payments  
20 received from or in connection with English teaching, edu-  
21 cational advising and counseling programs, and exchange  
22 visitor programs as authorized.

23                           REPRESENTATION EXPENSES

24          For representation expenses as authorized,  
25 \$7,300,000.

## 1 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

2 For expenses, not otherwise provided, to enable the  
3 Secretary of State to provide for extraordinary protective  
4 services, as authorized, \$35,000,000, to remain available  
5 until September 30, 2014.

## 6 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

7 For necessary expenses for carrying out the Foreign  
8 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-  
9 serving, maintaining, repairing, and planning for buildings  
10 that are owned or directly leased by the Department of  
11 State, renovating, in addition to funds otherwise available,  
12 the Harry S Truman Building, and carrying out the Dip-  
13 lomatic Security Construction Program as authorized,  
14 \$948,925,000, to remain available until expended as au-  
15 thorized, of which not to exceed \$7,500 may be used for  
16 domestic and overseas representation expenses as author-  
17 ized: *Provided*, That none of the funds appropriated in this  
18 paragraph shall be available for acquisition of furniture,  
19 furnishings, or generators for other departments and  
20 agencies.

21 In addition, for the costs of worldwide security up-  
22 grades, acquisition, and construction as authorized,  
23 \$688,799,000, to remain available until expended: *Pro-*  
24 *vided*, That not later than 45 days after enactment of this  
25 Act, the Secretary of State shall submit to the Committees



1 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

2 For necessary expenses to carry out the Taiwan Rela-  
3 tions Act (Public Law 96–8), \$37,200,000.

4 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND  
5 DISABILITY FUND

6 For payment to the Foreign Service Retirement and  
7 Disability Fund, as authorized, \$158,900,000.

8 INTERNATIONAL ORGANIZATIONS

9 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

10 For necessary expenses, not otherwise provided for,  
11 to meet annual obligations of membership in international  
12 multilateral organizations, pursuant to treaties ratified  
13 pursuant to the advice and consent of the Senate, conven-  
14 tions or specific Acts of Congress, \$1,389,737,000: *Pro-*  
15 *vided*, That the Secretary of State shall, at the time of  
16 the submission of the President’s budget to Congress  
17 under section 1105(a) of title 31, United States Code,  
18 transmit to the Committees on Appropriations the most  
19 recent biennial budget prepared by the United Nations for  
20 the operations of the United Nations: *Provided further*,  
21 That the Secretary of State shall notify the Committees  
22 on Appropriations at least 15 days in advance (or in an  
23 emergency, as far in advance as is practicable) of any  
24 United Nations action to increase funding for any United  
25 Nations program without identifying an offsetting de-

1 crease elsewhere in the United Nations budget: *Provided*  
2 *further*, That the Secretary of State shall report to the  
3 Committees on Appropriations not later than May 1,  
4 2013, on any credits available to the United States from  
5 the United Nations Tax Equalization Fund (TEF) and  
6 provide updated fiscal year 2014 assessment costs includ-  
7 ing offsets from available TEF credits and updated for-  
8 eign currency exchange rates: *Provided further*, That any  
9 such credits shall only be available for United States as-  
10 sessed contributions to the United Nations and shall be  
11 subject to the regular notification procedures of the Com-  
12 mittees on Appropriations: *Provided further*, That any  
13 payment of arrearages under this heading shall be directed  
14 toward activities that are mutually agreed upon by the  
15 United States and the respective international organiza-  
16 tion: *Provided further*, That none of the funds appro-  
17 priated under this heading shall be available for a United  
18 States contribution to an international organization for  
19 the United States share of interest costs made known to  
20 the United States Government by such organization for  
21 loans incurred on or after October 1, 1984, through exter-  
22 nal borrowings.



1 such cases publicly available in the country where an al-  
2 leged crime occurs and on the United Nations' Web site;  
3 and (3) pursuant to section 7015 of this Act, and the pro-  
4 cedures therein followed, setting forth the source of funds  
5 that will be used to pay the cost of the new or expanded  
6 mission: *Provided further*, That funds shall be available  
7 for peacekeeping expenses unless the Secretary of State  
8 determines that American manufacturers and suppliers  
9 are not being given opportunities to provide equipment,  
10 services, and material for United Nations peacekeeping ac-  
11 tivities equal to those being given to foreign manufacturers  
12 and suppliers: *Provided further*, That the Secretary of  
13 State shall work with the United Nations and governments  
14 contributing peacekeeping troops to implement effective  
15 vetting procedures to ensure that such troops have not vio-  
16 lated human rights: *Provided further*, That none of the  
17 funds appropriated or otherwise made available under this  
18 heading may be used for any United Nations peacekeeping  
19 mission that will involve United States Armed Forces  
20 under the command or operational control of a foreign na-  
21 tional, unless the President's military advisors have sub-  
22 mitted to the President a recommendation that such in-  
23 volvement is in the national interests of the United States  
24 and the President has submitted to the Congress such a  
25 recommendation: *Provided further*, That notwithstanding

1 any other provision of law, funds appropriated or other-  
2 wise made available under this heading shall be available  
3 for United States assessed contributions up to the amount  
4 specified in the Annex contained in United Nations Gen-  
5 eral Assembly document A/64/220/Add.1 for the period  
6 ending December 31, 2012, and in the next approved  
7 United Nations General Assembly Resolution regarding  
8 the scale of assessments for United Nations peacekeeping  
9 operations for the period beginning January 1, 2013: *Pro-*  
10 *vided further*, That the Secretary of State shall report to  
11 the Committees on Appropriations not later than May 1,  
12 2013, of any credits available to the United States result-  
13 ing from United Nations peacekeeping missions or the  
14 United Nations Tax Equalization Fund: *Provided further*,  
15 That any such credits shall only be available for United  
16 States assessed contributions to the United Nations and  
17 shall be subject to the regular notification procedures of  
18 the Committees on Appropriations.

19 INTERNATIONAL COMMISSIONS

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

1 INTERNATIONAL BOUNDARY AND WATER COMMISSION,  
2 UNITED STATES AND MEXICO

3 For necessary expenses for the United States Section  
4 of the International Boundary and Water Commission,  
5 United States and Mexico, and to comply with laws appli-  
6 cable to the United States Section, including not to exceed  
7 \$1,000 for representation expenses; as follows:

8 SALARIES AND EXPENSES

9 For salaries and expenses, not otherwise provided for,  
10 \$46,700,000.

11 CONSTRUCTION

12 For detailed plan preparation and construction of au-  
13 thorized projects, \$31,500,000, to remain available until  
14 expended, as authorized.

15 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

16 For necessary expenses, not otherwise provided, for  
17 the International Joint Commission and the International  
18 Boundary Commission, United States and Canada, as au-  
19 thorized by treaties between the United States and Can-  
20 ada or Great Britain, and the Border Environment Co-  
21 operation Commission as authorized by Public Law 103-  
22 182, \$13,500,000: *Provided*, That of the amount provided  
23 under this heading for the International Joint Commis-  
24 sion, \$5,000 may be made available for representation ex-  
25 penses.

## 1 INTERNATIONAL FISHERIES COMMISSIONS

2 For necessary expenses for international fisheries  
3 commissions, not otherwise provided for, as authorized by  
4 law, \$40,700,000: *Provided*, That the United States share  
5 of such expenses may be advanced to the respective com-  
6 missions pursuant to 31 U.S.C. 3324.

## 7 RELATED AGENCY

## 8 BROADCASTING BOARD OF GOVERNORS

## 9 INTERNATIONAL BROADCASTING OPERATIONS

10 For necessary expenses to enable the Broadcasting  
11 Board of Governors (BBG), as authorized, to carry out  
12 international communication activities, and to make and  
13 supervise grants for radio and television broadcasting to  
14 the Middle East, \$724,200,000: *Provided*, That funds ap-  
15 propriated under this heading shall be made available to  
16 expand unrestricted access to information on the Internet  
17 through the development and use of circumvention and se-  
18 cure communication technologies: *Provided further*, That  
19 the BBG shall coordinate the development and use of such  
20 technologies with the Secretary of State, as appropriate:  
21 *Provided further*, That not later than 180 days after enact-  
22 ment of this Act, the BBG shall submit to the Committees  
23 on Appropriations a report on how the BBG's multiyear  
24 strategy and fiscal year 2013 budget reflect input from  
25 the Department of State and other relevant Federal agen-

1 cies regarding regional priorities supporting United States  
2 national interests: *Provided further*, That of the total  
3 amount appropriated under this heading, not to exceed  
4 \$35,000 may be used for representation expenses, of  
5 which \$10,000 may be used for representation expenses  
6 within the United States as authorized, and not to exceed  
7 \$30,000 may be used for representation expenses of Radio  
8 Free Europe/Radio Liberty: *Provided further*, That the au-  
9 thority provided by section 504(c) of the Foreign Relations  
10 Authorization Act, Fiscal Year 2003 (Public Law 107–  
11 228; 22 U.S.C. 6206 note) shall remain in effect through  
12 September 30, 2013: *Provided further*, That the BBG  
13 shall notify the Committees on Appropriations within 15  
14 days of any determination by the Board that any of its  
15 broadcast entities, including its grantee organizations,  
16 provides an open platform for international terrorists or  
17 those who support international terrorism, or is in viola-  
18 tion of the principles and standards set forth in sub-  
19 sections (a) and (b) of section 303 of the United States  
20 International Broadcasting Act of 1994 (22 U.S.C. 6202)  
21 or the entity’s journalistic code of ethics: *Provided further*,  
22 That significant modifications to BBG broadcast hours  
23 previously justified to Congress, including changes to  
24 transmission platforms (shortwave, medium wave, sat-  
25 ellite, Internet, and television), for all BBG language serv-

1 ices shall be subject to the regular notification procedures  
2 of the Committees on Appropriations: *Provided further*,  
3 That in addition to funds made available under this head-  
4 ing, and notwithstanding any other provision of law, up  
5 to \$2,000,000 in receipts from advertising and revenue  
6 from business ventures, up to \$500,000 in receipts from  
7 cooperating international organizations, and up to  
8 \$1,000,000 in receipts from privatization efforts of the  
9 Voice of America and the International Broadcasting Bu-  
10 reau, shall remain available until expended for carrying  
11 out authorized purposes.

12                   BROADCASTING CAPITAL IMPROVEMENTS

13       For the purchase, rent, construction, and improve-  
14 ment of facilities for radio and television transmission and  
15 reception, and purchase and installation of necessary  
16 equipment for radio and television transmission and recep-  
17 tion, including to Cuba, as authorized, \$8,850,000, to re-  
18 main available until expended, as authorized.

19                   RELATED PROGRAMS

20                   THE ASIA FOUNDATION

21       For a grant to The Asia Foundation, as authorized  
22 by The Asia Foundation Act (22 U.S.C. 4402),  
23 \$17,000,000, to remain available until expended, as au-  
24 thorized.

## 1 UNITED STATES INSTITUTE OF PEACE

2 For necessary expenses of the United States Institute  
3 of Peace, as authorized by the United States Institute of  
4 Peace Act, \$38,225,000, to remain available until Sep-  
5 tember 30, 2014, which shall not be used for construction  
6 activities.

## 7 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

## 8 TRUST FUND

9 For necessary expenses of the Center for Middle  
10 Eastern-Western Dialogue Trust Fund, as authorized by  
11 section 633 of the Departments of Commerce, Justice, and  
12 State, the Judiciary, and Related Agencies Appropriations  
13 Act, 2004 (22 U.S.C. 2078), the total amount of the inter-  
14 est and earnings accruing to such Fund on or before Sep-  
15 tember 30, 2013, to remain available until expended.

## 16 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

17 For necessary expenses of Eisenhower Exchange Fel-  
18 lowships, Incorporated, as authorized by sections 4 and  
19 5 of the Eisenhower Exchange Fellowship Act of 1990 (20  
20 U.S.C. 5204–5205), all interest and earnings accruing to  
21 the Eisenhower Exchange Fellowship Program Trust  
22 Fund on or before September 30, 2013, to remain avail-  
23 able until expended: *Provided*, That none of the funds ap-  
24 propriated herein shall be used to pay any salary or other  
25 compensation, or to enter into any contract providing for

1 the payment thereof, in excess of the rate authorized by  
2 5 U.S.C. 5376; or for purposes which are not in accord-  
3 ance with OMB Circulars A-110 (Uniform Administrative  
4 Requirements) and A-122 (Cost Principles for Non-profit  
5 Organizations), including the restrictions on compensation  
6 for personal services.

7 ISRAELI ARAB SCHOLARSHIP PROGRAM

8 For necessary expenses of the Israeli Arab Scholar-  
9 ship Program, as authorized by section 214 of the Foreign  
10 Relations Authorization Act, Fiscal Years 1992 and 1993  
11 (22 U.S.C. 2452), all interest and earnings accruing to  
12 the Israeli Arab Scholarship Fund on or before September  
13 30, 2013, to remain available until expended.

14 INTERNATIONAL CENTER

15 Not to exceed \$1,806,600 shall be derived from fees  
16 collected from other executive agencies for lease or use of  
17 facilities at the International Center in accordance with  
18 section 4 of the International Center Act, and in addition,  
19 as authorized by section 5 of such Act, \$5,970,150, to be  
20 derived from the reserve authorized by such section, to be  
21 used for the purposes set out in such section and for devel-  
22 opment, maintenance, and security of additional prop-  
23 erties for use as an International Center by foreign gov-  
24 ernments or international organizations.

## 1 EAST-WEST CENTER

2 To enable the Secretary of State to provide for car-  
3 rying out the provisions of the Center for Cultural and  
4 Technical Interchange Between East and West Act of  
5 1960, by grant to the Center for Cultural and Technical  
6 Interchange Between East and West in the State of Ha-  
7 waii, \$16,700,000: *Provided*, That none of the funds ap-  
8 propriated herein shall be used to pay any salary, or enter  
9 into any contract providing for the payment thereof, in  
10 excess of the rate authorized by 5 U.S.C. 5376.

## 11 NATIONAL ENDOWMENT FOR DEMOCRACY

12 For grants made by the Department of State to the  
13 National Endowment for Democracy, as authorized by the  
14 National Endowment for Democracy Act, \$236,000,000,  
15 to remain available until expended, of which \$200,000,000  
16 shall be allocated in the traditional and customary man-  
17 ner, including for the core institutes, and \$36,000,000  
18 shall be for democracy, human rights, and rule of law pro-  
19 grams.

1                   OTHER COMMISSIONS  
2       COMMISSION FOR THE PRESERVATION OF AMERICA'S  
3                   HERITAGE ABROAD  
4                   SALARIES AND EXPENSES

5           For necessary expenses for the Commission for the  
6 Preservation of America's Heritage Abroad, \$634,000, as  
7 authorized by section 1303 of Public Law 99-83.

8           UNITED STATES COMMISSION ON INTERNATIONAL  
9                   RELIGIOUS FREEDOM  
10                  SALARIES AND EXPENSES

11          For necessary expenses for the United States Com-  
12 mission on International Religious Freedom, as authorized  
13 by title II of the International Religious Freedom Act of  
14 1998 (Public Law 105-292), as amended, \$3,250,000, in-  
15 cluding not more than \$3,000 for representation expenses,  
16 to remain available until September 30, 2014.

17          COMMISSION ON SECURITY AND COOPERATION IN  
18                   EUROPE  
19                   SALARIES AND EXPENSES

20          For necessary expenses of the Commission on Secu-  
21 rity and Cooperation in Europe, as authorized by Public  
22 Law 94-304, \$2,579,000, including not more than \$3,000  
23 for representation expenses, to remain available until Sep-  
24 tember 30, 2014.



1 TITLE II  
2 UNITED STATES AGENCY FOR INTERNATIONAL  
3 DEVELOPMENT  
4 FUNDS APPROPRIATED TO THE PRESIDENT  
5 OPERATING EXPENSES  
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to carry out the provisions  
8 of section 667 of the Foreign Assistance Act of 1961,  
9 \$1,281,100,000, to remain available until September 30,  
10 2014, of which not more than \$137,000,000 may be made  
11 available for United States Agency for International De-  
12 velopment (hereinafter in this Act “USAID”) operations  
13 in Afghanistan, not more than \$37,000,000 may be made  
14 available for such operations in Pakistan, and not more  
15 than \$12,000,000 may be made available for such oper-  
16 ations in Iraq: *Provided*, That 10 percent of the funds ap-  
17 propriated under this heading may not be obligated until  
18 the USAID Administrator submits to the Committees on  
19 Appropriations a comprehensive review of the Agency’s  
20 policies and practices with respect to unsolicited and small  
21 grant proposals, and university and private sector partner-  
22 ship solicitations, and such review shall include specific  
23 recommendations for improving access to information for,  
24 and consideration of, such proposals and solicitations: *Pro-*  
25 *vided further*, That none of the funds appropriated under

1 this heading and under the heading “Capital Investment  
2 Fund” in this title may be made available to finance the  
3 construction (including architect and engineering serv-  
4 ices), purchase, or long-term lease of offices for use by  
5 USAID, unless the USAID Administrator has identified  
6 such proposed use of funds in a report submitted to the  
7 Committees on Appropriations at least 15 days prior to  
8 the obligation of funds for such purposes: *Provided fur-*  
9 *ther*, That contracts or agreements entered into with funds  
10 appropriated under this heading during fiscal year 2014  
11 may entail commitments for the expenditure of such funds  
12 through the following fiscal year: *Provided further*, That  
13 any decision to open a new or reorganized USAID mission,  
14 bureau, center, or office or, except where there is a sub-  
15 stantial security risk to mission personnel, to close or sig-  
16 nificantly reduce the number of personnel of any such mis-  
17 sion or office, shall be subject to the regular notification  
18 procedures of the Committees on Appropriations: *Provided*  
19 *further*, That the authority of sections 610 and 109 of the  
20 Foreign Assistance Act of 1961 may be exercised by the  
21 Secretary of State to transfer funds appropriated to carry  
22 out chapter 1 of part I of such Act to “Operating Ex-  
23 penses” in accordance with the provisions of those sec-  
24 tions: *Provided further*, That any reprogramming of funds  
25 in excess of \$1,000,000 or 10 percent, whichever is less,

1 between the cost categories in the table included under  
2 this heading in the report accompanying this Act, and any  
3 new administrative initiative not specifically justified in  
4 USAID's fiscal year 2013 Congressional Budget Justifica-  
5 tion shall be subject to the regular notification procedures  
6 of the Committees on Appropriations: *Provided further*,  
7 That of the funds appropriated or made available under  
8 this heading, not to exceed \$200,000 may be available for  
9 representation and entertainment expenses, of which not  
10 to exceed \$5,000 may be available for entertainment ex-  
11 penses, for USAID during the current fiscal year.

12 CAPITAL INVESTMENT FUND

13 For necessary expenses for overseas construction and  
14 related costs, and for the procurement and enhancement  
15 of information technology and related capital investments,  
16 pursuant to section 667 of the Foreign Assistance Act of  
17 1961, \$140,000,000, to remain available until expended:  
18 *Provided*, That this amount is in addition to funds other-  
19 wise available for such purposes: *Provided further*, That  
20 funds appropriated under this heading shall be available  
21 for obligation only pursuant to the regular notification  
22 procedures of the Committees on Appropriations.

23 OFFICE OF INSPECTOR GENERAL

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

1 \$51,000,000, to remain available until September 30,  
2 2014, which sum shall be available for the Office of In-  
3 spector General, USAID.

4 TITLE III

5 BILATERAL ECONOMIC ASSISTANCE

6 FUNDS APPROPRIATED TO THE PRESIDENT

7 For necessary expenses to enable the President to  
8 carry out the provisions of the Foreign Assistance Act of  
9 1961, and for other purposes, as follows:

10 GLOBAL HEALTH PROGRAMS

11 For necessary expenses to carry out the provisions  
12 of chapters 1 and 10 of part I of the Foreign Assistance  
13 Act of 1961, for global health activities, in addition to  
14 funds otherwise available for such purposes,  
15 \$2,928,968,000, to remain available until September 30,  
16 2014, and which shall be apportioned directly to USAID:  
17 *Provided*, That this amount shall be made available for  
18 training, equipment, and technical assistance to build the  
19 capacity of public health institutions and organizations in  
20 developing countries, and for such activities as: (1) child  
21 survival and maternal health programs; (2) immunization  
22 and oral rehydration programs; (3) other health, nutrition,  
23 water and sanitation programs which directly address the  
24 needs of mothers and children, and related education pro-  
25 grams; (4) assistance for children displaced or orphaned

1 by causes other than AIDS; (5) programs for the preven-  
2 tion, treatment, control of, and research on HIV/AIDS,  
3 tuberculosis, polio, malaria, and other infectious diseases  
4 including neglected tropical diseases, and for assistance to  
5 communities severely affected by HIV/AIDS, including  
6 children infected or affected by AIDS; and (6) family plan-  
7 ning/reproductive health: *Provided further*, That funds ap-  
8 propriated under this paragraph may be made available  
9 for a United States contribution to the GAVI Alliance:  
10 *Provided further*, That none of the funds made available  
11 in this Act nor any unobligated balances from prior appro-  
12 priations Acts may be made available to any organization  
13 or program which, as determined by the President of the  
14 United States, supports or participates in the manage-  
15 ment of a program of coercive abortion or involuntary  
16 sterilization: *Provided further*, That any determination  
17 made under the previous proviso must be made not later  
18 than 6 months after the date of enactment of this Act,  
19 and must be accompanied by the evidence and criteria uti-  
20 lized to make the determination: *Provided further*, That  
21 none of the funds made available under this Act may be  
22 used to pay for the performance of abortion as a method  
23 of family planning or to motivate or coerce any person  
24 to practice abortions: *Provided further*, That nothing in  
25 this paragraph shall be construed to alter any existing

1 statutory prohibitions against abortion under section 104  
2 of the Foreign Assistance Act of 1961: *Provided further*,  
3 That none of the funds made available under this Act may  
4 be used to lobby for or against abortion: *Provided further*,  
5 That the eighth and ninth provisos under this heading in  
6 the Consolidated Appropriations Act, 2012 (Public Law  
7 112–74) shall apply to funds appropriated under this  
8 heading in this Act: *Provided further*, That for purposes  
9 of this or any other Act authorizing or appropriating funds  
10 for the Department of State, foreign operations, and re-  
11 lated programs, the term “motivate”, as it relates to fam-  
12 ily planning assistance, shall not be construed to prohibit  
13 the provision, consistent with local law, of information or  
14 counseling about all pregnancy options: *Provided further*,  
15 That information provided about the use of condoms as  
16 part of projects or activities that are funded from amounts  
17 appropriated by this Act shall be medically accurate and  
18 shall include the public health benefits and failure rates  
19 of such use.

20 In addition, for necessary expenses to carry out the  
21 provisions of the Foreign Assistance Act of 1961 for the  
22 prevention, treatment, and control of, and research on,  
23 HIV/AIDS, \$5,550,000,000, to remain available until  
24 September 30, 2017, which shall be apportioned directly  
25 to the Department of State: *Provided*, That the annual

1 report required by section 104A(f) of the Foreign Assist-  
2 ance Act of 1961, which report shall be submitted here-  
3 after, as well, to the Committees on Appropriations, shall  
4 include for each regional and bilateral partnership frame-  
5 work country a description of the transition strategy for  
6 each such country within the President's Emergency Plan  
7 for AIDS Relief, including details on the host country and/  
8 or multilateral organization capacity to sustain the  
9 achievements of United States-funded HIV/AIDS and re-  
10 lated programs: *Provided further*, That funds appropriated  
11 under this paragraph may be made available, notwith-  
12 standing any other provision of law, except for the United  
13 States Leadership Against HIV/AIDS, Tuberculosis and  
14 Malaria Act of 2003 (Public Law 108–25), as amended,  
15 for a United States contribution to the Global Fund to  
16 Fight AIDS, Tuberculosis and Malaria (Global Fund),  
17 and shall be expended at the minimum rate necessary to  
18 make timely payment for projects and activities: *Provided*  
19 *further*, That the amount of such contribution should be  
20 \$1,650,000,000: *Provided further*, That up to 5 percent  
21 of the aggregate amount of funds made available to the  
22 Global Fund in fiscal year 2013 may be made available  
23 to USAID for technical assistance related to the activities  
24 of the Global Fund: *Provided further*, That of the funds  
25 appropriated under this paragraph, up to \$14,250,000

1 may be made available, in addition to amounts otherwise  
2 available for such purposes, for administrative expenses of  
3 the Office of the United States Global AIDS Coordinator.

4 DEVELOPMENT ASSISTANCE

5 For necessary expenses to carry out the provisions  
6 of sections 103, 105, 106, 214, and sections 251 through  
7 255, and chapter 10 of part I of the Foreign Assistance  
8 Act of 1961, \$3,050,000,000, to remain available until  
9 September 30, 2014: *Provided*, That of the funds appro-  
10 priated under this heading, \$23,000,000 shall be made  
11 available for the American Schools and Hospitals Abroad  
12 program, and not less than \$10,000,000 shall be made  
13 available for USAID cooperative development programs  
14 within the Office of Private and Voluntary Cooperation.

15 INTERNATIONAL DISASTER ASSISTANCE

16 For necessary expenses to carry out the provisions  
17 of section 491 of the Foreign Assistance Act of 1961 for  
18 international disaster relief, rehabilitation, and recon-  
19 struction assistance, \$1,250,000,000, to remain available  
20 until expended.

21 TRANSITION INITIATIVES

22 For necessary expenses for international disaster re-  
23 habilitation and reconstruction assistance pursuant to sec-  
24 tion 491 of the Foreign Assistance Act of 1961,  
25 \$59,000,000, to remain available until expended, to sup-

1 port transition to democracy and to long-term develop-  
2 ment of countries in crisis: *Provided*, That such support  
3 may include assistance to develop, strengthen, or preserve  
4 democratic institutions and processes, revitalize basic in-  
5 frastructure, and foster the peaceful resolution of conflict:  
6 *Provided further*, That USAID shall submit a report to  
7 the Committees on Appropriations at least 5 days prior  
8 to beginning a new program of assistance: *Provided fur-*  
9 *ther*, That if the Secretary of State determines that it is  
10 important to the national interests of the United States  
11 to provide transition assistance in excess of the amount  
12 appropriated under this heading, up to \$15,000,000 of the  
13 funds appropriated by this Act to carry out the provisions  
14 of part I of the Foreign Assistance Act of 1961 may be  
15 used for purposes of this heading and under the authori-  
16 ties applicable to funds appropriated under this heading:  
17 *Provided further*, That funds made available pursuant to  
18 the previous proviso shall be made available subject to  
19 prior consultation with the Committees on Appropriations.

20 COMPLEX CRISES FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out the provisions  
23 of the Foreign Assistance Act of 1961 to enable the  
24 USAID Administrator, in consultation with the Secretary  
25 of State, to support programs and activities to prevent or

1 respond to emerging or unforeseen complex crises over-  
2 seas, \$50,000,000, to remain available until expended:  
3 *Provided*, That funds appropriated under this heading  
4 may be made available on such terms and conditions as  
5 the USAID Administrator may determine, in consultation  
6 with the Committees on Appropriations, for the purposes  
7 of preventing or responding to such crises, except that no  
8 funds shall be made available to respond to natural disas-  
9 ters: *Provided further*, That funds appropriated under this  
10 heading may be made available notwithstanding any other  
11 provision of law, except sections 7007, 7008, and 7018  
12 of this Act and section 620M of the Foreign Assistance  
13 Act of 1961, as amended by this Act: *Provided further*,  
14 That funds appropriated under this heading shall be sub-  
15 ject to the regular notification procedures of the Commit-  
16 tees on Appropriations, except that such notifications shall  
17 be transmitted at least 5 days in advance of the obligation  
18 of funds: *Provided further*, That up to \$10,000,000 of the  
19 funds appropriated under this heading may be transferred  
20 to, and merged with, funds appropriated under the head-  
21 ing “Conflict Stabilization Operations” in title I of prior  
22 Acts making appropriations for the Department of State,  
23 foreign operations, and related programs.

## 1 DEVELOPMENT CREDIT AUTHORITY

## 2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans and loan guarantees pro-  
4 vided by USAID, as authorized by sections 256 and 635  
5 of the Foreign Assistance Act of 1961, up to \$40,000,000  
6 may be derived by transfer from funds appropriated by  
7 this Act to carry out part I of such Act: *Provided*, That  
8 funds provided under this paragraph and funds provided  
9 as a gift that are used for purposes of this paragraph pur-  
10 suant to section 635(d) of the Foreign Assistance Act of  
11 1961 shall be made available only for micro and small en-  
12 terprise programs, urban programs, and other programs  
13 which further the purposes of part I of such Act: *Provided*  
14 *further*, That such costs, including the cost of modifying  
15 such direct and guaranteed loans, shall be as defined in  
16 section 502 of the Congressional Budget Act of 1974, as  
17 amended: *Provided further*, That funds made available by  
18 this paragraph may be used for the cost of modifying any  
19 such guaranteed loans under this Act or prior Acts, and  
20 funds used for such costs shall be subject to the regular  
21 notification procedures of the Committees on Appropria-  
22 tions: *Provided further*, That the provisions of section  
23 107A(d) (relating to general provisions applicable to the  
24 Development Credit Authority) of the Foreign Assistance  
25 Act of 1961, as contained in section 306 of H.R. 1486

1 as reported by the House Committee on International Re-  
2 lations on May 9, 1997, shall be applicable to direct loans  
3 and loan guarantees provided under this heading, except  
4 that the principal amount of loans made or guaranteed  
5 under this heading with respect to any single country shall  
6 not exceed \$300,000,000: *Provided further*, That these  
7 funds are available to subsidize total loan principal, any  
8 portion of which is to be guaranteed, of up to  
9 \$750,000,000.

10 In addition, for administrative expenses to carry out  
11 credit programs administered by USAID, \$8,200,000,  
12 which may be transferred to, and merged with, funds  
13 made available under the heading “Operating Expenses”  
14 in title II of this Act: *Provided*, That funds made available  
15 under this heading shall remain available until September  
16 30, 2015.

17 ECONOMIC SUPPORT FUND

18 For necessary expenses to carry out the provisions  
19 of chapter 4 of part II of the Foreign Assistance Act of  
20 1961, \$4,524,332,000, to remain available until Sep-  
21 tember 30, 2014: *Provided*, That of the funds appro-  
22 priated under this heading, \$250,000,000 shall be made  
23 available for assistance for Egypt, for programs and ac-  
24 tivities to reduce poverty and create jobs, strengthen de-  
25 mocracy, and protect human rights, including to imple-

1 ment section 7041(b)(3) of this Act, and including not less  
2 than \$35,000,000 for education programs of which not  
3 less than \$10,000,000 is for scholarships at not-for-profit  
4 institutions for Egyptian students with high financial  
5 need: *Provided further*, That funds appropriated under  
6 this heading that are made available for assistance for Cy-  
7 prus shall be used only for scholarships, administrative  
8 support of the scholarship program, bicommunal projects,  
9 and measures aimed at reunification of the island and de-  
10 signed to reduce tensions and promote peace and coopera-  
11 tion between the two communities on Cyprus: *Provided*  
12 *further*, That of the funds made available for assistance  
13 for Lebanon under this heading, \$12,000,000 shall be  
14 used for scholarships at not-for-profit institutions for stu-  
15 dents in Lebanon with high financial need: *Provided fur-*  
16 *ther*, That of the funds appropriated under this heading,  
17 not less than \$410,000,000 shall be available for assist-  
18 ance for Jordan: *Provided further*, That of the funds ap-  
19 propriated under this heading, not less than \$175,000,000  
20 shall be apportioned directly to USAID for alternative de-  
21 velopment/institution building and local governance pro-  
22 grams in Colombia: *Provided further*, That notwith-  
23 standing any other provision of law, of the funds appro-  
24 priated under this heading, not more than \$15,000,000  
25 may be made available for assistance for Cuba, including

1 for humanitarian assistance, support for economic reform,  
2 private sector initiatives, democracy, and human rights:  
3 *Provided further*, That funds made available for the South-  
4 ern Caucasus region may be used for confidence-building  
5 measures and other activities in furtherance of the peace-  
6 ful resolution of conflicts, including in Nagorno-Karabakh:  
7 *Provided further*, That of the funds appropriated under  
8 this heading, not less than \$7,000,000 shall be made avail-  
9 able for humanitarian, conflict mitigation, human rights,  
10 civil society, and relief and reconstruction assistance for  
11 the North Caucasus: *Provided further*, That after con-  
12 sultation with the Committees on Appropriations and the  
13 Secretary of the Treasury, the Secretary of State may  
14 transfer funds made available under this heading to funds  
15 appropriated by this Act under the heading “Multilateral  
16 Assistance, Funds Appropriated to the President, Inter-  
17 national Financial Institutions” for additional payments  
18 to such institutions, facilities, and funds enumerated  
19 under such headings: *Provided further*, That funds appro-  
20 priated under this heading by this Act or prior Acts mak-  
21 ing appropriations for the Department of State, foreign  
22 operations and related programs, or under the heading  
23 “Assistance for Europe, Eurasia and Central Asia” in  
24 such prior Acts, may be made available as a contribution

1 to an endowment in support of efforts to maintain and  
2 preserve the Auschwitz-Birkenau site.

3 DEMOCRACY FUND

4 For necessary expenses to carry out the provisions  
5 of the Foreign Assistance Act of 1961 for the promotion  
6 of democracy globally, \$230,000,000, to remain available  
7 until September 30, 2014, of which \$136,000,000 shall  
8 be made available for the Human Rights and Democracy  
9 Fund of the Bureau of Democracy, Human Rights, and  
10 Labor, Department of State, and \$94,000,000 shall be  
11 made available for the Bureau for Democracy, Conflict,  
12 and Humanitarian Assistance, USAID.

13 MIDDLE EAST AND NORTH AFRICA INCENTIVE FUND

14 For necessary expenses for a Middle East and North  
15 Africa Incentive Fund to carry out the provisions of the  
16 Foreign Assistance Act of 1961, as amended by this Act,  
17 \$1,000,000,000, to remain available until September 30,  
18 2015, which shall be available, notwithstanding any other  
19 provision of law except section 620M of the Foreign As-  
20 sistance Act, as amended by this Act, for assistance and  
21 for contributions to promote regional peace and security  
22 and political and economic reform and stability in the Mid-  
23 dle East and North Africa, which shall include programs  
24 and activities focused on empowering women and girls, ad-  
25 vancing their stature, protection, and integration into edu-

1 cational, political, economic, and security sectors of their  
2 societies: *Provided*, That funds appropriated under this  
3 heading may be made available for scholarships and public  
4 diplomacy programs, including educational and profes-  
5 sional exchanges, broadcasting, and use of the Internet  
6 and social media to facilitate communication with and  
7 among the people of the region: *Provided further*, That  
8 funds appropriated under this heading may be made avail-  
9 able for the costs of direct and guaranteed loans for coun-  
10 tries in the Middle East and North Africa: *Provided fur-*  
11 *ther*, That such costs, including the cost of modifying such  
12 loans and loan guarantees, shall be as defined in section  
13 502 of the Congressional Budget Act of 1974, and may  
14 include the costs of selling, reducing, or cancelling any  
15 amounts owed to the United States or any agency of the  
16 United States by any country in the Middle East and  
17 North Africa: *Provided further*, That amounts that are  
18 made available under the previous two provisos for the  
19 costs of direct loans, loan guarantees, and modifications  
20 shall not be considered assistance for the purposes of pro-  
21 visions of law limiting assistance to a country: *Provided*  
22 *further*, That funds appropriated under this heading may  
23 be transferred to, and merged with, funds appropriated  
24 under the heading “Contributions for International Peace-  
25 keeping” for peacekeeping operations in the Middle East

1 and North Africa: *Provided further*, That funds appro-  
2 priated under this heading may be transferred to any in-  
3 stitution, fund, or program for which funds are made  
4 available under the heading “Multilateral Assistance,  
5 Funds Appropriated to the President, International Fi-  
6 nancial Institutions” for the purposes of this heading: *Pro-*  
7 *vided further*, That up to 5 percent of funds appropriated  
8 under this heading may be made available for administra-  
9 tive expenses of agencies implementing and managing pro-  
10 grams funded under this heading, in addition to funds oth-  
11 erwise available for such purposes, and such funds may  
12 be transferred to, and merged with, funds under the head-  
13 ings “Diplomatic and Consular Programs” and “Oper-  
14 ating Expenses”: *Provided further*, That prior to the initial  
15 obligation of funds appropriated under this heading the  
16 Secretary of State shall consult with the Committees on  
17 Appropriations.

18 DEPARTMENT OF STATE

19 MIGRATION AND REFUGEE ASSISTANCE

20 For necessary expenses not otherwise provided for,  
21 to enable the Secretary of State to carry out the provisions  
22 of section 2(a) and (b) of the Migration and Refugee As-  
23 sistance Act of 1962, and other activities to meet refugee  
24 and migration needs; salaries and expenses of personnel  
25 and dependents as authorized by the Foreign Service Act

1 of 1980; allowances as authorized by sections 5921  
 2 through 5925 of title 5, United States Code; purchase and  
 3 hire of passenger motor vehicles; and services as author-  
 4 ized by section 3109 of title 5, United States Code,  
 5 \$2,300,000,000, to remain available until expended, of  
 6 which \$15,000,000 shall be made available for refugees  
 7 resettling in Israel, and not less than \$35,000,000 shall  
 8 be made available to respond to small-scale emergency hu-  
 9 manitarian requirements.

10 UNITED STATES EMERGENCY REFUGEE AND MIGRATION  
 11 ASSISTANCE FUND

12 For necessary expenses to carry out the provisions  
 13 of section 2(c) of the Migration and Refugee Assistance  
 14 Act of 1962, as amended (22 U.S.C. 2601(c)),  
 15 \$50,000,000, to remain available until expended.

16 INDEPENDENT AGENCIES  
 17 PEACE CORPS  
 18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses to carry out the provisions  
 20 of the Peace Corps Act (22 U.S.C. 2501–2523), including  
 21 the purchase of not to exceed five passenger motor vehicles  
 22 for administrative purposes for use outside of the United  
 23 States, \$400,000,000, of which \$5,000,000 is for the Of-  
 24 fice of Inspector General, to remain available until Sep-  
 25 tember 30, 2014: *Provided*, That the Director of the Peace

1 Corps (the Director) may transfer to the Foreign Cur-  
2 rency Fluctuations Account, as authorized by 22 U.S.C.  
3 2515, an amount not to exceed \$5,000,000: *Provided fur-*  
4 *ther*, That funds transferred pursuant to the previous pro-  
5 viso may not be derived from amounts made available for  
6 Peace Corps overseas operations: *Provided further*, That  
7 of the funds appropriated under this heading, not to ex-  
8 ceed \$100,000 may be available for representation ex-  
9 penses, of which not to exceed \$4,000 may be made avail-  
10 able for entertainment expenses: *Provided further*, That  
11 any decision to open, close, significantly reduce, or sus-  
12 pend a domestic or overseas office or country program  
13 shall be subject to prior consultation with, and the regular  
14 notification procedures of, the Committees on Appropria-  
15 tions, except that prior consultation and regular notifica-  
16 tion procedures may be waived when there is a substantial  
17 security risk to volunteers or other Peace Corps personnel,  
18 pursuant to section 7015(e) of this Act: *Provided further*,  
19 That none of the funds appropriated under this heading  
20 shall be used to pay for abortions: *Provided further*, That  
21 notwithstanding the previous proviso, section 614 of divi-  
22 sion C of Public Law 112–74 shall apply to Peace Corps  
23 volunteers to the same effect as it applies to Peace Corps  
24 employees.

## 1 MILLENNIUM CHALLENGE CORPORATION

2 For necessary expenses to carry out the provisions  
3 of the Millennium Challenge Act of 2003 (MCA),  
4 \$898,200,000 to remain available until expended: *Pro-*  
5 *vided*, That of the funds appropriated under this heading,  
6 up to \$105,000,000 may be available for administrative  
7 expenses of the Millennium Challenge Corporation (the  
8 Corporation): *Provided further*, That up to 5 percent of  
9 the funds appropriated under this heading may be made  
10 available to carry out the purposes of section 616 of the  
11 MCA for fiscal year 2013: *Provided further*, That section  
12 605(e) of the MCA shall apply to funds appropriated  
13 under this heading: *Provided further*, That funds appro-  
14 priated under this heading may be made available for a  
15 Millennium Challenge Compact entered into pursuant to  
16 section 609 of the MCA only if such Compact obligates,  
17 or contains a commitment to obligate subject to the avail-  
18 ability of funds and the mutual agreement of the parties  
19 to the Compact to proceed, the entire amount of the  
20 United States Government funding anticipated for the du-  
21 ration of the Compact: *Provided further*, That the Chief  
22 Executive Officer of the Corporation shall notify the Com-  
23 mittees on Appropriations not later than 15 days prior to  
24 signing any new country compact or new threshold coun-  
25 try program; terminating or suspending any country com-

1 pact or threshold country program; or commencing nego-  
2 tiations for any new compact or threshold country pro-  
3 gram: *Provided further*, That any funds that are  
4 deobligated from a Millennium Challenge Compact shall  
5 be subject to the regular notification procedures of the  
6 Committees on Appropriations prior to re-obligation: *Pro-*  
7 *vided further*, That notwithstanding section 606(a)(2) of  
8 the MCA, a country shall be a candidate country for pur-  
9 poses of eligibility for assistance for the fiscal year if the  
10 country has a per capita income equal to or below the  
11 World Bank's lower middle income country threshold for  
12 the fiscal year and is among the 75 lowest per capita in-  
13 come countries as identified by the World Bank; and the  
14 country meets the requirements of section 606(a)(1)(B)  
15 of the MCA: *Provided further*, That notwithstanding sec-  
16 tion 606(b)(1) of the MCA, in addition to countries de-  
17 scribed in the preceding proviso, a country shall be a can-  
18 didate country for purposes of eligibility for assistance for  
19 the fiscal year if the country has a per capita income equal  
20 to or below the World Bank's lower middle income country  
21 threshold for the fiscal year and is not among the 75 low-  
22 est per capita income countries as identified by the World  
23 Bank; and the country meets the requirements of section  
24 606(a)(1)(B) of the MCA: *Provided further*, That any Mil-  
25 lennium Challenge Corporation candidate country under

1 section 606 of the MCA with a per capita income that  
2 changes in the fiscal year such that the country would be  
3 reclassified from a low income country to a lower middle  
4 income country or from a lower middle income country  
5 to a low income country shall retain its candidacy status  
6 in its former income classification for the fiscal year and  
7 the 2 subsequent fiscal years: *Provided further*, That sec-  
8 tion 610 of the MCA shall not apply with respect to the  
9 Federal Register: *Provided further*, That notwithstanding  
10 section 609(j) of the MCA, a compact may be extended  
11 by the Board of the Corporation up to 1 year due to ex-  
12 traordinary circumstances: *Provided further*, That of the  
13 funds appropriated under this heading, not to exceed  
14 \$65,000 may be available for representation expenses.

15 INTER-AMERICAN FOUNDATION

16 For necessary expenses to carry out the functions of  
17 the Inter-American Foundation in accordance with the  
18 provisions of section 401 of the Foreign Assistance Act  
19 of 1969, \$23,500,000, to remain available until September  
20 30, 2014: *Provided*, That of the funds appropriated under  
21 this heading, not to exceed \$1,000 may be available for  
22 representation expenses.

23 AFRICAN DEVELOPMENT FOUNDATION

24 For necessary expenses to carry out title V of the  
25 International Security and Development Cooperation Act

1 of 1980 (Public Law 96–533), \$31,000,000, to remain  
2 available until September 30, 2014, of which not to exceed  
3 \$2,000 may be available for representation expenses: *Pro-*  
4 *vided*, That funds made available to grantees may be in-  
5 vested pending expenditure for project purposes when au-  
6 thorized by the Board of Directors of the African Develop-  
7 ment Foundation (ADF): *Provided further*, That interest  
8 earned shall be used only for the purposes for which the  
9 grant was made: *Provided further*, That notwithstanding  
10 section 505(a)(2) of the African Development Foundation  
11 Act, in exceptional circumstances the Board of Directors  
12 of the ADF may waive the \$250,000 limitation contained  
13 in that section with respect to a project and a project may  
14 exceed the limitation by up to 10 percent if the increase  
15 is due solely to foreign currency fluctuation: *Provided fur-*  
16 *ther*, That the ADF shall provide a report to the Commit-  
17 tees on Appropriations after each time such waiver author-  
18 ity is exercised: *Provided further*, That section 503(a) of  
19 the African Development Foundation Act (Public Law 96–  
20 533; 22 U.S.C. 290h–1(a)) is hereby amended by inserting  
21 “United States” before “African Development”.

22 DEPARTMENT OF THE TREASURY

23 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

24 For necessary expenses to carry out the provisions  
25 of section 129 of the Foreign Assistance Act of 1961,

1 \$29,000,000, to remain available until September 30,  
2 2015, which shall be available notwithstanding any other  
3 provision of law.

#### 4 TITLE IV

#### 5 INTERNATIONAL SECURITY ASSISTANCE

#### 6 DEPARTMENT OF STATE

#### 7 INTERNATIONAL NARCOTICS CONTROL AND LAW

#### 8 ENFORCEMENT

9 For necessary expenses to carry out section 481 of  
10 the Foreign Assistance Act of 1961, \$1,484,620,000, to  
11 remain available until September 30, 2014: *Provided*,  
12 That funds made available under this heading shall be al-  
13 located as follows:

14 (1) COUNTERNARCOTICS PROGRAMS.—  
15 \$214,520,000 for assistance for counternarcotics  
16 programs, including supply and demand reduction,  
17 and associated programs: *Provided*, That the De-  
18 partment of State may use the authority of section  
19 608 of the Foreign Assistance Act of 1961, without  
20 regard to its restrictions, to receive excess property  
21 from an agency of the United States Government for  
22 the purposes of providing such property to a foreign  
23 country or international organization under chapter  
24 8 of part I of that Act, subject to the regular notifi-  
25 cation procedures of the Committees on Appropria-

1 tions: *Provided further*, That section 482(b) of the  
2 Foreign Assistance Act of 1961 shall not apply to  
3 funds appropriated under this heading, except that  
4 any funds made available notwithstanding such sec-  
5 tion shall be subject to the regular notification pro-  
6 cedures of the Committees on Appropriations: *Pro-*  
7 *vided further*, That of the funds appropriated under  
8 this heading and under the heading “Foreign Mili-  
9 tary Financing Program” that are available for po-  
10 lice and military forces in Mexico and Central and  
11 South America, not less than \$10,000,000 shall be  
12 available for assistance for civilians who suffer harm  
13 as a result of counternarcotics, anti-crime, and coun-  
14 terinsurgency operations by such forces, except that  
15 such funds shall be matched by sources other than  
16 the Government of the United States.

17 (2) CIVILIAN JUDICIAL AND SECURITY PRO-  
18 GRAMS.—\$899,600,000 for assistance for rule of  
19 law, justice, corrections, anti-crime, cyber crime, ci-  
20 vilian police, and security sector reform programs, of  
21 which not less than \$5,000,000 shall be made avail-  
22 able to combat piracy of United States copyright  
23 materials, consistent with the requirements of sec-  
24 tion 688 (a) and (b) of the Department of State,  
25 Foreign Operations, and Related Programs Appro-

1        priations Act, 2008 (division J of Public Law 110–  
2        161): *Provided*, That the reporting requirements  
3        contained in section 1404 of Public Law 110–252  
4        shall apply to funds made available by this Act, in-  
5        cluding a description of modifications, if any, to the  
6        security strategy of the Palestinian Authority: *Pro-*  
7        *vided further*, That funds appropriated under this  
8        heading shall be made available for interagency rule  
9        of law training programs.

10            (3) AVIATION.—\$243,000,000 for expenses re-  
11        lating to the cost of purchasing, leasing, maintain-  
12        ing, and the disposition of aircraft, and including  
13        aircraft used in counternarcotics programs: *Pro-*  
14        *vided*, That not later than 60 days after enactment  
15        of this Act, the Secretary of State shall submit a re-  
16        port to the Committees on Appropriations detailing  
17        the number of aircraft purchased and leased by the  
18        Department of State in previous fiscal year, and the  
19        costs of storing and maintaining such aircraft.

20            (4)            ADMINISTRATIVE            EXPENSES.—  
21        \$127,500,000 for administrative expenses, including  
22        the costs associated with the hiring of contractors:  
23        *Provided*, That not later than 180 days after enact-  
24        ment of this Act, the Secretary of State shall submit  
25        a report to the Committees on Appropriations detail-

1       ing the number of personnel, including contractors,  
2       hired by funds made available under this paragraph,  
3       and a description of the job to be performed.

4           (5) REPROGRAMMING AND OTHER MATTERS.—

5           (A) Notwithstanding any provision of this  
6       Act, funds may be reprogrammed between sub-  
7       sections under this heading subject to section  
8       7015 of this Act.

9           (B) Notwithstanding any other provision of  
10      law, the concurrence of the Secretary of State  
11      shall be required for the provision of assistance  
12      under section 1033 of Public Law 105–85, as  
13      amended, and for the provision of any other as-  
14      sistance which is comparable to assistance made  
15      available under this heading but which is pro-  
16      vided by any other Federal department or agen-  
17      cy under any other provision of law, including  
18      assistance to support counternarcotics and anti-  
19      crime activities of a foreign government and for  
20      any foreign law enforcement agency for such  
21      purposes.

22          (C) The Secretary of State shall provide to  
23      the Committees on Appropriations not later  
24      than 45 days after enactment of this Act and  
25      prior to the initial obligation of funds appro-



1 the United States: *Provided further*, That funds made  
2 available under this heading for the Nonproliferation and  
3 Disarmament Fund shall be available notwithstanding any  
4 other provision of law and subject to prior consultation  
5 with, and the regular notification procedures of, the Com-  
6 mittees on Appropriations, to promote bilateral and multi-  
7 lateral activities relating to nonproliferation, disarmament  
8 and weapons destruction, and shall remain available until  
9 expended: *Provided further*, That such funds may also be  
10 used for such countries other than the Independent States  
11 of the former Soviet Union and international organiza-  
12 tions when it is in the national security interest of the  
13 United States to do so: *Provided further*, That funds ap-  
14 propriated under this heading may be made available for  
15 the IAEA unless the Secretary of State determines that  
16 Israel is being denied its right to participate in the activi-  
17 ties of that Agency: *Provided further*, That funds appro-  
18 priated under this heading may be made available for pub-  
19 lic-private partnerships for conventional weapons and  
20 mine action by grant, cooperative agreement or contract:  
21 *Provided further*, That notwithstanding any other provi-  
22 sion of law, funds appropriated under this heading in prior  
23 Acts that were previously notified to the Committees on  
24 Appropriations for programs in Asia but that remain un-  
25 obligated on the date of enactment of this Act, shall be

1 subject to the regular notification procedures of the Com-  
2 mittees on Appropriations prior to obligation: *Provided*  
3 *further*, That funds made available for demining and re-  
4 lated activities, in addition to funds otherwise available for  
5 such purposes, may be used for administrative expenses  
6 related to the operation and management of the demining  
7 program: *Provided further*, That funds appropriated under  
8 this heading that are available for “Anti-terrorism Assist-  
9 ance” and “Export Control and Border Security” shall re-  
10 main available until September 30, 2014.

11 In addition, for assistance for unanticipated non-  
12 proliferation, demining, and anti-terrorism programs in  
13 the Near East and other regions, \$60,000,000, to remain  
14 available until expended.

15 PEACEKEEPING OPERATIONS

16 For necessary expenses to carry out the provisions  
17 of section 551 of the Foreign Assistance Act of 1961,  
18 \$391,100,000: *Provided*, That funds appropriated under  
19 this heading may be used, notwithstanding section 660 of  
20 such Act, to provide assistance to enhance the capacity  
21 of foreign civilian security forces, including gendarmes, to  
22 participate in peacekeeping operations: *Provided further*,  
23 That of the funds appropriated under this heading,  
24 \$28,000,000 shall be made available for a United States  
25 contribution to the Multinational Force and Observers

1 mission in the Sinai: *Provided further*, That of the funds  
2 appropriated under this heading, up to \$142,000,000 may  
3 be used to pay assessed expenses of international peace-  
4 keeping activities in Somalia and shall be available until  
5 September 30, 2014: *Provided further*, That funds appro-  
6 priated under this Act should not be used to support any  
7 military training or operations that include child soldiers:  
8 *Provided further*, That none of the funds appropriated  
9 under this heading shall be obligated or expended except  
10 as provided through the regular notification procedures of  
11 the Committees on Appropriations.

12           FUNDS APPROPRIATED TO THE PRESIDENT

13       INTERNATIONAL MILITARY EDUCATION AND TRAINING

14       For necessary expenses to carry out the provisions  
15 of section 541 of the Foreign Assistance Act of 1961,  
16 \$103,018,000, of which up to \$4,000,000 may remain  
17 available until September 30, 2014, and may only be pro-  
18 vided through the regular notification procedures of the  
19 Committees on Appropriations: *Provided*, That the civilian  
20 personnel for whom military education and training may  
21 be provided under this heading may include civilians who  
22 are not members of a government whose participation  
23 would contribute to improved civil-military relations, civil-  
24 ian control of the military, or respect for human rights:  
25 *Provided further*, That the Secretary of State shall provide

1 to the Committees on Appropriations, not later than 45  
2 days after enactment of this Act, a report on the proposed  
3 uses of all program funds under this heading on a country-  
4 by-country basis, including a detailed description of pro-  
5 posed activities: *Provided further*, That of the funds appro-  
6 priated under this heading, not to exceed \$20,000 may  
7 be available for entertainment expenses.

8 FOREIGN MILITARY FINANCING PROGRAM

9 For necessary expenses for grants to enable the  
10 President to carry out the provisions of section 23 of the  
11 Arms Export Control Act, \$5,849,820,000: *Provided*,  
12 That to expedite the provision of assistance to foreign  
13 countries and international organizations, the Secretary of  
14 State, following consultation with the Committees on Ap-  
15 propriations and subject to the regular notification proce-  
16 dures of such Committees, may use the funds appro-  
17 priated under this heading to procure defense articles and  
18 services to enhance the capacity of foreign security forces:  
19 *Provided further*, That of the funds appropriated under  
20 this heading, not less than \$3,100,000,000 shall be avail-  
21 able for grants only for Israel, and \$1,300,000,000 shall  
22 be available for grants only for Egypt: *Provided further*,  
23 That the funds appropriated under this heading for assist-  
24 ance for Israel shall be disbursed within 30 days of enact-  
25 ment of this Act: *Provided further*, That to the extent that

1 the Government of Israel requests that funds be used for  
2 such purposes, grants made available for Israel under this  
3 heading shall, as agreed by the United States and Israel,  
4 be available for advanced weapons systems, of which not  
5 less than \$815,300,000 shall be available for the procure-  
6 ment in Israel of defense articles and defense services, in-  
7 cluding research and development: *Provided further*, That  
8 of the funds appropriated under this heading,  
9 \$300,000,000 shall be made available for assistance for  
10 Jordan: *Provided further*, That funds appropriated by this  
11 Act should not be made available and no defense export  
12 license should be issued for tear gas, armored vehicles,  
13 small arms, light weapons, ammunition, or other items for  
14 crowd control purposes, to the security forces of a foreign  
15 country undergoing democratic transition, unless the Sec-  
16 retary of State notifies the Committees on Appropriations  
17 that such forces have not repeatedly used excessive force  
18 to repress peaceful, lawful, and organized dissent: *Pro-*  
19 *vided further*, That none of the funds made available under  
20 this heading shall be made available to support or continue  
21 any program initially funded under the authority of sec-  
22 tion 1206 of the National Defense Authorization Act for  
23 Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456)  
24 unless the Secretary of State, in coordination with the Sec-  
25 retary of Defense, has justified such program to the Com-

1 mittees on Appropriations: *Provided further*, That funds  
2 appropriated or otherwise made available under this head-  
3 ing shall be nonrepayable notwithstanding any require-  
4 ment in section 23 of the Arms Export Control Act: *Pro-*  
5 *vided further*, That funds made available under this head-  
6 ing shall be obligated upon apportionment in accordance  
7 with paragraph (5)(C) of title 31, United States Code, sec-  
8 tion 1501(a).

9       None of the funds made available under this heading  
10 shall be available to finance the procurement of defense  
11 articles, defense services, or design and construction serv-  
12 ices that are not sold by the United States Government  
13 under the Arms Export Control Act unless the foreign  
14 country proposing to make such procurement has first  
15 signed an agreement with the United States Government  
16 specifying the conditions under which such procurement  
17 may be financed with such funds: *Provided*, That all coun-  
18 try and funding level increases in allocations shall be sub-  
19 mitted through the regular notification procedures of sec-  
20 tion 7015 of this Act: *Provided further*, That funds made  
21 available under this heading may be used, notwithstanding  
22 any other provision of law, for demining, the clearance of  
23 unexploded ordnance, and related activities, and may in-  
24 clude activities implemented through nongovernmental  
25 and international organizations: *Provided further*, That

1 only those countries for which assistance was justified for  
2 the “Foreign Military Sales Financing Program” in the  
3 fiscal year 1989 congressional presentation for security as-  
4 sistance programs may utilize funds made available under  
5 this heading for procurement of defense articles, defense  
6 services or design and construction services that are not  
7 sold by the United States Government under the Arms  
8 Export Control Act: *Provided further*, That funds appro-  
9 priated under this heading shall be expended at the min-  
10 imum rate necessary to make timely payment for defense  
11 articles and services: *Provided further*, That not more than  
12 \$60,000,000 of the funds appropriated under this heading  
13 may be obligated for necessary expenses, including the  
14 purchase of passenger motor vehicles for replacement only  
15 for use outside of the United States, for the general costs  
16 of administering military assistance and sales, except that  
17 this limitation may be exceeded only through the regular  
18 notification procedures of the Committees on Appropria-  
19 tions: *Provided further*, That of the funds appropriated  
20 under this heading for general costs of administering mili-  
21 tary assistance and sales, not to exceed \$10,000 may be  
22 available for representation expenses: *Provided further*,  
23 That not more than \$885,000,000 of funds realized pursu-  
24 ant to section 21(e)(1)(A) of the Arms Export Control Act  
25 may be obligated for expenses incurred by the Department



1 related programs may be made available for obligation un-  
2 less the Secretary of State certifies to the Committees on  
3 Appropriations that the Government of Pakistan has re-  
4 opened overland cargo routes available to support United  
5 States and North Atlantic Treaty Organization troops in  
6 Afghanistan, and funds appropriated under this heading  
7 can be used efficiently and effectively by the end of the  
8 fiscal year: *Provided further*, That if the Secretary cannot  
9 make the certification required in the previous proviso,  
10 funds appropriated by this Act and prior Acts under this  
11 heading shall be transferred to, and merged with, funds  
12 appropriated by this Act under the headings “Develop-  
13 ment Assistance”, “Economic Support Fund”, “Middle  
14 East and North Africa Incentive Fund”, and “Non-  
15 proliferation, Anti-terrorism, Demining and Related Pro-  
16 grams”.

17 GLOBAL SECURITY CONTINGENCY FUND

18 For necessary expenses of the Global Security Con-  
19 tingency Fund, as authorized, \$25,000,000, to remain  
20 available until expended.

1 TITLE V  
2 MULTILATERAL ASSISTANCE  
3 FUNDS APPROPRIATED TO THE PRESIDENT  
4 INTERNATIONAL ORGANIZATIONS AND PROGRAMS  
5 For necessary expenses to carry out the provisions  
6 of section 301 of the Foreign Assistance Act of 1961, and  
7 of section 2 of the United Nations Environment Program  
8 Participation Act of 1973, \$375,000,000: *Provided*, That  
9 section 307(a) of the Foreign Assistance Act of 1961 shall  
10 not apply to contributions to the United Nations Democ-  
11 racy Fund.

12 INTERNATIONAL FINANCIAL INSTITUTIONS  
13 GLOBAL ENVIRONMENT FACILITY  
14 For payment to the International Bank for Recon-  
15 struction and Development as trustee for the Global Envi-  
16 ronment Facility by the Secretary of the Treasury,  
17 \$139,400,000, to remain available until expended.

18 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT  
19 ASSOCIATION  
20 For payment to the International Development Asso-  
21 ciation by the Secretary of the Treasury, \$1,358,500,000,  
22 to remain available until expended.

23 For payment to the International Development Asso-  
24 ciation by the Secretary of the Treasury for costs incurred

1 under the Multilateral Debt Relief Initiative, \$50,000,000,  
2 to remain available until expended.

3 CONTRIBUTION TO THE INTERNATIONAL BANK FOR  
4 RECONSTRUCTION AND DEVELOPMENT

5 For payment to the International Bank for Recon-  
6 struction and Development by the Secretary of the Treas-  
7 ury for the United States share of the paid-in portion of  
8 the increases in capital stock, \$186,957,000, to remain  
9 available until expended.

10 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

11 The United States Governor of the International  
12 Bank for Reconstruction and Development may subscribe  
13 without fiscal year limitation to the callable capital portion  
14 of the United States share of increases in capital stock  
15 in an amount not to exceed \$2,928,990,899.

16 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

17 For payment to the International Bank for Recon-  
18 struction and Development as trustee for the Clean Tech-  
19 nology Fund by the Secretary of the Treasury,  
20 \$300,000,000, to remain available until expended.

21 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

22 For payment to the International Bank for Recon-  
23 struction and Development as trustee for the Strategic  
24 Climate Fund by the Secretary of the Treasury,  
25 \$100,000,000, to remain available until expended.

## 1 GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

2 For payment to the Global Agriculture and Food Se-  
3 curity Program by the Secretary of the Treasury,  
4 \$200,000,000, to remain available until expended.

5 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT  
6 BANK

7 For payment to the Inter-American Development  
8 Bank by the Secretary of the Treasury for the United  
9 States share of the paid-in portion of the increase in cap-  
10 ital stock, \$113,500,000, to remain available until ex-  
11 pended.

## 12 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

13 The United States Governor of the Inter-American  
14 Development Bank may subscribe without fiscal year limi-  
15 tation to the callable capital portion of the United States  
16 share of such capital stock in an amount not to exceed  
17 \$4,098,794,833.

18 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS  
19 MULTILATERAL INVESTMENT FUND

20 For payment to the Enterprise for the Americas Mul-  
21 tilateral Investment Fund by the Secretary of the Treas-  
22 ury, \$25,726,000, to remain available until expended.

## 23 CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

24 For payment to the Asian Development Bank by the  
25 Secretary of the Treasury for the United States share of

1 the paid-in portion of increase in capital stock,  
2 \$106,799,000, to remain available until expended.

3       LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

4       The United States Governor of the Asian Develop-  
5 ment Bank may subscribe without fiscal year limitation  
6 to the callable capital portion of the United States share  
7 of such capital stock in an amount not to exceed  
8 \$2,558,048,769.

9       CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

10       For payment to the Asian Development Bank's Asian  
11 Development Fund by the Secretary of the Treasury,  
12 \$115,250,000, to remain available until expended.

13       CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

14       For payment to the African Development Bank by  
15 the Secretary of the Treasury for the United States share  
16 of the paid-in portion of the increase in capital stock,  
17 \$32,418,000, to remain available until expended.

18       For payment to the African Development Fund by  
19 the Secretary of the Treasury for costs incurred under the  
20 Multilateral Debt Relief Initiative, \$15,150,000, to remain  
21 available until expended.

22       LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

23       The United States Governor of the African Develop-  
24 ment Bank may subscribe without fiscal year limitation  
25 to the callable capital portion of the United States share

1 of such capital stock in an amount not to exceed  
2 \$507,860,808.

3 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

4 For payment to the African Development Fund by  
5 the Secretary of the Treasury, \$195,000,000, to remain  
6 available until expended.

7 CONTRIBUTION TO THE INTERNATIONAL FUND FOR

8 AGRICULTURAL DEVELOPMENT

9 For payment to the International Fund for Agricul-  
10 tural Development by the Secretary of the Treasury,  
11 \$32,243,000, to remain available until expended.

12 TITLE VI

13 EXPORT AND INVESTMENT ASSISTANCE

14 EXPORT-IMPORT BANK OF THE UNITED STATES

15 INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector  
17 General in carrying out the provisions of the Inspector  
18 General Act of 1978, as amended, \$4,400,000, to remain  
19 available until September 30, 2014.

20 PROGRAM ACCOUNT

21 The Export-Import Bank of the United States is au-  
22 thorized to make such expenditures within the limits of  
23 funds and borrowing authority available to such corpora-  
24 tion, and in accordance with law, and to make such con-  
25 tracts and commitments without regard to fiscal year limi-

1 tations, as provided by section 104 of the Government  
2 Corporation Control Act, as may be necessary in carrying  
3 out the program for the current fiscal year for such cor-  
4 poration: *Provided*, That none of the funds available dur-  
5 ing the current fiscal year may be used to make expendi-  
6 tures, contracts, or commitments for the export of nuclear  
7 equipment, fuel, or technology to any country, other than  
8 a nuclear-weapon state as defined in Article IX of the  
9 Treaty on the Non-Proliferation of Nuclear Weapons eligi-  
10 ble to receive economic or military assistance under this  
11 Act, that has detonated a nuclear explosive after the date  
12 of the enactment of this Act: *Provided further*, That the  
13 loan, guarantee, and insurance authority available to the  
14 Export-Import Bank may not be used to support any coal-  
15 fired power plant that does not meet United States Gov-  
16 ernment emissions requirements for new coal-fired power  
17 plants: *Provided further*, That not less than 10 percent  
18 of the aggregate loan, guarantee, and insurance authority  
19 available to the Export-Import Bank under this Act  
20 should be used for renewable energy technologies or end-  
21 use energy efficiency technologies: *Provided further*, That  
22 notwithstanding section 1(c) of Public Law 103–428, as  
23 amended, sections 1(a) and (b) of Public Law 103–428  
24 shall remain in effect through October 1, 2013.



1 ment or services provided by transaction participants for  
2 legal, financial, or technical services in connection with  
3 any transaction for which an application for a loan, guar-  
4 antee or insurance commitment has been made: *Provided*  
5 *further*, That notwithstanding subsection (b) of section  
6 117 of the Export Enhancement Act of 1992, subsection  
7 (a) thereof shall remain in effect until September 30,  
8 2013: *Provided further*, That the Export-Import Bank  
9 shall charge fees for necessary expenses (including special  
10 services performed on a contract or fee basis, but not in-  
11 cluding other personal services) in connection with the col-  
12 lection of moneys owed the Export-Import Bank, reposses-  
13 sion or sale of pledged collateral or other assets acquired  
14 by the Export-Import Bank in satisfaction of moneys owed  
15 the Export-Import Bank, or the investigation or appraisal  
16 of any property, or the evaluation of the legal, financial,  
17 or technical aspects of any transaction for which an appli-  
18 cation for a loan, guarantee or insurance commitment has  
19 been made, or systems infrastructure directly supporting  
20 transactions: *Provided further*, That, in addition to other  
21 funds appropriated for administrative expenses, such fees  
22 shall be credited to this account, to remain available until  
23 expended.

## 1 RECEIPTS COLLECTED

2 Receipts collected pursuant to the Export-Import  
3 Bank Act of 1945, as amended, and the Federal Credit  
4 Reform Act of 1990, as amended, in an amount not to  
5 exceed the amount appropriated herein, shall be credited  
6 as offsetting collections to this account: *Provided*, That the  
7 sums herein appropriated from the General Fund shall be  
8 reduced on a dollar-for-dollar basis by such offsetting col-  
9 lections so as to result in a final fiscal year appropriation  
10 from the General Fund estimated at \$0: *Provided further*,  
11 That amounts collected in fiscal year 2013 in excess of  
12 obligations, up to \$50,000,000, shall become available on  
13 September 1, 2013, and shall remain available until Sep-  
14 tember 30, 2016.

## 15 OVERSEAS PRIVATE INVESTMENT CORPORATION

## 16 NONCREDIT ACCOUNT

17 The Overseas Private Investment Corporation is au-  
18 thorized to make, without regard to fiscal year limitations,  
19 as provided by 31 U.S.C. 9104, such expenditures and  
20 commitments within the limits of funds available to it and  
21 in accordance with law as may be necessary: *Provided*,  
22 That the amount available for administrative expenses to  
23 carry out the credit and insurance programs (including an  
24 amount for official reception and representation expenses  
25 which shall not exceed \$10,000) shall not exceed

1 \$60,784,000: *Provided further*, That project-specific trans-  
2 action costs, including direct and indirect costs incurred  
3 in claims settlements, and other direct costs associated  
4 with services provided to specific investors or potential in-  
5 vestors pursuant to section 234 of the Foreign Assistance  
6 Act of 1961, shall not be considered administrative ex-  
7 penses for the purposes of this heading.

8 PROGRAM ACCOUNT

9 For the cost of direct and guaranteed loans,  
10 \$31,000,000, as authorized by section 234 of the Foreign  
11 Assistance Act of 1961, to be derived by transfer from  
12 the Overseas Private Investment Corporation Noncredit  
13 Account: *Provided*, That such costs, including the cost of  
14 modifying such loans, shall be as defined in section 502  
15 of the Congressional Budget Act of 1974: *Provided fur-*  
16 *ther*, That such sums shall be available for direct loan obli-  
17 gations and loan guaranty commitments incurred or made  
18 during fiscal years 2013, 2014, and 2015: *Provided fur-*  
19 *ther*, That funds so obligated in fiscal year 2013 remain  
20 available for disbursement through 2021; funds obligated  
21 in fiscal year 2014 remain available for disbursement  
22 through 2022; and funds obligated in fiscal year 2015 re-  
23 main available for disbursement through 2023: *Provided*  
24 *further*, That notwithstanding any other provision of law,  
25 the Overseas Private Investment Corporation is authorized

1 to undertake any program authorized by title IV of chap-  
 2 ter 2 of part I of the Foreign Assistance Act of 1961 in  
 3 Iraq: *Provided further*, That funds made available pursu-  
 4 ant to the authority of the previous proviso shall be subject  
 5 to the regular notification procedures of the Committees  
 6 on Appropriations.

7 In addition, such sums as may be necessary for ad-  
 8 ministrative expenses to carry out the credit program may  
 9 be derived from amounts available for administrative ex-  
 10 penses to carry out the credit and insurance programs in  
 11 the Overseas Private Investment Corporation Noncredit  
 12 Account and merged with said account.

13 TRADE AND DEVELOPMENT AGENCY

14 For necessary expenses to carry out the provisions  
 15 of section 661 of the Foreign Assistance Act of 1961,  
 16 \$57,600,000, to remain available until September 30,  
 17 2014: *Provided*, That of the funds appropriated under this  
 18 heading, not more than \$2,000 may be available for rep-  
 19 resentation and entertainment expenses.

20 TITLE VII

21 GENERAL PROVISIONS

22 ALLOWANCES AND DIFFERENTIALS

23 SEC. 7001. Funds appropriated under title I of this  
 24 Act shall be available, except as otherwise provided, for  
 25 allowances and differentials as authorized by subchapter

1 59 of title 5, United States Code; for services as author-  
2 ized by 5 U.S.C. 3109; and for hire of passenger transpor-  
3 tation pursuant to 31 U.S.C. 1343(b).

4 UNOBLIGATED BALANCES REPORT

5 SEC. 7002. Any department or agency of the United  
6 States Government to which funds are appropriated or  
7 otherwise made available by this Act shall provide to the  
8 Committees on Appropriations a quarterly accounting of  
9 cumulative unobligated balances and obligated, but unex-  
10 pended, balances by program, project, and activity, and  
11 Treasury Account Fund Symbol of all funds received by  
12 such department or agency in fiscal year 2013 or any pre-  
13 vious fiscal year, disaggregated by fiscal year: *Provided*,  
14 That the report required by this section should specify by  
15 account the amount of funds obligated pursuant to bilat-  
16 eral agreements which have not been further sub-obli-  
17 gated.

18 CONSULTING SERVICES

19 SEC. 7003. The expenditure of any appropriation  
20 under title I of this Act for any consulting service through  
21 procurement contract, pursuant to 5 U.S.C. 3109, shall  
22 be limited to those contracts where such expenditures are  
23 a matter of public record and available for public inspec-  
24 tion, except where otherwise provided under existing law,

1 or under existing Executive order issued pursuant to exist-  
2 ing law.

3 CONSTRUCTION OF DIPLOMATIC FACILITIES

4 SEC. 7004. (a) Of funds provided under title I of this  
5 Act, except as provided in subsection (b), a project to con-  
6 struct a diplomatic facility of the United States may not  
7 include office space or other accommodations for an em-  
8 ployee of a Federal agency or department if the Secretary  
9 of State determines that such department or agency has  
10 not provided to the Department of State the full amount  
11 of funding required by subsection (e) of section 604 of  
12 the Secure Embassy Construction and Counterterrorism  
13 Act of 1999 (as enacted into law by section 1000(a)(7)  
14 of Public Law 106–113 and contained in appendix G of  
15 that Act; 113 Stat. 1501A–453), as amended by section  
16 629 of the Departments of Commerce, Justice, and State,  
17 the Judiciary, and Related Agencies Appropriations Act,  
18 2005.

19 (b) Notwithstanding the prohibition in subsection (a),  
20 a project to construct a diplomatic facility of the United  
21 States may include office space or other accommodations  
22 for members of the United States Marine Corps.

23 (c) For the purposes of calculating the fiscal year  
24 2013 costs of providing new United States diplomatic fa-  
25 cilities in accordance with section 604(e) of the Secure

1 Embassy Construction and Counterterrorism Act of 1999  
2 (22 U.S.C. 4865 note), the Secretary of State, in consulta-  
3 tion with the Director of the Office of Management and  
4 Budget, shall determine the annual program level and  
5 agency shares in a manner that is proportional to the De-  
6 partment of State's contribution for this purpose.

7 (d) Funds appropriated by this Act, and any prior  
8 Act making appropriations for the Department of State,  
9 foreign operations, and related programs, which may be  
10 made available for the acquisition of property for overseas  
11 diplomatic facilities, shall be subject to prior consultation  
12 with, and the regular notification procedures of, the Com-  
13 mittees on Appropriations.

14 (e) Funds appropriated under titles I and II of this  
15 Act that are available for the construction or renovation  
16 of facilities in Afghanistan and Iraq may not be made  
17 available if the purpose is to accommodate staff in addi-  
18 tion to those in place or to increase the capacity of aviation  
19 assets above those existing, on the date of enactment of  
20 this Act: *Provided*, That none of the funds appropriated  
21 by this Act or prior acts making appropriations for the  
22 Department of State, foreign operations, and related pro-  
23 grams may be made available for construction, rehabilita-  
24 tion, or other improvements to facilities in Iraq on prop-

1 erty for which no land-use agreement has been entered  
2 into by the Governments of the United States and Iraq.

3 (f) Not later than 90 days after enactment of this  
4 Act, and every 90 days thereafter until September 30,  
5 2014, the Secretary of State shall provide to the Commit-  
6 tees on Appropriations an updated staffing plan for each  
7 Department of State facility in Afghanistan, a justifica-  
8 tion for the continuation of each on-going or planned con-  
9 struction project in Afghanistan, including the revised  
10 number of staff planned for each facility, and modifica-  
11 tions to such construction projects to reflect planned re-  
12 ductions in staff.

13 (g) Not later than 90 days after enactment of this  
14 Act, and every 90 days thereafter until September 30,  
15 2013, the Secretary of State shall provide to the Commit-  
16 tees on Appropriations an updated plan for all Depart-  
17 ment of State construction projects in Iraq, a justification  
18 for the continuation of each such project in light of  
19 changes in the scope of United States activities in Iraq  
20 and related reductions in staff, updated cost estimates for  
21 each project and resulting savings, and the proposed use  
22 of such savings.

23 (h) Not later than 180 days after enactment of this  
24 Act, the Secretary of State shall establish policies, stand-  
25 ards, and procedures for the construction and operation

1 of temporary and permanent diplomatic facilities in envi-  
2 ronments in which the Department of State does not tra-  
3 ditionally operate or to accommodate temporary surges in  
4 personnel and programs: *Provided*, That such guidelines  
5 shall consider cost-effectiveness, including a cost compari-  
6 son of temporary versus permanent construction for the  
7 projected period the facility will be required, flexible secu-  
8 rity requirements, and collocation with other United  
9 States Government agencies, as appropriate: *Provided fur-*  
10 *ther*, That the Secretary of State shall consult with the  
11 heads of the United States missions in Afghanistan and  
12 Iraq, and other Federal agencies, in developing such poli-  
13 cies, standards, and procedures.

14 PERSONNEL ACTIONS

15 SEC. 7005. Any costs incurred by a department or  
16 agency funded under title I of this Act resulting from per-  
17 sonnel actions taken in response to funding reductions in-  
18 cluded in this Act shall be absorbed within the total budg-  
19 etary resources available under title I to such department  
20 or agency: *Provided*, That the authority to transfer funds  
21 between appropriations accounts as may be necessary to  
22 carry out this section is provided in addition to authorities  
23 included elsewhere in this Act: *Provided further*, That use  
24 of funds to carry out this section shall be treated as a  
25 reprogramming of funds under section 7015 of this Act

1 and shall not be available for obligation or expenditure ex-  
2 cept in compliance with the procedures set forth in that  
3 section.

4 LOCAL GUARD CONTRACTS

5 SEC. 7006. In evaluating proposals for local guard  
6 contracts, the Secretary of State shall award contracts in  
7 accordance with section 136 of the Foreign Relations Au-  
8 thorization Act, Fiscal Years 1990 and 1991 (22 U.S.C.  
9 4864), except that the Secretary may grant authorization  
10 to award such contracts on the basis of best value as de-  
11 termined by a cost-technical tradeoff analysis (as de-  
12 scribed in Federal Acquisition Regulation part 15.101) in  
13 Iraq, Afghanistan, Pakistan, and other hostile or high-risk  
14 areas notwithstanding subsection (c)(3) of such section:  
15 *Provided*, That the authority in this section shall apply  
16 to any options for renewal that may be exercised under  
17 such contracts that are awarded during the current fiscal  
18 year: *Provided further*, That prior to issuing a solicitation  
19 for a contract to be awarded pursuant to the authority  
20 under this section, the Secretary of State shall consult  
21 with the Committees on Appropriations and other relevant  
22 congressional committees.

1 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN  
2 COUNTRIES

3 SEC. 7007. None of the funds appropriated or other-  
4 wise made available pursuant to titles III through VI of  
5 this Act shall be obligated or expended to finance directly  
6 any assistance or reparations for the Governments of  
7 Cuba, North Korea, Iran, or Syria: *Provided*, That for  
8 purposes of this section, the prohibition on obligations or  
9 expenditures shall include direct loans, credits, insurance  
10 and guarantees of the Export-Import Bank or its agents.

11 COUPS D'ÉTAT

12 SEC. 7008. None of the funds appropriated or other-  
13 wise made available pursuant to titles III through VI of  
14 this Act shall be obligated or expended to finance directly  
15 any assistance to the government of any country whose  
16 duly elected head of government is deposed by military  
17 coup d'état or decree or, after the date of enactment of  
18 this Act, a coup d'état or decree in which the military  
19 plays a decisive role: *Provided*, That assistance may be re-  
20 sumed to such government if the President determines and  
21 certifies to the Committees on Appropriations that subse-  
22 quent to the termination of assistance a democratically  
23 elected government has taken office: *Provided further*,  
24 That the provisions of this section shall not apply to as-  
25 sistance to promote democratic elections or public partici-

1 pation in democratic processes: *Provided further*, That  
2 funds made available pursuant to the previous provisos  
3 shall be subject to the regular notification procedures of  
4 the Committees on Appropriations.

5 TRANSFER AUTHORITY

6 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-  
7 CASTING BOARD OF GOVERNORS.—

8 (1) Not to exceed 5 percent of any appropria-  
9 tion made available for the current fiscal year for  
10 the Department of State under title I of this Act  
11 may be transferred between such appropriations, but  
12 no such appropriation, except as otherwise specifi-  
13 cally provided, shall be increased by more than 10  
14 percent by any such transfers.

15 (2) Not to exceed 5 percent of any appropria-  
16 tion made available for the current fiscal year for  
17 the Broadcasting Board of Governors under title I  
18 of this Act may be transferred between such appro-  
19 priations, but no such appropriation, except as oth-  
20 erwise specifically provided, shall be increased by  
21 more than 10 percent by any such transfers.

22 (3) Any transfer pursuant to this section shall  
23 be treated as a reprogramming of funds under sub-  
24 sections (a) and (b) of section 7015 of this Act and  
25 shall not be available for obligation or expenditure

1       except in compliance with the procedures set forth in  
2       that section.

3       (b) EXPORT FINANCING TRANSFER AUTHORITIES.—

4       Not to exceed 5 percent of any appropriation other than  
5       for administrative expenses made available for fiscal year  
6       2013, for programs under title VI of this Act may be  
7       transferred between such appropriations for use for any  
8       of the purposes, programs, and activities for which the  
9       funds in such receiving account may be used, but no such  
10      appropriation, except as otherwise specifically provided,  
11      shall be increased by more than 25 percent by any such  
12      transfer: *Provided*, That the exercise of such authority  
13      shall be subject to the regular notification procedures of  
14      the Committees on Appropriations.

15      (c) LIMITATION ON TRANSFERS BETWEEN AGEN-  
16      CIES.—

17           (1) None of the funds made available under ti-  
18      tles II through V of this Act may be transferred to  
19      any department, agency, or instrumentality of the  
20      United States Government, except pursuant to a  
21      transfer made by, or transfer authority provided in,  
22      this Act or any other appropriations Act.

23           (2) Notwithstanding paragraph (1), in addition  
24      to transfers made by, or authorized elsewhere in,  
25      this Act, funds appropriated by this Act to carry out

1 the purposes of the Foreign Assistance Act of 1961  
2 and the Arms Export Control Act may be allocated  
3 or transferred to agencies of the United States Gov-  
4 ernment pursuant to the provisions of sections 109,  
5 610, and 632 of the Foreign Assistance Act of 1961.

6 (3) Any agreement entered into by USAID or  
7 the Department of State with any department, agen-  
8 cy, or instrumentality of the United States Govern-  
9 ment pursuant to section 632(b) of the Foreign As-  
10 sistance Act of 1961 valued in excess of \$1,000,000  
11 and any agreement made pursuant to section 632(a)  
12 of such Act, with funds appropriated by this Act and  
13 prior Acts making appropriations for the Depart-  
14 ment of State, foreign operations, and related pro-  
15 grams under the headings “Global Health Pro-  
16 grams”, “Development Assistance”, and “Economic  
17 Support Fund” shall be subject to the regular notifi-  
18 cation procedures of the Committees on Appropria-  
19 tions: *Provided*, That the requirement in the pre-  
20 vious sentence shall not apply to agreements entered  
21 into between USAID and the Department of State.

22 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the  
23 funds made available under titles II through V of this Act  
24 may be obligated under an appropriation account to which  
25 they were not appropriated, except for transfers specifi-

1 cally provided for in this Act, unless the President, not  
2 less than 5 days prior to the exercise of any authority con-  
3 tained in the Foreign Assistance Act of 1961 to transfer  
4 funds, consults with and provides a written policy jus-  
5 tification to the Committees on Appropriations.

6 (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any  
7 agreement for the transfer or allocation of funds appro-  
8 priated by this Act, or prior Acts, entered into between  
9 the Department of State or USAID and another agency  
10 of the United States Government under the authority of  
11 section 632(a) of the Foreign Assistance Act of 1961 or  
12 any comparable provision of law, shall expressly provide  
13 that the Inspector General (IG) for the agency receiving  
14 the transfer or allocation of such funds, or other entity  
15 with audit responsibility if the receiving agency does not  
16 have an IG, shall perform periodic program and financial  
17 audits of the use of such funds: *Provided*, That such au-  
18 dits shall be transmitted to the Committees on Appropria-  
19 tions: *Provided further*, That funds transferred under such  
20 authority may be made available for the cost of such au-  
21 dits.

22 REPORTING REQUIREMENT

23 SEC. 7010. The Secretary of State shall provide the  
24 Committees on Appropriations, not later than April 1,  
25 2013, and for each fiscal quarter, a report in writing on

1 the uses of funds made available under the headings “For-  
2 eign Military Financing Program”, “International Mili-  
3 tary Education and Training”, “Peacekeeping Oper-  
4 ations”, and “Pakistan Counterinsurgency Capability  
5 Fund”: *Provided*, That such report shall include a descrip-  
6 tion of the obligation and expenditure of funds, and the  
7 specific country in receipt of, and the use or purpose of,  
8 the assistance provided by such funds.

9 AVAILABILITY OF FUNDS

10 SEC. 7011. No part of any appropriation contained  
11 in this Act shall remain available for obligation after the  
12 expiration of the current fiscal year unless expressly so  
13 provided in this Act: *Provided*, That funds appropriated  
14 for the purposes of chapters 1 and 8 of part I, section  
15 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign  
16 Assistance Act of 1961, section 23 of the Arms Export  
17 Control Act, and funds provided under the headings “Mid-  
18 dle East and North Africa Incentive Fund” and “Develop-  
19 ment Credit Authority”, shall remain available for an ad-  
20 ditional 4 years from the date on which the availability  
21 of such funds would otherwise have expired, if such funds  
22 are initially obligated before the expiration of their respec-  
23 tive periods of availability contained in this Act: *Provided*  
24 *further*, That notwithstanding any other provision of this  
25 Act, any funds made available for the purposes of chapter

1 1 of part I and chapter 4 of part II of the Foreign Assist-  
2 ance Act of 1961 which are allocated or obligated for cash  
3 disbursements in order to address balance of payments or  
4 economic policy reform objectives, shall remain available  
5 for an additional 4 years from the date on which the avail-  
6 ability of such funds would otherwise have expired, if such  
7 funds are initially allocated or obligated before the expira-  
8 tion of their respective periods of availability contained in  
9 this Act: *Provided further*, That the Secretary of State  
10 shall provide a report to the Committees on Appropria-  
11 tions at the beginning of each fiscal year, detailing by ac-  
12 count and source year, the use of this authority during  
13 the previous fiscal year.

14 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT  
15 SEC. 7012. No part of any appropriation provided  
16 under titles III through VI in this Act shall be used to  
17 furnish assistance to the government of any country which  
18 is in default during a period in excess of 1 calendar year  
19 in payment to the United States of principal or interest  
20 on any loan made to the government of such country by  
21 the United States pursuant to a program for which funds  
22 are appropriated under this Act unless the President de-  
23 termines, following consultations with the Committees on  
24 Appropriations, that assistance for such country is in the  
25 national interest of the United States.

1 PROHIBITION ON TAXATION OF UNITED STATES

2 ASSISTANCE

3 SEC. 7013. (a) PROHIBITION ON TAXATION.—None  
4 of the funds appropriated under titles III through VI of  
5 this Act may be made available to provide assistance for  
6 a foreign country under a new bilateral agreement gov-  
7 erning the terms and conditions under which such assist-  
8 ance is to be provided unless such agreement includes a  
9 provision stating that assistance provided by the United  
10 States shall be exempt from taxation, or reimbursed, by  
11 the foreign government, and the Secretary of State shall  
12 expeditiously seek to negotiate amendments to existing bi-  
13 lateral agreements, as necessary, to conform with this re-  
14 quirement.

15 (b) REIMBURSEMENT OF FOREIGN TAXES.—An  
16 amount equivalent to 200 percent of the total taxes as-  
17 sessed during fiscal year 2013 on funds appropriated by  
18 this Act by a foreign government or entity against com-  
19 modities financed under United States assistance pro-  
20 grams for which funds are appropriated by this Act, either  
21 directly or through grantees, contractors, and subcontrac-  
22 tors shall be withheld from obligation from funds appro-  
23 priated for assistance for fiscal year 2014 and allocated  
24 for the central government of such country and for the  
25 West Bank and Gaza program to the extent that the Sec-

1   retary of State certifies and reports in writing to the Com-  
2   mittees on Appropriations that such taxes have not been  
3   reimbursed to the Government of the United States.

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

7       (d) REPROGRAMMING OF FUNDS.—Funds withheld  
8   from obligation for each country or entity pursuant to sub-  
9   section (b) shall be reprogrammed for assistance to coun-  
10   tries which do not assess taxes on United States assistance  
11   or which have an effective arrangement that is providing  
12   substantial reimbursement of such taxes.

13       (e) DETERMINATIONS.—

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

17               (A) does not assess taxes on United States  
18   assistance or which has an effective arrange-  
19   ment that is providing substantial reimburse-  
20   ment of such taxes; or

21               (B) the foreign policy interests of the  
22   United States outweigh the purpose of this sec-  
23   tion to ensure that United States assistance is  
24   not subject to taxation.

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

5           (f) IMPLEMENTATION.—The Secretary of State shall  
6           issue rules, regulations, or policy guidance, as appropriate,  
7           to implement the prohibition against the taxation of assist-  
8           ance contained in this section.

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

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

15           (2) the term “bilateral agreement” refers to a  
16           framework bilateral agreement between the Govern-  
17           ment of the United States and the government of  
18           the country receiving assistance that describes the  
19           privileges and immunities applicable to United  
20           States foreign assistance for such country generally,  
21           or an individual agreement between the Government  
22           of the United States and such government that de-  
23           scribes, among other things, the treatment for tax  
24           purposes that will be accorded the United States as-  
25           sistance provided under that agreement.

1 (h) REPORT.—The Secretary of State shall submit a  
2 report to the Committees on Appropriations not later than  
3 90 days after the enactment of this Act detailing steps  
4 taken by the Department of State to comply with the re-  
5 quirements provided in subsections (a) and (f).

6 RESERVATIONS OF FUNDS

7 SEC. 7014. (a) Funds appropriated under titles II  
8 through VI of this Act which are specifically designated  
9 may be reprogrammed for other programs within the same  
10 account notwithstanding the designation if compliance  
11 with the designation is made impossible by operation of  
12 any provision of this or any other Act: *Provided*, That any  
13 such reprogramming shall be subject to the regular notifi-  
14 cation procedures of the Committees on Appropriations:  
15 *Provided further*, That assistance that is reprogrammed  
16 pursuant to this subsection shall be made available under  
17 the same terms and conditions as originally provided.

18 (b) In addition to the authority contained in sub-  
19 section (a), the original period of availability of funds ap-  
20 propriated by this Act and administered by USAID that  
21 are specifically designated for particular programs or ac-  
22 tivities by this or any other Act shall be extended for an  
23 additional fiscal year if the USAID Administrator deter-  
24 mines and reports promptly to the Committees on Appro-  
25 priations that the termination of assistance to a country

1 or a significant change in circumstances makes it unlikely  
2 that such designated funds can be obligated during the  
3 original period of availability: *Provided*, That such des-  
4 ignated funds that continue to be available for an addi-  
5 tional fiscal year shall be obligated only for the purpose  
6 of such designation.

7 (c) Ceilings and specifically designated funding levels  
8 contained in this Act shall not be applicable to funds or  
9 authorities appropriated or otherwise made available by  
10 any subsequent Act unless such Act specifically so directs:  
11 *Provided*, That specifically designated funding levels or  
12 minimum funding requirements contained in any other  
13 Act shall not be applicable to funds appropriated by this  
14 Act.

#### 15 NOTIFICATION REQUIREMENTS

16 SEC. 7015. (a) None of the funds made available in  
17 title I of this Act, or in prior appropriations Acts to the  
18 agencies and departments funded by this Act that remain  
19 available for obligation or expenditure in fiscal year 2013,  
20 or provided from any accounts in the Treasury of the  
21 United States derived by the collection of fees or of cur-  
22 rency reflows or other offsetting collections, or made avail-  
23 able by transfer, to the agencies and departments funded  
24 by this Act, shall be available for obligation or expenditure  
25 through a reprogramming of funds that—

- 1 (1) creates new programs;
- 2 (2) eliminates a program, project, or activity;
- 3 (3) increases funds or personnel by any means
- 4 for any project or activity for which funds have been
- 5 denied or restricted;
- 6 (4) relocates an office or employees;
- 7 (5) closes or opens a mission or post;
- 8 (6) creates, closes, reorganizes, or renames bu-
- 9 reaus, centers, or offices;
- 10 (7) reorganizes programs or activities; or
- 11 (8) contracts out or privatizes any functions or
- 12 activities presently performed by Federal employees;

13

14 unless the Committees on Appropriations are notified 15  
15 days in advance of such reprogramming of funds: *Pro-*  
16 *vided*, That unless previously justified to the Committees  
17 on Appropriations, the requirements of this subsection  
18 shall apply to all obligations of funds appropriated under  
19 title I of this Act for paragraphs (5) and (6) of this sub-  
20 section.

21 (b) None of the funds provided under title I of this  
22 Act, or provided under previous appropriations Acts to the  
23 agency or department funded under title I of this Act that  
24 remain available for obligation or expenditure in fiscal  
25 year 2013, or provided from any accounts in the Treasury

1 of the United States derived by the collection of fees avail-  
2 able to the agency or department funded under title I of  
3 this Act, shall be available for obligation or expenditure  
4 for activities, programs, or projects through a reprogram-  
5 ming of funds in excess of \$1,000,000 or 10 percent,  
6 whichever is less, that—

7           (1) augments existing programs, projects, or ac-  
8           tivities;

9           (2) reduces by 10 percent funding for any exist-  
10          ing program, project, or activity, or numbers of per-  
11          sonnel by 10 percent as approved by Congress; or

12          (3) results from any general savings, including  
13          savings from a reduction in personnel, which would  
14          result in a change in existing programs, activities, or  
15          projects as approved by Congress; unless the Com-  
16          mittees on Appropriations are notified 15 days in  
17          advance of such reprogramming of funds.

18          (c) None of the funds made available under titles II  
19          through VI and VIII in this Act under the headings  
20          “Global Health Programs”, “Development Assistance”,  
21          “International Organizations and Programs”, “Trade and  
22          Development Agency”, “International Narcotics Control  
23          and Law Enforcement”, “Economic Support Fund”, “De-  
24          mocracy Fund”, “Middle East and North Africa Incentive  
25          Fund”, “Peacekeeping Operations”, “Capital Investment

1 Fund”, “Operating Expenses”, “Office of Inspector Gen-  
2 eral”, “Nonproliferation, Anti-terrorism, Demining and  
3 Related Programs”, “Millennium Challenge Corporation”,  
4 “Foreign Military Financing Program”, “International  
5 Military Education and Training”, “Pakistan Counter-  
6 insurgency Capability Fund”, and “Peace Corps”, shall  
7 be available for obligation for activities, programs,  
8 projects, type of materiel assistance, countries, or other  
9 operations not justified or in excess of the amount justi-  
10 fied to the Committees on Appropriations for obligation  
11 under any of these specific headings unless the Commit-  
12 tees on Appropriations are notified 15 days in advance:  
13 *Provided*, That the President shall not enter into any com-  
14 mitment of funds appropriated for the purposes of section  
15 23 of the Arms Export Control Act for the provision of  
16 major defense equipment, other than conventional ammu-  
17 nition, or other major defense items defined to be aircraft,  
18 ships, missiles, or combat vehicles, not previously justified  
19 to Congress or 20 percent in excess of the quantities justi-  
20 fied to Congress unless the Committees on Appropriations  
21 are notified 15 days in advance of such commitment: *Pro-*  
22 *vided further*, That requirements of this subsection or any  
23 similar provision of any other Act shall not apply to any  
24 reprogramming for an activity, program, or project for  
25 which funds are appropriated under titles II through VI

1 and VIII of this Act of less than 10 percent of the amount  
2 previously justified to the Congress for obligation for such  
3 activity, program, or project for the current fiscal year.

4 (d) Notwithstanding any other provision of law, with  
5 the exception of funds transferred to, and merged with,  
6 funds appropriated under title I of this Act, funds trans-  
7 ferred by the Department of Defense to the Department  
8 of State and USAID for assistance for foreign countries  
9 and international organizations, and funds made available  
10 for programs authorized by section 1206 of the National  
11 Defense Authorization Act for Fiscal Year 2006 (Public  
12 Law 109–163), shall be subject to the regular notification  
13 procedures of the Committees on Appropriations.

14 (e) The requirements of this section or any similar  
15 provision of this Act or any other Act, including any prior  
16 Act requiring notification in accordance with the regular  
17 notification procedures of the Committees on Appropria-  
18 tions, may be waived if failure to do so would pose a sub-  
19 stantial risk to human health or welfare: *Provided*, That  
20 in case of any such waiver, notification to the Committees  
21 on Appropriations shall be provided as early as prac-  
22 ticable, but in no event later than 3 days after taking the  
23 action to which such notification requirement was applica-  
24 ble, in the context of the circumstances necessitating such  
25 waiver: *Provided further*, That any notification provided

1 pursuant to such a waiver shall contain an explanation  
2 of the emergency circumstances.

3 (f) None of the funds appropriated under titles III,  
4 IV, and VIII of this Act shall be obligated or expended  
5 for assistance for Afghanistan, Bahrain, Bangladesh,  
6 Burma, Cambodia, Colombia, Cuba, Egypt, Ethiopia,  
7 Guatemala, Haiti, Honduras, Indonesia, Iran, Iraq,  
8 Kazakhstan, Kenya, Libya, Mexico, Nepal, Pakistan, Phil-  
9 ippines, the Russian Federation, Serbia, Somalia, Sri  
10 Lanka, South Sudan, Sudan, Syria, Uzbekistan, Yemen,  
11 or Zimbabwe except as provided through the regular noti-  
12 fication procedures of the Committees on Appropriations.

13 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

14 SEC. 7016. Prior to providing excess Department of  
15 Defense articles in accordance with section 516(a) of the  
16 Foreign Assistance Act of 1961, the Department of De-  
17 fense shall notify the Committees on Appropriations to the  
18 same extent and under the same conditions as other com-  
19 mittees pursuant to subsection (f) of that section: *Pro-*  
20 *vided*, That before issuing a letter of offer to sell excess  
21 defense articles under the Arms Export Control Act, the  
22 Department of Defense shall notify the Committees on  
23 Appropriations in accordance with the regular notification  
24 procedures of such Committees if such defense articles are  
25 significant military equipment (as defined in section 47(9))

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

8           LIMITATION ON AVAILABILITY OF FUNDS FOR  
9           INTERNATIONAL ORGANIZATIONS AND PROGRAMS

10       SEC. 7017. Subject to the regular notification proce-  
11 dures of the Committees on Appropriations, funds appro-  
12 priated under titles III through VI of this Act and prior  
13 Acts making appropriations for the Department of State,  
14 foreign operations, and related programs, which are re-  
15 turned or not made available for organizations and pro-  
16 grams because of the implementation of section 307(a) of  
17 the Foreign Assistance Act of 1961 or section 7049(a) of  
18 this Act, shall remain available for obligation until Sep-  
19 tember 30, 2014.

20           PROHIBITION ON FUNDING FOR ABORTIONS AND  
21           INVOLUNTARY STERILIZATION

22       SEC. 7018. None of the funds made available to carry  
23 out part I of the Foreign Assistance Act of 1961, as  
24 amended, may be used to pay for the performance of abor-  
25 tions as a method of family planning or to motivate or

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

19 ALLOCATIONS

20 SEC. 7019. (a) Funds provided in this Act shall be  
21 made available for programs and countries in the amounts  
22 contained in the respective tables included in the report  
23 accompanying this Act.

24 (b) For the purposes of implementing this section and  
25 only with respect to the tables included in the report ac-

1 accompanying this Act, the Secretary of State, the USAID  
2 Administrator and the Broadcasting Board of Governors,  
3 as appropriate, may propose deviations to the amounts  
4 referenced in subsection (a), subject to the regular notifi-  
5 cation procedures of the Committees on Appropriations.

6           LIMITATIONS ON REPRESENTATION AND

7                           ENTERTAINMENT EXPENSES

8           SEC. 7020. (a) Each Federal department, agency, or  
9 entity funded in titles I and II of this Act, and the Depart-  
10 ment of Treasury and independent agencies funded in ti-  
11 tles III and VI of this Act, shall take steps to ensure that  
12 all expenses for domestic and overseas representation and  
13 entertainment are only for meals and events of a protocol  
14 nature that are not incident to a conference, meeting, or  
15 other business of such department, agency, or entity: *Pro-*  
16 *vided*, That such meals and events shall not be for em-  
17 ployee-only events (such as retirement and holiday par-  
18 ties), and shall be primarily for fostering relations outside  
19 of the executive branch: *Provided further*, That entertain-  
20 ment expenses may not include activities that are substan-  
21 tially of a recreational character, including but not limited  
22 to entrance fees at sporting events, theatrical and musical  
23 productions, and amusement parks: *Provided further*, That  
24 each such department, agency, and entity shall provide to  
25 the Committees on Appropriations not later than 90 days

1 after enactment of this Act its policy on the use of rep-  
2 resentation and entertainment funds.

3 (b) None of the funds appropriated or otherwise  
4 made available by this Act under the headings “Inter-  
5 national Military Education and Training” or “Foreign  
6 Military Financing Program” for Informational Program  
7 activities or under the headings “Global Health Pro-  
8 grams”, “Development Assistance”, and “Economic Sup-  
9 port Fund” may be obligated or expended to pay for—

10 (1) alcoholic beverages; or

11 (2) entertainment expenses for activities that  
12 are substantially of a recreational character, includ-  
13 ing but not limited to entrance fees at sporting  
14 events, theatrical and musical productions, and  
15 amusement parks.

16 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

17 SUPPORTING INTERNATIONAL TERRORISM

18 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-  
19 PORTS.—

20 (1) None of the funds appropriated or otherwise  
21 made available by titles III through VI of this Act  
22 may be available to any foreign government which  
23 provides lethal military equipment to a country the  
24 government of which the Secretary of State has de-  
25 termined supports international terrorism for pur-

1 poses of section 6(j) of the Export Administration  
2 Act of 1979: *Provided*, That the prohibition under  
3 this section with respect to a foreign government  
4 shall terminate 12 months after that government  
5 ceases to provide such military equipment: *Provided*  
6 *further*, That this section applies with respect to le-  
7 thal military equipment provided under a contract  
8 entered into after October 1, 1997.

9 (2) Assistance restricted by paragraph (1) or  
10 any other similar provision of law, may be furnished  
11 if the President determines that to do so is impor-  
12 tant to the national interests of the United States.

13 (3) Whenever the President makes a determina-  
14 tion pursuant to paragraph (2), the President shall  
15 submit to the Committees on Appropriations a re-  
16 port with respect to the furnishing of such assist-  
17 ance, including a detailed explanation of the assist-  
18 ance to be provided, the estimated dollar amount of  
19 such assistance, and an explanation of how the as-  
20 sistance furthers U.S. national interests.

21 (b) BILATERAL ASSISTANCE.—

22 (1) Funds appropriated for bilateral assistance  
23 in titles III through VI of this Act and funds appro-  
24 priated under any such title in prior acts making ap-  
25 propriations for the Department of State, foreign

1 operations, and related programs, shall not be made  
2 available to any foreign government which the Presi-  
3 dent determines—

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

7 (B) otherwise supports international ter-  
8 rorism; or

9 (C) is controlled by an organization des-  
10 ignated as a terrorist organization under sec-  
11 tion 219 of the Immigration and Nationality  
12 Act.

13 (2) The President may waive the application of  
14 paragraph (1) to a government if the President de-  
15 termines that national security or humanitarian rea-  
16 sons justify such waiver: *Provided*, That the Presi-  
17 dent shall publish each such waiver in the Federal  
18 Register and, at least 15 days before the waiver  
19 takes effect, shall notify the Committees on Appro-  
20 priations of the waiver (including the justification  
21 for the waiver) in accordance with the regular notifi-  
22 cation procedures of the Committees on Appropria-  
23 tions.

## 1 AUTHORIZATION REQUIREMENTS

2 SEC. 7022. Funds appropriated by this Act, except  
3 funds appropriated under the heading “Trade and Devel-  
4 opment Agency”, may be obligated and expended notwith-  
5 standing section 10 of Public Law 91–672, section 15 of  
6 the State Department Basic Authorities Act of 1956, sec-  
7 tion 313 of the Foreign Relations Authorization Act, Fis-  
8 cal Years 1994 and 1995 (Public Law 103–236), and sec-  
9 tion 504(a)(1) of the National Security Act of 1947 (50  
10 U.S.C. 414(a)(1)).

## 11 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

12 SEC. 7023. For the purpose of titles I through VI  
13 of this Act “program, project, and activity” shall be de-  
14 fined at the appropriations Act account level and shall in-  
15 clude all appropriations and authorizations Acts funding  
16 directives, ceilings, and limitations with the exception that  
17 for the following accounts: “Economic Support Fund” and  
18 “Foreign Military Financing Program”, “program,  
19 project, and activity” shall also be considered to include  
20 country, regional, and central program level funding with-  
21 in each such account; and for the development assistance  
22 accounts of USAID “program, project, and activity” shall  
23 also be considered to include central, country, regional,  
24 and program level funding, either as—

25 (1) justified to the Congress; or

1           (2) allocated by the executive branch in accord-  
2           ance with a report, to be provided to the Committees  
3           on Appropriations within 30 days of the enactment  
4           of this Act, as required by section 653(a) of the For-  
5           eign Assistance Act of 1961.

6   AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN  
7   FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION  
8       SEC. 7024. Unless expressly provided to the contrary,  
9   provisions of this or any other Act, including provisions  
10   contained in prior Acts authorizing or making appropria-  
11   tions for the Department of State, foreign operations, and  
12   related programs, shall not be construed to prohibit activi-  
13   ties authorized by or conducted under the Peace Corps  
14   Act, the Inter-American Foundation Act or the African  
15   Development Foundation Act: *Provided*, That prior to con-  
16   ducting activities in a country for which assistance is pro-  
17   hibited, the agency shall consult with the Committees on  
18   Appropriations and report to such Committees within 15  
19   days of taking such action.

20       COMMERCE, TRADE AND SURPLUS COMMODITIES

21       SEC. 7025. (a) None of the funds appropriated or  
22   made available pursuant to titles III through VI of this  
23   Act for direct assistance and none of the funds otherwise  
24   made available to the Export-Import Bank and the Over-  
25   seas Private Investment Corporation shall be obligated or

1 expended to finance any loan, any assistance or any other  
2 financial commitments for establishing or expanding pro-  
3 duction of any commodity for export by any country other  
4 than the United States, if the commodity is likely to be  
5 in surplus on world markets at the time the resulting pro-  
6 ductive capacity is expected to become operative and if the  
7 assistance will cause substantial injury to United States  
8 producers of the same, similar, or competing commodity:  
9 *Provided*, That such prohibition shall not apply to the Ex-  
10 port-Import Bank if in the judgment of its Board of Direc-  
11 tors the benefits to industry and employment in the  
12 United States are likely to outweigh the injury to United  
13 States producers of the same, similar, or competing com-  
14 modity, and the Chairman of the Board so notifies the  
15 Committees on Appropriations: *Provided further*, That this  
16 subsection shall not prohibit—

17           (1) activities in a country that is eligible for as-  
18           sistance from the International Development Asso-  
19           ciation, is not eligible for assistance from the Inter-  
20           national Bank for Reconstruction and Development,  
21           and does not export on a consistent basis the com-  
22           modity with respect to which assistance is furnished;  
23           or

1           (2) activities in a country recovering from wide-  
2           spread conflict, a humanitarian crisis, or a complex  
3           emergency.

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

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

18                 (2) research activities intended primarily to  
19                 benefit American producers;

20                 (3) activities in a country that is eligible for as-  
21                 sistance from the International Development Asso-  
22                 ciation, is not eligible for assistance from the Inter-  
23                 national Bank for Reconstruction and Development,  
24                 and does not export on a consistent basis the agri-

1 cultural commodity with respect to which assistance  
2 is furnished; or

3 (4) activities in a country recovering from wide-  
4 spread conflict, a humanitarian crisis, or a complex  
5 emergency.

6 (c) The Secretary of the Treasury shall instruct the  
7 United States Executive Directors of the international fi-  
8 nancial institutions, as defined in section 7029(e) of this  
9 Act, to use the voice and vote of the United States to op-  
10 pose any assistance by such institutions, using funds ap-  
11 propriated or made available by this Act, for the produc-  
12 tion or extraction of any commodity or mineral for export,  
13 if it is in surplus on world markets and if the assistance  
14 will cause substantial injury to United States producers  
15 of the same, similar, or competing commodity.

16 SEPARATE ACCOUNTS

17 SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL  
18 CURRENCIES.—

19 (1) If assistance is furnished to the government  
20 of a foreign country under chapters 1 and 10 of part  
21 I or chapter 4 of part II of the Foreign Assistance  
22 Act of 1961 under agreements which result in the  
23 generation of local currencies of that country, the  
24 USAID Administrator shall—

1 (A) require that local currencies be depos-  
2 ited in a separate account established by that  
3 government;

4 (B) enter into an agreement with that gov-  
5 ernment which sets forth—

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

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

11 (C) establish by agreement with that gov-  
12 ernment the responsibilities of USAID and that  
13 government to monitor and account for deposits  
14 into and disbursements from the separate ac-  
15 count.

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

21 (A) to carry out chapter 1 or 10 of part  
22 I or chapter 4 of part II of the Foreign Assist-  
23 ance Act of 1961 (as the case may be), for such  
24 purposes as—

1 (i) project and sector assistance activi-  
2 ties; or

3 (ii) debt and deficit financing; or

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

6 (3) PROGRAMMING ACCOUNTABILITY.—USAID  
7 shall take all necessary steps to ensure that the  
8 equivalent of the local currencies disbursed pursuant  
9 to subsection (a)(2)(A) from the separate account  
10 established pursuant to subsection (a)(1) are used  
11 for the purposes agreed upon pursuant to subsection  
12 (a)(2).

13 (4) TERMINATION OF ASSISTANCE PRO-  
14 GRAMS.—Upon termination of assistance to a coun-  
15 try under chapter 1 or 10 of part I or chapter 4 of  
16 part II of the Foreign Assistance Act of 1961 (as  
17 the case may be), any unencumbered balances of  
18 funds which remain in a separate account estab-  
19 lished pursuant to subsection (a) shall be disposed of  
20 for such purposes as may be agreed to by the gov-  
21 ernment of that country and the United States Gov-  
22 ernment.

23 (5) REPORTING REQUIREMENT.—The USAID  
24 Administrator shall report on an annual basis as  
25 part of the justification documents submitted to the

1 Committees on Appropriations on the use of local  
2 currencies for the administrative requirements of the  
3 United States Government as authorized in sub-  
4 section (a)(2)(B), and such report shall include the  
5 amount of local currency (and United States dollar  
6 equivalent) used and/or to be used for such purpose  
7 in each applicable country.

8 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

9 (1) If assistance is made available to the gov-  
10 ernment of a foreign country, under chapter 1 or 10  
11 of part I or chapter 4 of part II of the Foreign As-  
12 sistance Act of 1961, as cash transfer assistance or  
13 as nonproject sector assistance, that country shall be  
14 required to maintain such funds in a separate ac-  
15 count and not commingle them with any other  
16 funds.

17 (2) APPLICABILITY OF OTHER PROVISIONS OF  
18 LAW.—Such funds may be obligated and expended  
19 notwithstanding provisions of law which are incon-  
20 sistent with the nature of this assistance including  
21 provisions which are referenced in the Joint Explan-  
22 atory Statement of the Committee of Conference ac-  
23 companying House Joint Resolution 648 (House Re-  
24 port No. 98–1159).



1 North Africa Incentive Fund”: *Provided*, That before  
2 using the authority of this subsection to furnish assistance  
3 in support of programs of nongovernmental organizations,  
4 the President shall notify the Committees on Appropria-  
5 tions under the regular notification procedures of those  
6 committees, including a description of the program to be  
7 assisted, the assistance to be provided, and the reasons  
8 for furnishing such assistance: *Provided further*, That  
9 nothing in this subsection shall be construed to alter any  
10 existing statutory prohibitions against abortion or involun-  
11 tary sterilizations contained in this or any other Act.

12 (b) PUBLIC LAW 480.—During fiscal year 2013, re-  
13 strictions contained in this or any other Act with respect  
14 to assistance for a country shall not be construed to re-  
15 strict assistance under the Food for Peace Act (Public  
16 Law 83–480), as amended: *Provided*, That none of the  
17 funds appropriated to carry out title I of such Act and  
18 made available pursuant to this subsection may be obli-  
19 gated or expended except as provided through the regular  
20 notification procedures of the Committees on Appropria-  
21 tions.

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

23 (1) with respect to section 620A of the Foreign  
24 Assistance Act of 1961 or any comparable provision

1 of law prohibiting assistance to countries that sup-  
2 port international terrorism; or

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

8 IMPACT ON JOBS IN THE UNITED STATES

9 SEC. 7028. None of the funds appropriated under ti-  
10 tles III through VI of this Act may be obligated or ex-  
11 pended to provide—

12 (1) any financial incentive to a business enter-  
13 prise currently located in the United States for the  
14 purpose of inducing such an enterprise to relocate  
15 outside the United States if such incentive or in-  
16 ducement is likely to reduce the number of employ-  
17 ees of such business enterprise in the United States  
18 because United States production is being replaced  
19 by such enterprise outside the United States; or

20 (2) assistance for any program, project, or ac-  
21 tivity that contributes to the violation of internation-  
22 ally recognized workers rights, as defined in section  
23 507(4) of the Trade Act of 1974, of workers in the  
24 recipient country, including any designated zone or  
25 area in that country: *Provided*, That the application

1 of section 507(4) (D) and (E) of such Act should be  
2 commensurate with the level of development of the  
3 recipient country and sector, and shall not preclude  
4 assistance for the informal sector in such country,  
5 micro and small-scale enterprise, and smallholder  
6 agriculture.

7 INTERNATIONAL FINANCIAL INSTITUTIONS

8 SEC. 7029. (a) None of the funds appropriated under  
9 title V of this Act may be made as payment to any inter-  
10 national financial institution while the United States execu-  
11 tive director to such institution is compensated by the  
12 institution at a rate which, together with whatever com-  
13 pensation such executive director receives from the United  
14 States, is in excess of the rate provided for an individual  
15 occupying a position at level IV of the Executive Schedule  
16 under section 5315 of title 5, United States Code, or while  
17 any alternate United States executive director to such in-  
18 stitution is compensated by the institution at a rate in  
19 excess of the rate provided for an individual occupying a  
20 position at level V of the Executive Schedule under section  
21 5316 of title 5, United States Code.

22 (b) The Secretary of the Treasury shall instruct the  
23 United States executive director of each international fi-  
24 nancial institution to oppose any loan, grant, strategy or  
25 policy of such institution that would require user fees or

1 service charges on poor people for primary education or  
2 primary healthcare, including maternal and child health,  
3 and the prevention, care and treatment of HIV/AIDS, ma-  
4 laria, and tuberculosis in connection with such institu-  
5 tion's financing programs.

6 (c) The Secretary of the Treasury shall instruct the  
7 United States Executive Director of the International  
8 Monetary Fund (IMF) to use the voice and vote of the  
9 United States to oppose any loan, project, agreement,  
10 memorandum, instrument, plan, or other program of the  
11 IMF to a Heavily Indebted Poor Country that imposes  
12 budget caps or restraints that do not allow the mainte-  
13 nance of or an increase in governmental spending on  
14 healthcare or education; and to promote government  
15 spending on healthcare, education, agriculture and food  
16 security, or other critical safety net programs in all of the  
17 IMF's activities with respect to Heavily Indebted Poor  
18 Countries.

19 (d) Of the funds appropriated by this Act that are  
20 available for a United States contribution to the general  
21 capital increases of the International Bank for Recon-  
22 struction and Development, the African Development  
23 Bank, the Asian Development Bank, and the Inter-Amer-  
24 ican Development Bank, 10 percent of each such contribu-  
25 tion may not be obligated or expended until the Secretary

1 of the Treasury reports to the Committees on Appropria-  
2 tions that such institution is implementing best practices  
3 for the protection of whistleblowers from retaliation, in-  
4 cluding best practices for legal burdens of proof, access  
5 to independent adjudicative bodies, results that eliminate  
6 the effects of retaliation, and statutes of limitation for re-  
7 porting retaliation.

8 (e) For the purposes of this Act “international finan-  
9 cial institutions” shall mean the International Bank for  
10 Reconstruction and Development, the International Devel-  
11 opment Association, the International Finance Corpora-  
12 tion, the Inter-American Development Bank, the Inter-  
13 national Monetary Fund, the Asian Development Bank,  
14 the Asian Development Fund, the Inter-American Invest-  
15 ment Corporation, the North American Development  
16 Bank, the European Bank for Reconstruction and Devel-  
17 opment, the African Development Bank and the African  
18 Development Fund.

19 DEBT-FOR-DEVELOPMENT

20 SEC. 7030. In order to enhance the continued partici-  
21 pation of nongovernmental organizations in debt-for-devel-  
22 opment and debt-for-nature exchanges, a nongovern-  
23 mental organization which is a grantee or contractor of  
24 USAID may place in interest bearing accounts local cur-  
25 rencies which accrue to that organization as a result of

1 economic assistance provided under title III of this Act  
2 and, subject to the regular notification procedures of the  
3 Committees on Appropriations, any interest earned on  
4 such investment shall be used for the purpose for which  
5 the assistance was provided to that organization.

6 FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

7 SEC. 7031. (a) LIMITATION ON DIRECT GOVERN-  
8 MENT-TO-GOVERNMENT ASSISTANCE.—

9 (1) Funds appropriated by this Act may be  
10 made available for direct Government-to-Government  
11 assistance only if—

12 (A) each implementing agency or ministry  
13 to receive assistance has been assessed and is  
14 considered to have the systems required to  
15 manage such assistance and any identified  
16 vulnerabilities or weaknesses of such agency or  
17 ministry have been addressed; and

18 (i) the recipient agency or ministry  
19 employs and utilizes staff with the nec-  
20 essary technical, financial, and manage-  
21 ment capabilities;

22 (ii) the recipient agency or ministry  
23 has adopted competitive procurement poli-  
24 cies and systems;

1 (iii) effective monitoring and evalua-  
2 tion systems are in place to ensure that  
3 such assistance is used for its intended  
4 purposes; and

5 (iv) no level of acceptable fraud is as-  
6 sumed; and

7 (B) the Government of the United States  
8 and the government of the recipient country  
9 have agreed, in writing, on clear and achievable  
10 objectives for the use of such assistance.

11 (2) In addition to the requirements in sub-  
12 section (a), no funds may be made available for such  
13 assistance without prior consultation with, and noti-  
14 fication to, the Committees on Appropriations: *Pro-*  
15 *vided*, That such notification shall contain an expla-  
16 nation of how the proposed activity meets the re-  
17 quirements of paragraph (1): *Provided further*, That  
18 the requirements of this paragraph shall only apply  
19 to direct Government-to-Government assistance with  
20 a cumulative value exceeding \$50,000,000 and to all  
21 funds available for cash payments to individuals.

22 (3) The USAID Administrator or the Secretary  
23 of State, as appropriate, shall suspend any such as-  
24 sistance if the Administrator or the Secretary has  
25 credible information of material misuse of such as-

1 assistance, unless the Administrator or the Secretary  
2 determines and reports to the Committees on Appro-  
3 priations that it is in the national interest of the  
4 United States to continue such assistance.

5 (4) The Secretary of State shall submit to the  
6 Committees on Appropriations, concurrent with the  
7 fiscal year 2014 congressional budget justification  
8 materials, amounts planned for assistance described  
9 in subsection (a) by country, proposed funding  
10 amount, source of funds, and type of assistance.

11 (b) NATIONAL BUDGET AND CONTRACT TRANS-  
12 PARENCY.—

13 (1) MINIMUM STANDARDS OF FISCAL TRANS-  
14 PARENCY.—Not later than 90 days after enactment  
15 of this Act, the Secretary of State shall develop, for  
16 each government receiving assistance appropriated  
17 by this Act, “minimum standards of fiscal trans-  
18 parency” which shall be updated and strengthened,  
19 as appropriate, to reflect best practices.

20 (2) DEFINITION.—For purposes of paragraph  
21 (1), “minimum standards of fiscal transparency” are  
22 standards developed in accordance with subsection  
23 (a) and shall include standards for the public disclo-  
24 sure of national budget information, including re-  
25 ceipts and expenditures by ministry, and government

1 contracts and licenses for natural resource extrac-  
2 tion, to include bidding and concession allocation  
3 practices.

4 (3) DETERMINATION AND REPORT.—For each  
5 government identified pursuant to paragraph (1),  
6 the Secretary of State, not later than 180 days after  
7 enactment of this Act and annually thereafter, shall  
8 make a determination of “significant progress” or  
9 “no significant progress” in meeting minimum  
10 standards of fiscal transparency, and make such de-  
11 terminations publicly available in an annual “Fiscal  
12 Transparency Report” to be posted on the Depart-  
13 ment of State’s Web site: *Provided*, That the Sec-  
14 retary shall identify any steps taken by each such  
15 government to publicly disclose national budget in-  
16 formation which are additional to those taken in pre-  
17 vious fiscal years, include specific recommendations  
18 of short- and long-term steps such government can  
19 take to improve budget transparency, and identify  
20 benchmarks for measuring progress.

21 (4) ASSISTANCE.—Of the funds appropriated  
22 under title III of this Act, not less than \$10,000,000  
23 shall be made available for programs and activities  
24 to assist governments identified pursuant to para-  
25 graph (1) to improve budget transparency and to

1 support civil society organizations in such countries  
2 that promote budget transparency: *Provided*, That  
3 such sums shall be in addition to funds otherwise  
4 made available for such purposes.

5 (c) ANTI-KLEPTOCRACY.—

6 (1) Officials of foreign governments and their  
7 immediate family members who the Secretary of  
8 State has credible information have been involved in  
9 significant corruption, including corruption related  
10 to the extraction of natural resources, shall be ineli-  
11 gible for entry into the United States.

12 (2) Individuals shall not be ineligible if entry  
13 into the United States would further important  
14 United States law enforcement objectives or is nec-  
15 essary to permit the United States to fulfill its obli-  
16 gations under the United Nations Headquarters  
17 Agreement: *Provided*, That nothing in this provision  
18 shall be construed to derogate from United States  
19 Government obligations under applicable inter-  
20 national agreements.

21 (3) The Secretary may waive the application of  
22 paragraph (1) if the Secretary determines that the  
23 waiver would serve a compelling national interest or  
24 that the circumstances which caused the individual  
25 to be ineligible have changed sufficiently.

1           (4) Not later than 90 days after enactment of  
2           this Act and 180 days thereafter, the Secretary of  
3           State shall submit a report, in classified form if nec-  
4           essary, to the Committees on Appropriations describ-  
5           ing the information relating to corruption concerning  
6           each of the individuals found ineligible pursuant to  
7           paragraph (1), or who would be ineligible but for the  
8           application of paragraph (2), a list of any waivers  
9           provided under subsection (3), and the justification  
10          for each waiver.

11          (d) FOREIGN ASSISTANCE WEB SITE.—Funds appro-  
12          priated by this Act shall be made available to expand in-  
13          formation on United States Government foreign assistance  
14          posted on the foreignassistance.gov Web site: *Provided*,  
15          That all Federal agencies funded under this Act shall pro-  
16          vide such information on foreign assistance, upon request,  
17          to the Department of State: *Provided further*, That not  
18          later than 180 days after enactment of this Act, the Sec-  
19          retary of State shall submit a report to the Committees  
20          on Appropriations assessing the cooperation of the heads  
21          of other Federal agencies in providing the Department of  
22          State with foreign assistance information administered by  
23          such agencies, in a standardized format: *Provided further*,  
24          That the Secretary of State shall seek such foreign assist-

1   ance information from prior fiscal years, beginning in fis-  
2   cal year 2011.

3   AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

4       SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUC-  
5   TION, OR CANCELLATION.—

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

17           (A) debt-for-equity swaps, debt-for-develop-  
18   ment swaps, or debt-for-nature swaps; or

19           (B) a debt buyback by an eligible country  
20   of its own qualified debt, only if the eligible  
21   country uses an additional amount of the local  
22   currency of the eligible country, equal to not  
23   less than 40 percent of the price paid for such  
24   debt by such eligible country, or the difference  
25   between the price paid for such debt and the

1 face value of such debt, to support activities  
2 that link conservation and sustainable use of  
3 natural resources with local community develop-  
4 ment, and child survival and other child devel-  
5 opment, in a manner consistent with sections  
6 707 through 710 of the Foreign Assistance Act  
7 of 1961, if the sale, reduction, or cancellation  
8 would not contravene any term or condition of  
9 any prior agreement relating to such loan.

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

15 (3) ADMINISTRATION.—The Facility, as defined  
16 in section 702(8) of the Foreign Assistance Act of  
17 1961, shall notify the administrator of the agency  
18 primarily responsible for administering part I of the  
19 Foreign Assistance Act of 1961 of purchasers that  
20 the President has determined to be eligible, and  
21 shall direct such agency to carry out the sale, reduc-  
22 tion, or cancellation of a loan pursuant to this sec-  
23 tion: *Provided*, That such agency shall make adjust-  
24 ment in its accounts to reflect the sale, reduction, or  
25 cancellation.

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

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

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

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

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

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

3 MULTI-YEAR PLEDGES

4 SEC. 7033. None of the funds appropriated by this  
5 Act may be used to make any pledge for future year fund-  
6 ing for any multilateral or bilateral program funded in ti-  
7 tles III through VI of this Act unless such pledge was—

8 (1) previously justified, including the projected  
9 future year costs, in a congressional budget justifica-  
10 tion;

11 (2) included in an Act making appropriations  
12 for the Department of State, foreign operations, and  
13 related programs or previously authorized by an Act  
14 of Congress;

15 (3) notified in accordance with the regular noti-  
16 fication procedures of the Committees on Appropria-  
17 tions, including the projected future year costs; or

18 (4) the subject of prior consultation with the  
19 Committees on Appropriations and such consultation  
20 was conducted at least 7 days in advance of the  
21 pledge.

22 SPECIAL PROVISIONS

23 SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHIL-  
24 DREN, AND DISPLACED BURMESE.—Funds appropriated  
25 in titles III and VI of this Act that are made available

1 for victims of war, displaced children, displaced Burmese,  
2 and to combat trafficking in persons and assist victims  
3 of such trafficking, may be made available notwith-  
4 standing any other provision of law.

5 (b) RECONSTITUTING CIVILIAN POLICE AUTHOR-  
6 ITY.—In providing assistance with funds appropriated by  
7 this Act under section 660(b)(6) of the Foreign Assistance  
8 Act of 1961, support for a nation emerging from insta-  
9 bility may be deemed to mean support for regional, dis-  
10 trict, municipal, or other sub-national entity emerging  
11 from instability, as well as a nation emerging from insta-  
12 bility.

13 (c) WORLD FOOD PROGRAM.—Funds managed by  
14 the Bureau for Democracy, Conflict, and Humanitarian  
15 Assistance, USAID, from this or any other Act, shall be  
16 made available as a general contribution to the World  
17 Food Program, notwithstanding any other provision of  
18 law.

19 (d) DISARMAMENT, DEMOBILIZATION AND RE-  
20 INTEGRATION.—Notwithstanding any other provision of  
21 law, regulation or Executive order, funds appropriated by  
22 this Act and prior Acts making appropriations for the De-  
23 partment of State, foreign operations, and related pro-  
24 grams under the headings “Economic Support Fund”,  
25 “Middle East and North Africa Incentive Fund”, “Peace-

1 keeping Operations”, “International Disaster Assistance”,  
2 and “Transition Initiatives” may be made available to  
3 support programs to disarm, demobilize, and reintegrate  
4 into civilian society former members of foreign terrorist  
5 organizations: *Provided*, That the Secretary of State shall  
6 consult with the Committees on Appropriations prior to  
7 the obligation of funds pursuant to this subsection: *Pro-*  
8 *vided further*, That for the purposes of this subsection the  
9 term “foreign terrorist organization” means an organiza-  
10 tion designated as a terrorist organization under section  
11 219 of the Immigration and Nationality Act.

12 (e) CONTINGENCIES.—During fiscal year 2013, the  
13 President may use up to \$50,000,000 under the authority  
14 of section 451 of the Foreign Assistance Act of 1961, not-  
15 withstanding any other provision of law.

16 (f) DEMOCRACY AND HUMAN RIGHTS.—

17 (1) Funds appropriated by this Act that are  
18 made available for democracy and human rights pro-  
19 grams may be made available notwithstanding any  
20 other provision of law, and with regard to the Na-  
21 tional Endowment for Democracy, any regulation.

22 (2) For the purposes of funds appropriated by  
23 this Act, the term “democracy and human rights  
24 programs” means programs that support good gov-  
25 ernance, credible and competitive elections, freedom

1 of expression, association, assembly, and religion,  
2 human rights, labor rights, independent media, and  
3 the rule of law, and that otherwise strengthen the  
4 capacity of democratic political parties, governments,  
5 nongovernmental organizations and institutions, and  
6 citizens to support the development of democratic  
7 states, and institutions that are responsive and ac-  
8 countable to citizens.

9 (3) With respect to the provision of assistance  
10 for democracy, human rights and governance activi-  
11 ties in this Act, the organizations implementing such  
12 assistance, the specific nature of that assistance, and  
13 participants in democracy and human rights pro-  
14 grams shall not be subject to the prior approval by  
15 the government of any foreign country.

16 (4) Funds appropriated under the heading  
17 “Economic Support Fund” shall be made available  
18 to the Bureau of Democracy, Human Rights, and  
19 Labor (DRL), Department of State, for programs to  
20 promote human rights by expanding open and un-  
21 censored access to information and communication  
22 as identified in the Department of State’s Internet  
23 freedom strategy: *Provided*, That funds made avail-  
24 able by this paragraph should be matched by sources  
25 other than the United States Government, as appro-

1        appropriate: *Provided further*, That the Secretary of State  
2        shall coordinate the development and uses of cir-  
3        cumvention and secure communications technologies  
4        with the USAID Administrator and the Broad-  
5        casting Board of Governors, as appropriate.

6            (5) Funds appropriated by this Act that are  
7        made available to promote democracy and human  
8        rights shall also be made available to support free-  
9        dom of religion, especially in the Middle East and  
10       North Africa.

11           (6) Funds made available by this Act for  
12        DRL's Business and Human Rights program in the  
13        People's Republic of China shall be made available  
14        on a cost-matching basis from sources other than  
15        the United States Government.

16           (7) In order to avoid duplication of democracy  
17        and human rights programs, DRL and the Bureau  
18        for Democracy, Conflict, and Humanitarian Assist-  
19        ance, USAID, shall regularly communicate their  
20        planned programs to the National Endowment for  
21        Democracy.

22           (8) Of the funds appropriated by this Act, not  
23        less than \$2,606,000,000 should be made available  
24        for democracy programs, as defined in paragraph  
25        (2).

1           (9) Funds appropriated by this Act under the  
2 heading “Democracy Fund” that are made available  
3 to DRL shall be made available to establish and  
4 maintain a database of prisons and gulags in North  
5 Korea, including a list of political prisoners, and  
6 such database shall be regularly updated and made  
7 publicly available on the Internet.

8           (g) PROTECTIONS AND REMEDIES FOR EMPLOYEES  
9 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-  
10 ZATIONS.—The Secretary of State shall implement section  
11 203(a)(2) of the William Wilberforce Trafficking Victims  
12 Protection Reauthorization Act of 2008 (Public Law 110–  
13 457): *Provided*, That in determining whether to suspend  
14 the issuance of A–3 or G–5 visas to applicants seeking  
15 to work for officials of a diplomatic mission or inter-  
16 national organization, the Secretary shall consider wheth-  
17 er a final court judgment has been issued against a cur-  
18 rent or former employee of such mission or organization  
19 (and the time period for a final appeal has expired) or  
20 whether the Department of State has requested that im-  
21 munity of individual diplomats or family members be  
22 waived to permit criminal prosecution: *Provided further*,  
23 That the Secretary should continue to assist in obtaining  
24 payment of final court judgments awarded to A–3 and G–  
25 5 visa holders, including encouraging the sending states

1 to provide compensation directly to victims: *Provided fur-*  
2 *ther*, That the Secretary shall include, in a manner the  
3 Secretary deems appropriate, all trafficking cases involv-  
4 ing A–3 or G–5 visa holders in the Trafficking in Persons  
5 annual report for which a final civil judgment has been  
6 issued (and the time period for final appeal has expired)  
7 or the Department of Justice has determined that the  
8 United States Government would seek to indict the dip-  
9 lomat or a family member but for diplomatic immunity.

10 (h) MODIFICATION OF AMENDMENT.—Section 620M  
11 of the Foreign Assistance Act of 1961 (Limitation on As-  
12 sistance to Security Forces) is amended in subsection  
13 (d)(5) by inserting “, equipment, or other types of assist-  
14 ance” after “training”.

15 (i) EXTENSION OF AUTHORITIES.—

16 (1) Section 1(b)(2) of the Passport Act of June  
17 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by  
18 substituting “September 30, 2013” for “September  
19 30, 2010”.

20 (2) The authority provided by section 301(a)(3)  
21 of the Omnibus Diplomatic Security and  
22 Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3))  
23 shall remain in effect through September 30, 2013.

1           (3) The authority contained in section 1115(d)  
2 of Public Law 111–32 shall remain in effect through  
3 September 30, 2013.

4           (4) Section 824(g) of the Foreign Service Act  
5 of 1980 (22 U.S.C. 4064(g)) shall be applied by  
6 substituting “September 30, 2013” for “October 1,  
7 2010” in paragraph (2).

8           (5) Section 61(a) of the State Department  
9 Basic Authorities Act of 1956 (22 U.S.C. 2733(a))  
10 shall be applied by substituting “September 30,  
11 2013” for “October 1, 2010” in paragraph (2).

12           (6) Section 625(j)(1) of the Foreign Assistance  
13 Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied  
14 by substituting “September 30, 2013” for “October  
15 1, 2010” in subparagraph (B).

16           (7) The authority provided by section 1113 of  
17 Public Law 111–32 shall remain in effect through  
18 September 30, 2013: *Provided*, That none of the  
19 funds appropriated or otherwise made available by  
20 this Act or any other Act making appropriations for  
21 the Department of State, foreign operations, and re-  
22 lated programs may be used to implement phase 3  
23 of such authority.

1           (8) The Foreign Operations, Export Financing,  
2           and Related Programs Appropriations Act, 1990  
3           (Public Law 101–167) is amended—

4                   (A) In section 599D (8 U.S.C. 1157  
5           note)—

6                           (i) in subsection (b)(3), by striking  
7                           “and 2012” and inserting “2012, and  
8                           2013”; and

9                           (ii) in subsection (e), by striking “Oc-  
10                           tober 1, 2012” each place it appears and  
11                           inserting “October 1, 2013”; and

12                   (B) in section 599E (8 U.S.C. 1255 note)  
13           in subsection (b)(2), by striking “2012” and in-  
14           serting “2013”.

15           (9) Chapter 5 of title I of the Emergency War-  
16           time Supplemental Appropriations Act, 2003 (Public  
17           Law 108–11), as amended, is amended in the item  
18           relating to “Loan Guarantees to Israel”, before “:  
19           *Provided,*” by striking “2011” and inserting  
20           “2015”, and in the second proviso, by striking  
21           “2011” and inserting “2015”.

22           (10) The fifth proviso under the heading “Eco-  
23           nomic Support Fund” in title III of division I of  
24           Public Law 112–74 is amended by striking  
25           “\$30,000,000” through “division B” and inserting

1 in lieu thereof “\$60,000,000 of the funds appro-  
2 priated under this heading in titles III and VIII in  
3 this Act and in prior Acts making appropriations for  
4 the Department of State, foreign operations, and re-  
5 lated programs”.

6 (11) The authorities provided in section  
7 1015(b) of Public Law 111–212 shall remain in ef-  
8 fect through September 30, 2013.

9 (j) REPORTS AMENDED.—The following provisions of  
10 law are amended as follows:

11 (1) Section 258(b) of the Foreign Assistance  
12 Act of 1961 is amended as follows:

13 (A) by striking paragraph (1) and para-  
14 graphs (6) through (11); and

15 (B) by redesignating paragraphs (2)  
16 through (5) as paragraphs (1) through (4), re-  
17 spectively.

18 (2) Section 102(b)(1) of the International Reli-  
19 gious Freedom Act of 1998 (22 U.S.C. 6412(b)(1))  
20 is amended by striking “September 1” and inserting  
21 “May 1”.

22 (k) GOVERNMENT EXPENDITURES.—Funds appro-  
23 priated under title III and under the heading “Inter-  
24 national Narcotics Control and Law Enforcement” in this  
25 Act shall not be made available for assistance for any gov-

1 ernment for programs or activities in fiscal year 2013 if  
2 such government has reduced its own expenditures for  
3 such programs or activities as a result of assistance pro-  
4 vided in prior fiscal years and for reasons that are incon-  
5 sistent with the purposes of such assistance.

6 (l) INTERNATIONAL CHILD ABDUCTIONS.—(1) The  
7 Secretary of State shall withhold funds appropriated by  
8 this Act for assistance for the government of any country  
9 that is not taking appropriate steps to comply with Fed-  
10 eral or State court orders concerning child custody and  
11 visitation or with the Convention on the Civil Aspects of  
12 International Child Abductions, done at the Hague on Oc-  
13 tober 25, 1980: *Provided*, That the Secretary shall report  
14 to the Committees on Appropriations within 15 days of  
15 withholding funds under this paragraph.

16 (2) The Secretary of State may waive the require-  
17 ments in paragraph (1) if the Secretary determines and  
18 reports to the Committees on Appropriations that to do  
19 so is in the national interest of the United States.

20 (m) LIMITATIONS.—

21 (1)(A) None of the funds appropriated under  
22 the heading “Economic Support Fund” in this Act  
23 may be made available for assistance for the Pales-  
24 tinian Authority if the Palestinians obtain, after the  
25 date of enactment of this Act, the same standing as

1 member states or full membership as a state in the  
2 United Nations or any specialized agency thereof  
3 outside an agreement negotiated between Israel and  
4 the Palestinians.

5 (B) The Secretary of State may waive the re-  
6 striction in paragraph (A) if the Secretary certifies  
7 to the Committees on Appropriations that to do so  
8 is in the national security interests of the United  
9 States, and submits a report to such Committees de-  
10 tailing how the waiver and the continuation of as-  
11 sistance would assist in furthering Middle East  
12 peace.

13 (2)(A) The President may waive the provisions  
14 of section 1003 of Public Law 100–204 if the Presi-  
15 dent certifies in writing to the Speaker of the House  
16 of Representatives, the President Pro Tempore of  
17 the Senate, and the Committees on Appropriations  
18 that the Palestinians have not, after the date of en-  
19 actment of this Act, obtained in the United Nations  
20 or any specialized agency thereof the same standing  
21 as member states or full membership as a state out-  
22 side an agreement negotiated between Israel and the  
23 Palestinians.

24 (B) Not less than 90 days after the President  
25 is unable to make the certification pursuant to para-

1 graph (2)(A), the President may waive section 1003  
2 of Public Law 100–204 if the President determines  
3 and certifies in writing to the Speaker of the House  
4 of Representatives, the President Pro Tempore of  
5 the Senate, and the Committees on Appropriations  
6 that the Palestinians have entered into direct and  
7 meaningful negotiations with Israel: *Provided*, That  
8 any waiver of the provisions of section 1003 of Pub-  
9 lic Law 100–204 under paragraph (2) or under pre-  
10 vious provisions of law must expire before the waiver  
11 under the preceding sentence may be exercised.

12 (3) Any waiver pursuant to paragraphs (1) and  
13 (2) shall be effective for no more than a period of  
14 6 months at a time and shall not apply beyond 12  
15 months after enactment of this Act.

16 (4) Not later than 45 days after enactment of  
17 this Act, the Secretary of State shall submit a report  
18 to the Committees on Appropriations detailing the  
19 impact and potential impact of section 414 of Public  
20 Law 101–246 and section 410 of Public Law 103–  
21 236 on the national interests of the United States:  
22 *Provided*, That such report shall also include infor-  
23 mation on the amount of United States assistance  
24 prohibited from obligation and disbursement to

1 United Nations agencies as a result of such provi-  
2 sions of law.

3 (n) ENTERPRISE FUNDS.—Funds appropriated by  
4 this Act may be made available to finance enterprise funds  
5 for Pakistan and countries in the Middle East and North  
6 Africa: *Provided*, That section 201 of the Support for East  
7 European Democracy (SEED) Act of 1989, excluding sub-  
8 sections (b), (c), and (f), shall be deemed to apply to any  
9 such fund or funds, and to funds made available to such  
10 fund or funds, in order to enable such fund or funds to  
11 provide assistance for purposes of this subsection: *Pro-*  
12 *vided further*, That section 7077 of division F of Public  
13 Law 111–117 shall apply to any such fund or funds estab-  
14 lished pursuant to this subsection: *Provided further*, That  
15 not more than 10 percent of the funds made available pur-  
16 suant to this subsection should be available for adminis-  
17 trative expenses annually of such fund or funds and not  
18 later than 1 year after the date of enactment of this Act,  
19 and annually thereafter until each fund is dissolved, each  
20 fund shall submit to the Committees on Appropriations  
21 a report detailing the administrative expenses of such  
22 fund: *Provided further*, That each fund shall be governed  
23 by a Board of Directors comprised of a maximum of nine  
24 and a minimum of six members, of whom not less than  
25 two-thirds shall be United States citizens, who have had

1 international business careers and demonstrated expertise  
2 in international and emerging markets investment activi-  
3 ties: *Provided further*, That not later than 1 year after  
4 the entry into force of the initial grant agreement under  
5 this section and annually thereafter, each fund shall pre-  
6 pare and make publicly available on a Web site adminis-  
7 tered by the fund a detailed report on the fund’s activities  
8 during the previous year: *Provided further*, That the au-  
9 thority of any such fund or funds to provide assistance  
10 shall cease to be effective on December 31, 2023: *Provided*  
11 *further*, That funds made available pursuant to this sec-  
12 tion shall be subject to prior consultation with the Com-  
13 mittees on Appropriations.

14 (o) EXTENSION OF REWARDS.—Section 36 of the  
15 State Department Basic Authorities Act of 1956 (22  
16 U.S.C. 2708) is amended—

17 (1) in subsection (a)(2), by inserting “serious  
18 violations of international humanitarian law,” after  
19 “international narcotics trafficking,”; and

20 (2) by adding at the end the following new  
21 paragraph:

22 “(8) the arrest or conviction in any country, or  
23 the transfer to or conviction by an international  
24 criminal tribunal (including a hybrid or mixed tri-  
25 bunal), of any foreign national accused of war

1 crimes, crimes against humanity, or genocide, as de-  
2 fined under the statute of such tribunal.”.

3 (p) EFFECTIVENESS OF HUMANITARIAN ASSIST-  
4 ANCE.—Funds appropriated under the headings “Inter-  
5 national Disaster Assistance”, “Complex Crises Fund”,  
6 and “Migration and Refugee Assistance” shall be made  
7 available for the independent and systematic collection and  
8 reporting of information obtained directly from bene-  
9 ficiaries of assistance funded under such headings, regard-  
10 ing the quality and utility of such assistance, for the pur-  
11 pose of maximizing the effectiveness of such assistance:  
12 *Provided*, That not later than September 30, 2013, the  
13 USAID Administrator and the Secretary of State, as ap-  
14 propriate, shall submit a summary of such information to  
15 the Committees on Appropriations.

16 (q) INTERNATIONAL COOPERATIVE ADMINISTRATIVE  
17 SUPPORT SERVICES.—The Secretary of State shall de-  
18 velop a process by which any agency participating in the  
19 International Cooperative Administrative Support Services  
20 (ICASS) program provide a cost analysis and justification  
21 for the agency’s decision to opt out, in whole or in part,  
22 of ICASS services: *Provided*, That such process shall be  
23 developed in close coordination with the ICASS Service  
24 Center and participating agencies to ensure that the pro-  
25 cess is not overly burdensome: *Provided further*, That the

1 Secretary of State shall conduct a review of the ICASS  
2 services provided by the Department of State to identify  
3 options for cost savings and program efficiencies, includ-  
4 ing reevaluating the number of American officials overseas  
5 needed to provide the ICASS services and whether the cre-  
6 ation of new non-State ICASS providers (including  
7 USAID) will improve cost effectiveness at individual posts:  
8 *Provided further*, That the Secretary shall submit a report  
9 to the Committees on Appropriations not later than 90  
10 days after enactment of this Act, detailing the steps taken  
11 to implement this subsection.

12 (r) SECURITY SECTOR REFORM.—Funds appro-  
13 priated by this Act for security sector reform shall be im-  
14 plemented in a manner consistent with the roles and re-  
15 sponsibilities and guiding principles of the February 2009  
16 “Security Sector Reform” paper prepared jointly by  
17 USAID, the Department of Defense, and the Department  
18 of State.

19 (s) WAIVER.—The Secretary of State may waive on  
20 a country-by-country basis funding ceilings contained in  
21 titles I and II of this Act for operations in Afghanistan,  
22 Pakistan, and Iraq in order to address extraordinary, un-  
23 anticipated contingencies, if the Secretary reports to the  
24 Committees on Appropriations that it is important to the  
25 national interest of the United States and that failure to

1 do so would pose a substantial risk to human health and  
2 welfare: *Provided*, That such waiver shall identify the con-  
3 tingency that is being addressed, and include a justifica-  
4 tion of how such waiver serves the national interest.

5 (t) PRIZE AUTHORITY.—Funds appropriated by this  
6 Act that are available for prizes in accordance with section  
7 24 of the Stevenson-Wydler Technology Innovation Act of  
8 1980 may be made available for prizes of not more than  
9 \$100,000 and may be for foreign citizens and foreign pri-  
10 vate entities notwithstanding section 24(g)(3) of such Act.

11 (u) SCIENCE AND TECHNOLOGY.—Of the amounts  
12 made available by this Act or any other Act under the  
13 heading “Diplomatic and Consular Programs”, up to  
14 \$1,000,000 may be made available for grants pursuant to  
15 section 504 of Public Law 95–426 (22 U.S.C. 2656d), in-  
16 cluding to facilitate collaboration with indigenous commu-  
17 nities.

18 (v) ENERGY AUDITS AND SAVINGS.—The Depart-  
19 ment of State, USAID, Peace Corps, the Broadcasting  
20 Board of Governors, and other agencies funded by this  
21 Act shall, in fiscal year 2013, conduct updated environ-  
22 mental assessments and water and energy audits of their  
23 overseas post operations, including staff housing, to assess  
24 consistency with Federal energy efficiency standards and  
25 environmental practices, and shall implement the rec-

1 ommendations of such assessments and audits to correct  
2 any shortfalls in meeting the targets for Federal building  
3 energy efficiency and environmental sustainability man-  
4 dated by the Energy Independence and Security Act,  
5 2007, and Executive Order 13514.

6 (w) OFFICE OF GLOBAL WOMEN'S ISSUES.—The  
7 Secretary of State shall establish an Office of Global  
8 Women's Issues, headed by a Coordinator for Global  
9 Women's Issues who shall be designated by the Secretary  
10 of State, who may also be appointed as an Ambassador-  
11 at-Large, and who shall, to the extent the Secretary may  
12 direct, provide policy direction and oversight over assist-  
13 ance programs for women and girls including all programs  
14 and activities funded pursuant to section 7059(d) of this  
15 Act, in consultation, as appropriate, with USAID's Senior  
16 Coordinator for Gender Equality and Women's Empower-  
17 ment.

18 (x) LIMITATION ON FUNDING.—None of the funds  
19 appropriated or otherwise made available by this Act may  
20 be obligated or expended to advocate or agree to any provi-  
21 sion of a United Nations Arms Trade Treaty that would  
22 restrict in any way the rights of United States citizens  
23 under the second amendment to the Constitution of the  
24 United States, or that would otherwise regulate the do-  
25 mestic manufacture, assembly, possession, use, transfer,

1 or purchase of firearms, ammunition, or related items in  
2 the United States.

3 (y) HOSTILE ACTS TARGETED AGAINST THE UNITED  
4 STATES.—Not later than 180 days after enactment of this  
5 Act, the Secretary of State, in consultation with the heads  
6 of other Federal agencies, shall submit a report to the  
7 Committees on Appropriations detailing existing authori-  
8 ties and programs for compensation provided to civilian  
9 employees under Chief of Mission authority (including for-  
10 eign service, civil service, and locally employed staff) who  
11 are killed during the performance of their official duties  
12 overseas in a hostile act targeted against the United  
13 States: *Provided*, That such report should include a de-  
14 scription of the number of such employees killed in such  
15 acts since 1979, and the compensation provided and the  
16 authority used to provide such compensation: *Provided*  
17 *further*, That such report shall include a determination of  
18 the extent to which additional compensation to such em-  
19 ployees is warranted commensurate with compensation  
20 provided to other Federal employees, including members  
21 of the Armed Forces, killed during the performance of  
22 their official duties overseas in such acts: *Provided further*,  
23 That in preparing such report, the Secretary shall consult  
24 with the Committees on Appropriations and representa-  
25 tives of victims of terrorist attacks, and shall consider pre-

1 vious United States Government programs and authorities  
2 to compensate victims of terrorist attacks.

3 ARAB LEAGUE BOYCOTT OF ISRAEL

4 SEC. 7035. It is the sense of the Congress that—

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

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

14 (3) all Arab League states should normalize re-  
15 lations with their neighbor Israel;

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

23 (5) the President should report to Congress an-  
24 nually on specific steps being taken by the United  
25 States to encourage Arab League states to normalize

1 their relations with Israel to bring about the termi-  
2 nation of the Arab League boycott of Israel, includ-  
3 ing those to encourage allies and trading partners of  
4 the United States to enact laws prohibiting busi-  
5 nesses from complying with the boycott and penal-  
6 izing businesses that do comply.

7 PALESTINIAN STATEHOOD

8 SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None  
9 of the funds appropriated under titles III through VI of  
10 this Act may be provided to support a Palestinian state  
11 unless the Secretary of State determines and certifies to  
12 the appropriate congressional committees that—

13 (1) the governing entity of a new Palestinian  
14 state—

15 (A) has demonstrated a firm commitment  
16 to peaceful co-existence with the State of Israel;  
17 and

18 (B) is taking appropriate measures to  
19 counter terrorism and terrorist financing in the  
20 West Bank and Gaza, including the dismantling  
21 of terrorist infrastructures, and is cooperating  
22 with appropriate Israeli and other appropriate  
23 security organizations; and

24 (2) the Palestinian Authority (or the governing  
25 entity of a new Palestinian state) is working with

1 other countries in the region to vigorously pursue ef-  
2 forts to establish a just, lasting, and comprehensive  
3 peace in the Middle East that will enable Israel and  
4 an independent Palestinian state to exist within the  
5 context of full and normal relationships, which  
6 should include—

7 (A) termination of all claims or states of  
8 belligerency;

9 (B) respect for and acknowledgment of the  
10 sovereignty, territorial integrity, and political  
11 independence of every state in the area through  
12 measures including the establishment of demili-  
13 tarized zones;

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

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

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

21 (b) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that the governing entity should enact a constitution  
23 assuring the rule of law, an independent judiciary, and  
24 respect for human rights for its citizens, and should enact

1 other laws and regulations assuring transparent and ac-  
2 countable governance.

3 (c) WAIVER.—The President may waive subsection  
4 (a) if the President determines that it is important to the  
5 national security interests of the United States to do so.

6 (d) EXEMPTION.—The restriction in subsection (a)  
7 shall not apply to assistance intended to help reform the  
8 Palestinian Authority and affiliated institutions, or the  
9 governing entity, in order to help meet the requirements  
10 of subsection (a), consistent with the provisions of section  
11 7040 of this Act (“Limitation on Assistance for the Pales-  
12 tinian Authority”).

13 RESTRICTIONS CONCERNING THE PALESTINIAN  
14 AUTHORITY

15 SEC. 7037. None of the funds appropriated under ti-  
16 tles II through VI of this Act may be obligated or ex-  
17 pended to create in any part of Jerusalem a new office  
18 of any department or agency of the United States Govern-  
19 ment for the purpose of conducting official United States  
20 Government business with the Palestinian Authority over  
21 Gaza and Jericho or any successor Palestinian governing  
22 entity provided for in the Israel-PLO Declaration of Prin-  
23 ciples: *Provided*, That this restriction shall not apply to  
24 the acquisition of additional space for the existing Con-  
25 sulate General in Jerusalem: *Provided further*, That meet-

1 ings between officers and employees of the United States  
2 and officials of the Palestinian Authority, or any successor  
3 Palestinian governing entity provided for in the Israel-  
4 PLO Declaration of Principles, for the purpose of con-  
5 ducting official United States Government business with  
6 such authority should continue to take place in locations  
7 other than Jerusalem: *Provided further*, That as has been  
8 true in the past, officers and employees of the United  
9 States Government may continue to meet in Jerusalem on  
10 other subjects with Palestinians (including those who now  
11 occupy positions in the Palestinian Authority), have social  
12 contacts, and have incidental discussions.

13 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN  
14 BROADCASTING CORPORATION

15 SEC. 7038. None of the funds appropriated or other-  
16 wise made available by this Act may be used to provide  
17 equipment, technical support, consulting services, or any  
18 other form of assistance to the Palestinian Broadcasting  
19 Corporation.

20 ASSISTANCE FOR THE WEST BANK AND GAZA

21 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2013,  
22 30 days prior to the initial obligation of funds for the bi-  
23 lateral West Bank and Gaza Program, the Secretary of  
24 State shall certify to the Committees on Appropriations  
25 that procedures have been established to assure the Comp-

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

6 (b) VETTING.—Prior to the obligation of funds ap-  
7 propriated by this Act under the heading “Economic Sup-  
8 port Fund” for assistance for the West Bank and Gaza,  
9 the Secretary of State shall take all appropriate steps to  
10 ensure that such assistance is not provided to or through  
11 any individual, private or government entity, or edu-  
12 cational institution that the Secretary knows or has reason  
13 to believe advocates, plans, sponsors, engages in, or has  
14 engaged in, terrorist activity nor, with respect to private  
15 entities or educational institutions, those that have as a  
16 principal officer of the entity’s governing board or gov-  
17 erning board of trustees any individual that has been de-  
18 termined to be involved in, or advocating terrorist activity  
19 or determined to be a member of a designated foreign ter-  
20 rorist organization: *Provided*, That the Secretary of State  
21 shall, as appropriate, establish procedures specifying the  
22 steps to be taken in carrying out this subsection and shall  
23 terminate assistance to any individual, entity, or edu-  
24 cational institution which the Secretary has determined to  
25 be involved in or advocating terrorist activity.

1 (c) PROHIBITION.—

2 (1) None of the funds appropriated under titles  
3 III through VI of this Act for assistance under the  
4 West Bank and Gaza Program may be made avail-  
5 able for the purpose of recognizing or otherwise hon-  
6 oring individuals who commit, or have committed  
7 acts of terrorism.

8 (2) Notwithstanding any other provision of law,  
9 none of the funds made available by this or prior ap-  
10 propriations Acts, including funds made available by  
11 transfer, may be made available for obligation for se-  
12 curity assistance for the West Bank and Gaza until  
13 the Secretary of State reports to the Committees on  
14 Appropriations on the benchmarks that have been  
15 established for security assistance for the West  
16 Bank and Gaza and reports on the extent of Pales-  
17 tinian compliance with such benchmarks.

18 (d) AUDITS.—

19 (1) The USAID Administrator shall ensure that  
20 Federal or non-Federal audits of all contractors and  
21 grantees, and significant subcontractors and sub-  
22 grantees, under the West Bank and Gaza Program,  
23 are conducted at least on an annual basis to ensure,  
24 among other things, compliance with this section.

1           (2) Of the funds appropriated by this Act, up  
2           to \$500,000 may be used by the Office of Inspector  
3           General of USAID for audits, inspections, and other  
4           activities in furtherance of the requirements of this  
5           subsection: *Provided*, That such funds are in addi-  
6           tion to funds otherwise available for such purposes.

7           (e) Subsequent to the certification specified in sub-  
8           section (a), the Comptroller General of the United States  
9           shall conduct an audit and an investigation of the treat-  
10          ment, handling, and uses of all funds for the bilateral  
11          West Bank and Gaza Program, including all funds pro-  
12          vided as cash transfer assistance, in fiscal year 2013  
13          under the heading “Economic Support Fund”, and such  
14          audit shall address—

15                (1) the extent to which such Program complies  
16                with the requirements of subsections (b) and (c);  
17                and

18                (2) an examination of all programs, projects,  
19                and activities carried out under such Program, in-  
20                cluding both obligations and expenditures.

21           (f) Funds made available in this Act for West Bank  
22           and Gaza shall be subject to the regular notification proce-  
23           dures of the Committees on Appropriations.

24           (g) Not later than 180 days after enactment of this  
25           Act, the Secretary of State shall submit a report to the

1 Committees on Appropriations updating the report con-  
2 tained in section 2106 of chapter 2 of title II of Public  
3 Law 109–13.

4       LIMITATION ON ASSISTANCE FOR THE PALESTINIAN  
5                                   AUTHORITY

6       SEC. 7040. (a) PROHIBITION OF FUNDS.—None of  
7 the funds appropriated by this Act to carry out the provi-  
8 sions of chapter 4 of part II of the Foreign Assistance  
9 Act of 1961 may be obligated or expended with respect  
10 to providing funds to the Palestinian Authority.

11       (b) WAIVER.—The prohibition included in subsection  
12 (a) shall not apply if the President certifies in writing to  
13 the Speaker of the House of Representatives, the Presi-  
14 dent pro tempore of the Senate, and the Committees on  
15 Appropriations that waiving such prohibition is important  
16 to the national security interests of the United States.

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

21       (d) REPORT.—Whenever the waiver authority pursu-  
22 ant to subsection (b) is exercised, the President shall sub-  
23 mit a report to the Committees on Appropriations detail-  
24 ing the justification for the waiver, the purposes for which  
25 the funds will be spent, and the accounting procedures in

1 place to ensure that the funds are properly disbursed: *Pro-*  
2 *vided*, That the report shall also detail the steps the Pales-  
3 tinian Authority has taken to arrest terrorists, confiscate  
4 weapons and dismantle the terrorist infrastructure.

5 (e) CERTIFICATION.—If the President exercises the  
6 waiver authority under subsection (b), the Secretary of  
7 State must certify and report to the Committees on Ap-  
8 propriations prior to the obligation of funds that the Pal-  
9 estinian Authority has established a single treasury ac-  
10 count for all Palestinian Authority financing and all fi-  
11 nancing mechanisms flow through this account, no parallel  
12 financing mechanisms exist outside of the Palestinian Au-  
13 thority treasury account, and there is a single comprehen-  
14 sive civil service roster and payroll.

15 (f) PROHIBITION TO HAMAS AND THE PALESTINE  
16 LIBERATION ORGANIZATION.—

17 (1) None of the funds appropriated in titles III  
18 through VI of this Act may be obligated for salaries  
19 of personnel of the Palestinian Authority located in  
20 Gaza or may be obligated or expended for assistance  
21 to Hamas or any entity effectively controlled by  
22 Hamas, any power-sharing government of which  
23 Hamas is a member, or that results from an agree-  
24 ment with Hamas and over which Hamas exercises  
25 undue influence.

1           (2) Notwithstanding the limitation of paragraph  
2           (1), assistance may be provided to a power-sharing  
3           government only if the President certifies and re-  
4           ports to the Committees on Appropriations that such  
5           government, including all of its ministers or such  
6           equivalent, has publicly accepted and is complying  
7           with the principles contained in section 620K(b)(1)  
8           (A) and (B) of the Foreign Assistance Act of 1961,  
9           as amended.

10           (3) The President may exercise the authority in  
11           section 620K(e) of the Foreign Assistance Act of  
12           1961, as added by the Palestine Anti-Terrorism Act  
13           of 2006 (Public Law 109–446) with respect to this  
14           subsection.

15           (4) Whenever the certification pursuant to  
16           paragraph (2) is exercised, the Secretary of State  
17           shall submit a report to the Committees on Appro-  
18           priations within 120 days of the certification and  
19           every quarter thereafter on whether such govern-  
20           ment, including all of its ministers or such equiva-  
21           lent are continuing to comply with the principles  
22           contained in section 620K(b)(1) (A) and (B) of the  
23           Foreign Assistance Act of 1961, as amended: *Pro-*  
24           *vided*, That the report shall also detail the amount,  
25           purposes and delivery mechanisms for any assistance

1 provided pursuant to the abovementioned certifi-  
2 cation and a full accounting of any direct support of  
3 such government.

4 (5) None of the funds appropriated under titles  
5 III through VI of this Act may be obligated for as-  
6 sistance for the Palestine Liberation Organization.

7 NEAR EAST AND NORTH AFRICA

8 SEC. 7041. (a) BAHRAIN.—

9 (1) Of the funds appropriated by this Act under  
10 the heading “Middle East and North Africa Incen-  
11 tive Fund”, not less than \$5,000,000 shall be made  
12 available for programs and activities to promote rec-  
13 onciliation in Bahrain: *Provided*, That notwith-  
14 standing section 660 of the Foreign Assistance Act  
15 of 1961, a portion of such funds may also be used  
16 for programs to strengthen oversight and profes-  
17 sionalism of the police forces of Bahrain.

18 (2) None of the funds appropriated by this Act  
19 may be made available for tear gas, armored vehi-  
20 cles, small arms, light weapons, ammunition, or  
21 other items for crowd control purposes, for the police  
22 or military forces of Bahrain, unless the Secretary  
23 of State certifies to the Committees on Appropria-  
24 tions that the Government of Bahrain—

1 (A) has released persons convicted or  
2 charged with offenses involving peaceful expres-  
3 sion, as well as those convicted on the basis of  
4 evidence that the defendant could not challenge  
5 or that was obtained as a result of torture;

6 (B) is protecting freedom of expression, as-  
7 sociation, and assembly; the right of political  
8 opposition parties, civil society organizations,  
9 and journalists to operate without harassment  
10 or interference; and due process of law; and

11 (C) is investigating and prosecuting Bah-  
12 raini officials credibly alleged to have been in-  
13 volved in violations of human rights, including  
14 torture.

15 (b) EGYPT.—

16 (1) None of the funds appropriated under titles  
17 III and IV of this Act and in prior Acts making ap-  
18 propriations for the Department of State, foreign  
19 operations, and related programs may be made  
20 available for assistance for the Government of Egypt  
21 unless the Secretary of State certifies to the Com-  
22 mittees on Appropriations that such government is  
23 meeting its obligations under the 1979 Egypt-Israel  
24 Peace Treaty.

1           (2) The President shall submit to the Commit-  
2           tees on Appropriations, concurrent with the fiscal  
3           year 2014 budget request, a comprehensive review of  
4           United States assistance for Egypt, including the  
5           strategic purposes and mechanisms for disbursing  
6           such assistance, and specific programs to be con-  
7           ducted in furtherance of security sector and other  
8           reforms.

9           (3) Funds appropriated by this Act under the  
10          heading “Foreign Military Financing Program” for  
11          assistance for Egypt shall be made available for bor-  
12          der security programs in the Sinai, and for purposes  
13          related to peacekeeping and disaster response: *Pro-*  
14          *vided*, That a portion of such funds estimated to be  
15          outlaid during fiscal year 2013 may, following con-  
16          sultation with the Committees on Appropriations, be  
17          transferred to an interest bearing account for Egypt  
18          in the Federal Reserve Bank of New York: *Provided*  
19          *further*, That funds appropriated by this Act under  
20          the heading “Economic Support Fund” shall be  
21          made available to promote security sector reform in  
22          Egypt, in accordance with section 7034(r) of this  
23          Act.

24          (4) Prior to the initial obligation of funds ap-  
25          propriated by this Act for assistance for Egypt

1 under the heading “Foreign Military Financing Pro-  
2 gram”, the Secretary of State shall certify to the  
3 Committees on Appropriations that the Government  
4 of Egypt is a democratically elected civilian govern-  
5 ment that is implementing policies to—

6 (A) provide civilian control over, and public  
7 disclosure of, the military and police budgets;

8 (B) fully repeal the Emergency Law; and

9 (C) protect judicial independence; freedom  
10 of expression, association, assembly, and reli-  
11 gion; the right of political opposition parties,  
12 civil society organizations, and journalists to op-  
13 erate without harassment or interference; and  
14 due process of law.

15 (5) The Secretary of State, after consultation  
16 with the Committees on Appropriations, may waive  
17 the requirements of paragraphs (1) and (4) if the  
18 Secretary determines and reports to the Committees  
19 on Appropriations that to do so is important to the  
20 national security interest of the United States: *Pro-*  
21 *vided*, That such determination and report shall in-  
22 clude a detailed justification for such waiver.

23 (6) The authorities, purposes, and requirements  
24 in section 7041(a)(3) of division I of Public Law  
25 112–74 shall continue in effect during fiscal year

1       2013: *Provided*, That funds appropriated by this Act  
2       under the headings “Economic Support Fund” and  
3       “Middle East and North Africa Incentive Fund”  
4       may be made available for such initiative.

5           (7) Funds appropriated by this Act under the  
6       heading “Economic Support Fund” and made avail-  
7       able for assistance for the Government of Egypt  
8       shall be reduced by an amount equal to the amount  
9       that the Secretary of State determines and reports  
10      to the Committees on Appropriations was posted as  
11      bail in February 2012 for members of United States  
12      nongovernmental organizations.

13      (c) IRAN.—

14           (1) It is the policy of the United States to seek  
15      to prevent Iran from achieving the capability to  
16      produce or otherwise manufacture nuclear weapons,  
17      including by supporting international diplomatic ef-  
18      forts to halt Iran’s uranium enrichment program,  
19      and the President should fully implement and en-  
20      force the Iran Sanctions Act of 1996, as amended  
21      (Public Law 104–172) as a means of encouraging  
22      foreign governments to require state-owned and pri-  
23      vate entities to cease all investment in, and support  
24      of, Iran’s energy sector and all exports of refined pe-  
25      troleum products to Iran.

1           (2) None of the funds appropriated or otherwise  
2           made available in this Act under the heading “Ex-  
3           port-Import Bank of the United States” may be  
4           used by the Export-Import Bank of the United  
5           States to provide any new financing (including loans,  
6           guarantees, other credits, insurance, and reinsur-  
7           ance) to any person or entity that is subject to sanc-  
8           tions under paragraph (2) or (3) of section 5(a) of  
9           the Iran Sanctions Act of 1996 (Public Law 104–  
10          172).

11          (3) The reporting requirements in section  
12          7043(c) in division F of Public Law 111–117 shall  
13          continue in effect during fiscal year 2013 as if part  
14          of this Act: *Provided*, That the date in subsection  
15          (c)(1) shall be deemed to be “September 30, 2013”.

16          (d) IRAQ.—

17          (1) Of the funds appropriated under titles III,  
18          IV, and VIII of this Act, not more than  
19          \$582,347,000 may be made available for assistance  
20          for Iraq, including not more than \$100,000,000  
21          from funds appropriated under the heading “Eco-  
22          nomic Support Fund” and not more than  
23          \$450,000,000 from funds appropriated under the  
24          heading “Foreign Military Financing Program”.

1           (2) Funds appropriated by this Act for assist-  
2           ance for the Government of Iraq should be made  
3           available only if the Secretary of State certifies to  
4           the Committees on Appropriations that such govern-  
5           ment is supporting free and fair elections and imple-  
6           menting policies to—

7                   (A) publicly disclose the national budget,  
8                   including for the military and police; and

9                   (B) protect judicial independence; freedom  
10                  of expression, association, assembly, and reli-  
11                  gion; the right of political opposition parties,  
12                  civil society organizations, women activists, and  
13                  journalists to operate without harassment or in-  
14                  terference; and due process of law.

15           (3) Funds appropriated or otherwise made  
16           available by this Act for assistance for Iraq shall be  
17           made available in accordance with the cost-matching  
18           and other requirements in the Department of State’s  
19           April 9, 2009 “Guidelines for Government of Iraq  
20           Financial Participation in United States Govern-  
21           ment-Funded Civilian Foreign Assistance Programs  
22           and Projects”: *Provided*, That the Secretaries of  
23           State and the Treasury shall work with Iraq’s Min-  
24           istry of Finance to complete the review required by

1 the International Monetary Fund of Iraq's out-  
2 standing advances.

3 (4) Funds appropriated by this Act under titles  
4 III and VI for assistance for Iraq may be made  
5 available notwithstanding any other provision of law,  
6 except for this subsection and section 620M of the  
7 Foreign Assistance Act of 1961, as amended by this  
8 Act.

9 (e) LEBANON.—

10 (1) None of the funds appropriated by this Act  
11 may be made available for the Lebanese Armed  
12 Forces (LAF) if the LAF is controlled by a foreign  
13 terrorist organization, as defined by section 219 of  
14 the Immigration and Nationality Act.

15 (2) Funds appropriated by this Act under the  
16 heading “Foreign Military Financing Program” for  
17 assistance for Lebanon may be made available only  
18 to professionalize the LAF and to strengthen border  
19 security and combat terrorism, including training  
20 and equipping the LAF to secure Lebanon's borders,  
21 interdicting arms shipments, preventing the use of  
22 Lebanon as a safe haven for terrorist groups, and to  
23 implement United Nations Security Council Resolu-  
24 tion 1701: *Provided*, That funds may not be made  
25 available for obligation for assistance for the LAF

1       until the Secretary of State submits a detailed spend  
2       plan to the Committees on Appropriations, except  
3       such plan may not be considered as meeting the no-  
4       tification requirements under section 7015 of this  
5       Act or under section 634A of the Foreign Assistance  
6       Act of 1961, and shall be submitted not later than  
7       September 1, 2013: *Provided further*, That not later  
8       than 90 days after enactment of this Act, the Sec-  
9       retary of State shall consult with the Committees on  
10      Appropriations on the activities of the LAF, assist-  
11      ance provided to the LAF by the United States, and  
12      actions taken to ensure that such assistance is used  
13      for intended purposes.

14           (3) Funds appropriated by this Act under titles  
15      III and VI for assistance for Lebanon may be made  
16      available notwithstanding any other provision of law,  
17      except for this subsection and section 620M of the  
18      Foreign Assistance Act of 1961, as amended by this  
19      Act.

20           (f) LIBYA.—Funds appropriated by this Act for ac-  
21      tivities to promote democracy, transparent and account-  
22      able governance, human rights, transitional justice, and  
23      the rule of law in Libya shall be made available, to the  
24      maximum extent practicable, on a cost matching basis:  
25      *Provided*, That none of the funds appropriated by this Act

1 may be made available for assistance for Libya for infra-  
2 structure projects, except on a loan basis with terms favor-  
3 able to the United States, and only following consultation  
4 with the Committees on Appropriations.

5 (g) MOROCCO.—Prior to the obligation of funds ap-  
6 propriated by this Act under the heading “Foreign Mili-  
7 tary Financing Program” for assistance for Morocco, the  
8 Secretary of State shall submit a report to the Committees  
9 on Appropriations on steps taken during the previous 12  
10 months by the Government of Morocco to—

11 (1) protect freedom of expression, association,  
12 and assembly regarding the status and future of the  
13 Western Sahara, and due process of law;

14 (2) release prisoners of conscience;

15 (3) support a human rights monitoring and re-  
16 porting role for the United Nations Mission in West-  
17 ern Sahara in cooperation with the Office of the  
18 United Nations High Commissioner for Human  
19 Rights; and

20 (4) provide unimpeded access to human rights  
21 organizations, journalists, and representatives of for-  
22 eign governments to the Western Sahara.

23 (h) SYRIA.—

24 (1) Funds appropriated by this Act shall be  
25 made available for activities to support civil society

1 organizations that support democratic principles in  
2 Syria, including communications equipment and  
3 technical training: *Provided*, That such activities  
4 shall be considered democracy and human rights  
5 programs in accordance with section 7034(f) of this  
6 Act: *Provided further*, That not later than 90 days  
7 after enactment of this Act and every 90 days there-  
8 after until September 30, 2013, the Secretary of  
9 State shall submit a report to the Committees on  
10 Appropriations describing the activities conducted in  
11 support of such organizations, and the equipment  
12 and technical training provided: *Provided further*,  
13 That such technical training shall include instruction  
14 on democratic governance and respect for human  
15 rights.

16 (2) Funds appropriated by this Act shall be  
17 made available for humanitarian relief for civilian  
18 victims of political violence in Syria.

19 (i) TUNISIA.—Of the funds appropriated under titles  
20 III and IV of this Act, not less than \$39,100,000 shall  
21 be made available for assistance for Tunisia.

22 (j) YEMEN.—Of the funds appropriated under titles  
23 III and IV of this Act, not less than \$77,000,000 may  
24 be made available for assistance for Yemen: *Provided*,  
25 That not later than 60 days after enactment of this Act

1 and prior to the initial obligation of such funds, the Sec-  
2 retary of State, in consultation with the heads of relevant  
3 Federal agencies and the Government of Yemen, shall sub-  
4 mit a counterinsurgency strategy to the Committees on  
5 Appropriations: *Provided further*, That none of the funds  
6 appropriated by this Act may be made available for the  
7 Armed Forces of Yemen if such forces are controlled by  
8 a foreign terrorist organization, designated pursuant to  
9 section 219 of the Immigration and Nationality Act.

10

## SERBIA

11 SEC. 7042. (a) Funds appropriated by this Act may  
12 be made available for assistance for the central Govern-  
13 ment of Serbia after May 31, 2013, if the Secretary of  
14 State has made the determination required in subsection  
15 (c).

16 (b) After May 31, 2013, the Secretary of the Treas-  
17 ury shall instruct the United States executive directors of  
18 the international financial institutions to support loans  
19 and assistance to the Government of Serbia subject to the  
20 requirement in subsection (c).

21 (c) The determination referred to in subsection (a)  
22 is a determination made by the Secretary of State and  
23 reported in writing to the Committees on Appropriations  
24 that the Government of Serbia is cooperating with the

1 International Criminal Tribunal for the former Yugo-  
2 slavia.

3 (d) This section shall not apply to humanitarian as-  
4 sistance or assistance to promote democracy.

5

AFRICA

6

(INCLUDING TRANSFER OF FUNDS)

7 SEC. 7043. (a) CENTRAL AFRICA.—Of the funds ap-  
8 propriated under the heading “Economic Support Fund”,  
9 up to \$10,000,000 shall be made available for programs  
10 and activities in areas affected by the Lord’s Resistance  
11 Army (LRA) consistent with the goals of the Lord’s Re-  
12 sistance Army Disarmament and Northern Uganda Recov-  
13 ery Act (Public Law 111–172), including to improve phys-  
14 ical access, telecommunications infrastructure, and early-  
15 warning mechanisms and to support the disarmament, de-  
16 mobilization, and reintegration of former LRA combat-  
17 ants, especially child soldiers.

18 (b) CONFLICT MINERALS.—

19 (1) Funds appropriated by this Act should be  
20 made available for programs in the Democratic Re-  
21 public of the Congo to implement the Organization  
22 for Economic Cooperation and Development’s due  
23 diligence guidance for mining in conflict areas.

24 (2) Funds appropriated by this Act under the  
25 heading “Foreign Military Financing Program” may

1 be made available for assistance for Rwanda or  
2 Uganda unless the Secretary of State has credible  
3 information that the Government of Rwanda or the  
4 Government of Uganda is providing political, mili-  
5 tary or financial support to armed groups in the  
6 Democratic Republic of the Congo (DRC) that are  
7 involved in the illegal exportation of minerals out of  
8 the DRC or have violated human rights.

9 (3) The restriction in paragraph (2) shall not  
10 apply to assistance to improve border controls to  
11 prevent the illegal exportation of minerals out of the  
12 DRC by such groups, to protect humanitarian relief  
13 efforts, or to support the training and deployment of  
14 members of the Rwandan or Ugandan militaries in  
15 international peacekeeping operations or to conduct  
16 operations against the Lord's Resistance Army.

17 (c) COUNTERTERRORISM PROGRAMS.—

18 (1) Of the funds appropriated by this Act, not  
19 less than \$55,000,000 should be made available for  
20 the Trans-Sahara Counter-terrorism Partnership  
21 program, and not less than \$25,000,000 should be  
22 made available for the Partnership for Regional  
23 East Africa Counterterrorism program.

24 (2) Of the funds appropriated by this Act under  
25 the heading "Economic Support Fund",

1       \$10,000,000 shall be made available for programs to  
2       counter extremism in East Africa, in addition to  
3       such sums that may otherwise be made available for  
4       such purposes.

5       (d) CRISIS RESPONSE.—Notwithstanding any other  
6       provision of law, up to \$25,000,000 of the funds appro-  
7       priated by this Act under the heading “Global Health Pro-  
8       grams” for HIV/AIDS activities may be transferred to,  
9       and merged with, funds appropriated under the headings  
10      “Economic Support Fund” and “Transition Initiatives”  
11      to respond to unanticipated crises in Africa, except that  
12      funds shall not be transferred unless the Secretary of  
13      State certifies to the Committees on Appropriations that  
14      no individual currently on anti-retroviral therapy sup-  
15      ported by such funds shall be negatively impacted by the  
16      transfer of such funds: *Provided*, That the authority of  
17      this subsection shall be subject to prior consultation with  
18      the Committees on Appropriations.

19      (e) EXPANDED INTERNATIONAL MILITARY EDU-  
20      CATION AND TRAINING.—

21           (1) Funds appropriated under the heading  
22      “International Military Education and Training”  
23      (IMET) in this Act that are made available for as-  
24      sistance for Angola, Cameroon, Central African Re-  
25      public, Chad, Côte d’Ivoire, Guinea and Zimbabwe

1 may be made available only for training related to  
2 international peacekeeping operations and expanded  
3 IMET: *Provided*, That the limitation included in this  
4 paragraph shall not apply to courses that support  
5 training in maritime security for Angola and Cam-  
6 eroon.

7 (2) None of the funds appropriated under the  
8 heading “International Military Education and  
9 Training” in this Act may be made available for as-  
10 sistance for Equatorial Guinea or Somalia.

11 (f) ETHIOPIA.—

12 (1) Funds appropriated by this Act that are  
13 available for assistance for Ethiopian military and  
14 police forces shall not be made available unless the  
15 Secretary of State—

16 (A) certifies to the Committees on Appro-  
17 priations that the Government of Ethiopia is  
18 implementing policies to—

19 (i) publicly disclose the military and  
20 police budgets;

21 (ii) protect judicial independence; free-  
22 dom of expression, association, assembly,  
23 and religion; the right of political opposi-  
24 tion parties, civil society organizations, and  
25 journalists to operate without harassment

1 or interference; and due process of law;  
2 and

3 (iii) permit access to human rights  
4 and humanitarian organizations to the So-  
5 mali region of Ethiopia; and

6 (B) submits a report to the Committees on  
7 Appropriations on the types and amounts of  
8 United States training and equipment proposed  
9 to be provided to the Ethiopian military and po-  
10 lice including steps that will be taken to ensure  
11 that such assistance is not provided to military  
12 or police units or personnel that have violated  
13 human rights, and steps taken by the Govern-  
14 ment of Ethiopia to investigate and prosecute  
15 members of the Ethiopian military and police  
16 who have been credibly alleged to have violated  
17 such rights.

18 (2) The restriction in paragraph (1) shall not  
19 apply to assistance to Ethiopian military efforts in  
20 support of international peacekeeping operations,  
21 border security, and for assistance to the Ethiopian  
22 Defense Command and Staff College.

23 (g) PIRACY.—Not later than 180 days after enact-  
24 ment of this Act, and following consultation with other  
25 relevant Federal agencies, the Secretary of State shall

1 submit to the Committees on Appropriations a diplomacy  
2 and development counter-piracy strategy for the Horn of  
3 Africa region, including an assessment of the potential ef-  
4 fectiveness of economic and security assistance for vulner-  
5 able Somali and Kenyan communities in providing gainful  
6 alternatives to piracy and encouraging collective action  
7 within such communities against groups and individuals  
8 involved in piracy.

9 (h) SOUTH AFRICA.—Not later than 180 days after  
10 enactment of this Act, and following consultation with the  
11 Government of South Africa, the Secretary of State shall  
12 submit a transition strategy to the Committees on Appro-  
13 priations for the President’s Emergency Program for  
14 AIDS Relief in South Africa, including projected trajec-  
15 tories for levels and types of United States assistance.

16 (i) SUDAN.—

17 (1) Notwithstanding any other provision of law,  
18 none of the funds appropriated by this Act may be  
19 made available for assistance for the Government of  
20 Sudan.

21 (2) Notwithstanding the restriction in para-  
22 graph (1), up to \$250,000,000 of the funds appro-  
23 priated under the heading “Economic Support  
24 Fund” in this Act may be transferred to, and  
25 merged with, funds available under the heading “De-

1       partment of Treasury, Debt Restructuring” in title  
2       III of prior acts making appropriations for the De-  
3       partment of State, foreign operations, and related  
4       programs for the cost, as defined in section 502 of  
5       the Congressional Budget Act of 1974, of modifying  
6       loans and loan guarantees, as the President may de-  
7       termine, for the cost of selling, reducing, or can-  
8       celing amounts owed to the United States as a result  
9       of concessional loans made to Sudan: *Provided*, That  
10      such funds may be made available only if the Sec-  
11      retary of State determines and reports to the Com-  
12      mittees on Appropriations that Sudan is imple-  
13      menting the agreement reached by the Governments  
14      of Sudan and South Sudan under the Comprehen-  
15      sive Peace Agreement, including a political resolu-  
16      tion of the conflict in Southern Kordofan and Blue  
17      Nile, and other legislative requirements related to  
18      Heavily Indebted Poor Countries debt relief, includ-  
19      ing determinations on human rights and state spon-  
20      sorship of terrorism.

21               (3) The limitations of paragraphs (1) and (2)  
22      shall not apply to—

23                       (A) humanitarian assistance;

24                       (B) assistance for the Darfur region,  
25               Southern Kordofan, Blue Nile, other

1           marginalized areas and populations in Sudan,  
2           and Abyei; and

3           (C) assistance to support implementation  
4           of the Comprehensive Peace Agreement (CPA),  
5           mutual arrangements related to post-ref-  
6           erendum issues associated with the CPA, or to  
7           promote peace and stability between Sudan and  
8           South Sudan, or any other internationally rec-  
9           ognized viable peace agreement in Sudan.

10       (j) SOUTH SUDAN.—

11           (1) Funds appropriated by this Act should be  
12           made available for assistance for South Sudan, in-  
13           cluding to increase agricultural productivity, prevent  
14           and respond to gender-based violence, promote wom-  
15           en’s leadership, expand educational opportunities es-  
16           pecially for girls, strengthen democratic institutions  
17           and the rule of law, and enhance the capacity of the  
18           Federal Legislative Assembly to conduct oversight  
19           over government processes, revenues, and expendi-  
20           tures.

21           (2) Not less than 15 days prior to the obliga-  
22           tion of funds appropriated by this Act that are avail-  
23           able for assistance for the Government of South  
24           Sudan, the Secretary of State shall submit a report  
25           to the Committees on Appropriations detailing the

1 extent to which the Government of South Sudan  
2 is—

3 (A) supporting freedom of expression and  
4 association, the establishment of democratic in-  
5 stitutions including an independent judiciary,  
6 parliament, and security forces that are ac-  
7 countable to civilian authority; and

8 (B) investigating and punishing members  
9 of security forces who have violated human  
10 rights.

11 (3) The Secretary of State shall seek to obtain  
12 regular audits of the financial accounts of the Gov-  
13 ernment of South Sudan to ensure transparency and  
14 accountability of funds, including revenues from the  
15 extraction of oil and gas, and the timely, public dis-  
16 closure of such audits: *Provided*, That the Secretary  
17 should assist the Government of South Sudan in  
18 conducting such audits, and provide technical assist-  
19 ance to enhance the capacity of the National Auditor  
20 Chamber to carry out its responsibilities, and shall  
21 submit a report not later than 90 days after enact-  
22 ment of this Act to the Committees on Appropria-  
23 tions detailing the steps that will be taken by the  
24 Government of South Sudan, which are additional to  
25 those taken in the previous fiscal year, to improve

1 resource management and ensure transparency and  
2 accountability of funds.

3 (k) WAR CRIMES IN AFRICA.—

4 (1) The Congress reaffirms its support for the  
5 efforts of the International Criminal Tribunal for  
6 Rwanda (ICTR) and the Special Court for Sierra  
7 Leone (SCSL) to bring to justice individuals respon-  
8 sible for war crimes and crimes against humanity in  
9 a timely manner.

10 (2) Funds appropriated by this Act may be  
11 made available for assistance for the central govern-  
12 ment of a country in which individuals indicted by  
13 the ICTR and the SCSL are credibly alleged to be  
14 living, if the Secretary of State determines and re-  
15 ports to the Committees on Appropriations that such  
16 government is cooperating with the ICTR and the  
17 SCSL, including the apprehension, surrender, and  
18 transfer of indictees in a timely manner: *Provided*,  
19 That this paragraph shall not apply to assistance  
20 provided under section 551 of the Foreign Assist-  
21 ance Act of 1961 or to assistance under title VI of  
22 this Act: *Provided further*, That the United States  
23 shall use its voice and vote in the United Nations  
24 Security Council to fully support efforts by the

1 ICTR and the SCSL to bring to justice individuals  
2 indicted by such tribunals in a timely manner.

3 (3) The prohibition in paragraph (2) may be  
4 waived on a country-by-country basis if the Sec-  
5 retary of State determines that doing so is in the  
6 national security interest of the United States: *Pro-*  
7 *vided*, That prior to exercising such waiver author-  
8 ity, the Secretary shall submit a report to the Com-  
9 mittees on Appropriations, in classified form if nec-  
10 essary, on—

11 (A) the steps being taken to obtain the co-  
12 operation of the government in apprehending  
13 and surrendering the indictee to the court of ju-  
14 risdiction;

15 (B) a strategy, including a timeline, for  
16 bringing the indictee before such court; and

17 (C) the justification for exercising the  
18 waiver authority.

19 (l) ZIMBABWE.—

20 (1) The Secretary of the Treasury shall instruct  
21 the United States executive director of each inter-  
22 national financial institution to vote against any ex-  
23 tension by the respective institution of any loans or  
24 grants to the Government of Zimbabwe, except to  
25 meet basic human needs or to promote democracy,

1 unless the Secretary of State determines and reports  
2 in writing to the Committees on Appropriations that  
3 the rule of law has been restored in Zimbabwe, in-  
4 cluding respect for ownership and title to property,  
5 freedom of speech and association.

6 (2) None of the funds appropriated by this Act  
7 shall be made available for assistance for the central  
8 Government of Zimbabwe, except for health, edu-  
9 cation, and macroeconomic growth assistance, unless  
10 the Secretary of State makes the determination re-  
11 quired in paragraph (1).

12 EAST ASIA AND THE PACIFIC

13 SEC. 7044. (a) ASSISTANCE.—

14 (1) Not later than 180 days after enactment of  
15 this Act, the Secretary of State, in consultation with  
16 the heads of other relevant Federal agencies, shall  
17 submit to the Committees on Appropriations a  
18 multi-year strategy for the advancement of United  
19 States interests in the East Asia and Pacific region,  
20 to include a description of the process for coordi-  
21 nating assistance and policy between the Depart-  
22 ment of State and such other agencies.

23 (2) Funds appropriated by this Act under the  
24 heading “Economic Support Fund” may be made  
25 available, following consultation with the Committees

1 on Appropriations, for East Asia and Pacific re-  
2 gional programs that include countries or govern-  
3 ments otherwise ineligible for United States assist-  
4 ance, notwithstanding any other provision of law.

5 (b) BURMA.—Funds appropriated by this Act under  
6 the heading “Economic Support Fund” may be made  
7 available for Burma notwithstanding any other provision  
8 of law, except that no funds shall be made available to  
9 any successor or affiliated organization of the State Peace  
10 and Development Council (SPDC) controlled by former  
11 SPDC members that promote the repressive policies of the  
12 SPDC: *Provided*, That such funds shall be made available  
13 for programs along Burma’s border and for Burmese  
14 groups and organizations located outside of Burma, and  
15 may be available to support programs in Burma: *Provided*  
16 *further*, That in addition to assistance for Burmese refu-  
17 gees from funds appropriated by this Act under the head-  
18 ing “Migration and Refugee Assistance”, funds shall be  
19 made available for community-based organizations oper-  
20 ating in Thailand to provide food, medical, and other hu-  
21 manitarian assistance to internally displaced persons in  
22 eastern Burma: *Provided further*, That funds appropriated  
23 by this Act for assistance for Burma shall be provided,  
24 to the maximum extent practicable, through credible, in-  
25 digenous nongovernmental organizations, and shall be

1 used to build the capacity of such organizations: *Provided*  
2 *further*, That funds appropriated by this Act for assistance  
3 for Burma should be matched, to the maximum extent  
4 practicable, by the Government of Burma and/or other  
5 international donors: *Provided further*, That any new pro-  
6 gram or activity in Burma funded by this Act shall be  
7 subject to prior consultation with the Committees on Ap-  
8 propriations, and all such funds shall be subject to the  
9 regular notification procedures of the Committees on Ap-  
10 propriations.

11 (c) CAMBODIA.—

12 (1) None of the funds appropriated by this Act  
13 may be may available for a United States contribu-  
14 tion to a Khmer Rouge Tribunal—

15 (A) if the Secretary of State certifies to  
16 the Committees on Appropriations that the  
17 Prime Minister of Cambodia is directly or indi-  
18 rectly interfering with the operations and delib-  
19 erations of such Tribunal; and

20 (B) unless the United Nations and the  
21 Government of Cambodia are taking credible  
22 steps to address allegations of corruption and  
23 mismanagement within such Tribunal.

24 (2) Funds appropriated by this Act under the  
25 headings “International Military Education and

1 Training” and “Foreign Military Financing Pro-  
2 gram” that are made available for assistance for  
3 Cambodia shall be made available to promote human  
4 rights within the Royal Cambodian Armed Forces:  
5 *Provided*, That not less than 90 days after enact-  
6 ment of this Act, the Secretary of State shall submit  
7 a report to the Committees on Appropriations detail-  
8 ing specific programs conducted to promote human  
9 rights.

10 (d) INDONESIA.—Of the funds appropriated by this  
11 Act under the heading “Foreign Military Financing Pro-  
12 gram” that are available for assistance for Indonesia,  
13 \$2,000,000 may not be obligated until the Secretary of  
14 State submits to the Committees on Appropriations the  
15 report on Indonesia required under such heading in the  
16 report accompanying this Act.

17 (e) NORTH KOREA.—

18 (1) Of the funds made available under the  
19 heading “International Broadcasting Operations” in  
20 title I of this Act, not less than \$8,960,000 shall  
21 made available for broadcasts into North Korea.

22 (2) Funds appropriated by this Act under the  
23 heading “Migration and Refugee Assistance” shall  
24 be made available for assistance for refugees from

1 North Korea, including for protection activities in  
2 the People's Republic of China.

3 (f) PEOPLE'S REPUBLIC OF CHINA.—

4 (1) None of the funds appropriated under the  
5 heading "Diplomatic and Consular Programs" in  
6 this Act may be obligated or expended for processing  
7 licenses for the export of satellites of United States  
8 origin (including commercial satellites and satellite  
9 components) to the People's Republic of China un-  
10 less, at least 15 days in advance, the Committees on  
11 Appropriations are notified of such proposed action.

12 (2) The terms and requirements of section  
13 620(h) of the Foreign Assistance Act of 1961 shall  
14 apply to foreign assistance projects or activities of  
15 the People's Liberation Army (PLA) of the People's  
16 Republic of China, to include such projects or activi-  
17 ties by any entity that is owned or controlled by, or  
18 an affiliate of, the PLA: *Provided*, That none of the  
19 funds appropriated or otherwise made available pur-  
20 suant to this Act may be used to finance any grant,  
21 contract, or cooperative agreement with the PLA, or  
22 any entity that the Secretary of State has reason to  
23 believe is owned or controlled by, or an affiliate of,  
24 the PLA.

1           (3) Notwithstanding any other provision of law,  
2 of the funds appropriated under the heading “Eco-  
3 nomic Support Fund”, not less than \$15,000,000  
4 shall be made available to United States institutions  
5 of higher education and nongovernmental organiza-  
6 tions for programs and activities in the People’s Re-  
7 public of China relating to democracy, governance,  
8 rule of law, labor rights, and the environment.

9           (4) Funds appropriated by this Act under the  
10 headings “Development Assistance”, “Economic  
11 Support Fund”, and “International Narcotics Con-  
12 trol and Law Enforcement” shall be made available  
13 for assistance for economic and trade development,  
14 transparency, good governance, and human rights in  
15 the Africa, Asia, and South America regions in  
16 countries in which the People’s Republic of China  
17 provides substantial assistance to the central govern-  
18 ment of such country, subject to the regular notifica-  
19 tion procedures of the Committees on Appropria-  
20 tions: *Provided*, That funds made available pursuant  
21 to this paragraph may be transferred to, and merged  
22 with, funds made available under the heading “Mil-  
23 lennium Challenge Corporation”, and shall be  
24 matched, to the maximum extent practicable, from

1 sources other than the Government of the United  
2 States.

3 (g) PHILIPPINES.—Of the funds appropriated by this  
4 Act under the heading “Foreign Military Financing Pro-  
5 gram” that are available for assistance for the Philippines,  
6 \$3,000,000 may not be obligated until the Secretary of  
7 State submits to the Committees on Appropriations the  
8 report on the Philippines required under such heading in  
9 the report accompanying this Act.

10 (h) TIBET.—

11 (1) The Secretary of the Treasury should in-  
12 struct the United States executive director of each  
13 international financial institution to use the voice  
14 and vote of the United States to support projects in  
15 Tibet if such projects do not provide incentives for  
16 the migration and settlement of non-Tibetans into  
17 Tibet or facilitate the transfer of ownership of Ti-  
18 betan land and natural resources to non-Tibetans,  
19 are based on a thorough needs-assessment, foster  
20 self-sufficiency of the Tibetan people and respect Ti-  
21 betan culture and traditions, and are subject to ef-  
22 fective monitoring.

23 (2) Notwithstanding any other provision of law,  
24 funds appropriated by this Act under the heading  
25 “Economic Support Fund” shall be made available

1 to nongovernmental organizations to support activi-  
2 ties which preserve cultural traditions and promote  
3 sustainable development and environmental con-  
4 servation in Tibetan communities in the Tibetan Au-  
5 tonomous Region and in other Tibetan communities  
6 in China.

7 (i) VIETNAM.—Of the funds appropriated under the  
8 heading “Economic Support Fund”, not less than  
9 \$20,000,000 shall be made available for remediation of  
10 dioxin contaminated sites in Vietnam and may be made  
11 available for assistance for the Government of Vietnam,  
12 including the military, for such purposes, and not less  
13 than \$5,000,000 of the funds appropriated under the  
14 heading “Global Health Programs” shall be made avail-  
15 able for health/disability activities in areas sprayed or oth-  
16 erwise contaminated with dioxin.

17 WESTERN HEMISPHERE

18 SEC. 7045. (a) COLOMBIA.—

19 (1) Funds appropriated by this Act and made  
20 available to the Department of State for assistance  
21 for the Government of Colombia may be used to sup-  
22 port a unified campaign against narcotics traf-  
23 ficking, organizations designated as Foreign Ter-  
24 rorist Organizations, and other criminal or illegal  
25 armed groups; for disarmament, demobilization, and

1       reintegration of former combatants; and to take ac-  
2       tions to protect human health and welfare in emer-  
3       gency circumstances, including undertaking rescue  
4       operations: *Provided*, That no United States Armed  
5       Forces personnel or United States civilian contractor  
6       employed by the United States will participate in  
7       any combat operation in connection with assistance  
8       made available by this Act for Colombia: *Provided*  
9       *further*, That rotary and fixed wing aircraft sup-  
10      ported with funds appropriated under the heading  
11      “International Narcotics Control and Law Enforce-  
12      ment” for assistance for Colombia may be used for  
13      aerial or manual drug eradication and interdiction  
14      including to transport personnel and supplies and to  
15      provide security for such operations: *Provided fur-*  
16      *ther*, That such aircraft may also be used to provide  
17      transport in support of alternative development pro-  
18      grams and investigations by civilian judicial authori-  
19      ties: *Provided further*, That funds appropriated by  
20      this Act for the Colombian national police may not  
21      be used for the aerial spraying of toxic chemicals un-  
22      less the Secretary of State, after consultation with  
23      the Administrator of the Environmental Protection  
24      Agency and the Secretary of the Department of  
25      Health and Human Services, certifies to the Com-

1        mittees on Appropriations that the chemicals, in the  
2        manner they are being sprayed, do not pose unrea-  
3        sonable risks or adverse effects to humans, including  
4        pregnant women and children, or the environment,  
5        including endemic species: *Provided further*, That  
6        any complaints of harm to health or licit crops  
7        caused by such aerial spraying shall be thoroughly  
8        investigated and evaluated, and fair compensation  
9        paid in a timely manner for meritorious claims: *Pro-*  
10       *vided further*, That the Secretary of State shall sub-  
11       mit a report to the Committees on Appropriations  
12       not later than 6 months after enactment of this Act  
13       and 6 months thereafter, detailing the complaints  
14       made during the previous 6 months, the investiga-  
15       tions conducted, and the amount of compensation, if  
16       any: *Provided further*, That none of the funds appro-  
17       priated by this Act or prior Acts making appropria-  
18       tions for the Department of State, foreign oper-  
19       ations, and related programs may be made available  
20       for assistance for successor organizations to the Co-  
21       lombian Departamento Administrativo de Seguridad:  
22       *Provided further*, That none of the funds appro-  
23       priated by this Act shall be made available for the  
24       cultivation or processing of African oil palm.

1           (2) COLOMBIAN ARMED FORCES.—Of the funds  
2           appropriated by this Act that are available for as-  
3           sistance for the Colombian Armed Forces, 25 per-  
4           cent may be obligated only if the Secretary of State  
5           consults with, and subsequently certifies and submits  
6           a report to, the Committees on Appropriations that  
7           the Government of Colombia and Colombian Armed  
8           Forces are meeting the conditions that appear under  
9           this section in the report accompanying this Act:  
10          *Provided*, That the requirement to withhold funds  
11          from obligation shall not apply with respect to funds  
12          made available under the heading “International  
13          Narcotics Control and Law Enforcement” in this  
14          Act for continued support for the Critical Flight  
15          Safety Program or for any alternative development  
16          programs in Colombia administered by the Bureau  
17          of International Narcotics and Law Enforcement Af-  
18          fairs of the Department of State: *Provided further*,  
19          That not less than 30 days prior to making the cer-  
20          tification the Secretary of State shall consult with  
21          Colombian and international human rights organiza-  
22          tions.

23           (3) ILLEGAL ARMED GROUPS.—

24           (A) DENIAL OF VISAS.—Subject to sub-  
25          paragraph (B), the Secretary of State shall not

1 issue a visa to any alien about whom the Sec-  
2 retary has credible information—

3 (i) has willfully provided any support  
4 to or benefitted from the Revolutionary  
5 Armed Forces of Colombia (FARC), the  
6 National Liberation Army (ELN), the  
7 United Self-Defense Forces of Colombia  
8 (AUC), or other illegal armed groups, in-  
9 cluding taking actions or failing to take ac-  
10 tions which allow, facilitate, or otherwise  
11 foster the activities of such groups; or

12 (ii) has committed, ordered, incited,  
13 assisted, or otherwise participated in the  
14 commission of a violation of human rights  
15 in Colombia.

16 (B) WAIVER.—Subparagraph (A) shall not  
17 apply if the Secretary of State certifies to the  
18 Committees on Appropriations, on a case-by-  
19 case basis, that the issuance of a visa to the  
20 alien is necessary to support the peace process  
21 in Colombia or for urgent humanitarian rea-  
22 sons.

23 (b) GUATEMALA.—Funds appropriated by this Act  
24 under the headings “International Military Education and  
25 Training” (IMET) and “Foreign Military Financing Pro-

1 gram” that are available for assistance for Guatemala may  
2 be made available only for the Guatemalan Air Force,  
3 Navy, and Army Corps of Engineers: *Provided*, That ex-  
4 panded IMET may be made available for assistance for  
5 the Guatemalan Army.

6 (c) HAITI.—The Government of Haiti shall be eligible  
7 to purchase defense articles and services under the Arms  
8 Export Control Act (22 U.S.C. 2751 et seq.) for the Coast  
9 Guard.

10 (d) HONDURAS.—(1) Of the funds appropriated by  
11 this Act that are available for assistance for Honduran  
12 military and police forces, 25 percent may be obligated  
13 only if the Secretary of State reports in writing to the  
14 Committees on Appropriations that the Government of  
15 Honduras and Honduran military and police forces are  
16 meeting the conditions that appear under this section in  
17 the report accompanying this Act.

18 (2) The restriction in paragraph (1) shall not apply  
19 to assistance to promote transparency, anti-corruption,  
20 and the rule of law within the military and police forces.

21 (e) MEXICO.—(1) Of the funds appropriated by this  
22 Act that are available for assistance for Mexican military  
23 and police forces, 15 percent may be obligated only if the  
24 Secretary of State reports in writing to the Committees  
25 on Appropriations that the Government of Mexico and

1 Mexican military and police forces are meeting the condi-  
2 tions that appear under this section in the report accom-  
3 panying this Act.

4 (2) The restriction in paragraph (1) shall not apply  
5 to assistance to promote transparency, anti-corruption,  
6 and the rule of law within the military and police forces.

7 (f) TRADE CAPACITY.—Of the funds appropriated by  
8 this Act, not less than \$12,000,000 under the heading  
9 “Development Assistance” and not less than \$12,000,000  
10 under the heading “Economic Support Fund” shall be  
11 made available for labor and environmental capacity build-  
12 ing activities relating to free trade agreements with coun-  
13 tries of Central America, Peru, the Dominican Republic,  
14 Colombia, and Mexico.

15 (g) AIRCRAFT OPERATIONS AND MAINTENANCE.—  
16 To the maximum extent practicable, the costs of oper-  
17 ations and maintenance, including fuel, of aircraft funded  
18 by this Act should be borne by the recipient country.

19 SOUTH AND CENTRAL ASIA

20 SEC. 7046. (a) AFGHANISTAN.—

21 (1) LIMITATION.—Of the funds appropriated  
22 under titles III, IV, and VIII of this Act, not more  
23 than \$1,580,750,000 may be made available for as-  
24 sistance for Afghanistan, including not more than  
25 \$1,075,000,000 from funds appropriated under the

1 heading “Economic Support Fund” and not more  
2 than \$450,000,000 from funds appropriated under  
3 the heading “International Narcotics Control and  
4 Law Enforcement”.

5 (2) CERTIFICATION.—None of the funds appro-  
6 priated or otherwise made available by this Act  
7 under the headings “Economic Support Fund” and  
8 “International Narcotics Control and Law Enforce-  
9 ment” may be obligated for assistance for the Gov-  
10 ernment of Afghanistan until the Secretary of State,  
11 in consultation with the USAID Administrator, cer-  
12 tifies to the Committees on Appropriations that—

13 (A) Funds will be used for programs and  
14 activities that can be sustained by the Govern-  
15 ment of Afghanistan.

16 (B) The Government of Afghanistan is—

17 (i) reducing corruption and improving  
18 governance, including by investigating,  
19 prosecuting, sanctioning, or removing cor-  
20 rupt officials from office and implementing  
21 financial transparency and accountability  
22 measures for government institutions and  
23 officials (including the Central Bank) as  
24 well as conducting oversight of public re-  
25 sources;

1 (ii) implementing policies to protect  
2 due process of law;

3 (iii) taking credible and consistent  
4 steps to protect the human rights of Af-  
5 ghan women;

6 (iv) taking significant steps to facili-  
7 tate active public participation in govern-  
8 ance and oversight; and

9 (v) publishing mining contracts and  
10 associated project documents.

11 (C) Funds will be used to support and  
12 strengthen the capacity of Afghan public and  
13 private institutions and entities to reduce cor-  
14 ruption and to improve transparency and ac-  
15 countability of national, provincial, and local  
16 governments, and such governments are actively  
17 supporting such efforts.

18 (D) Representatives of Afghan national,  
19 provincial, or local governments, and local com-  
20 munities and civil society organizations, includ-  
21 ing women's organizations, will be consulted  
22 and participate in the design of programs,  
23 projects, and activities, including participation  
24 in implementation and oversight, and the devel-

1           opment of specific benchmarks to measure  
2           progress and outcomes.

3           (3) ASSISTANCE.—

4           (A) Funds appropriated or otherwise made  
5           available by this Act for assistance for Afghani-  
6           stan may be made available as a United States  
7           contribution to the Afghanistan Reconstruction  
8           Trust Fund (ARTF) unless the Secretary of  
9           State determines and reports to the Committees  
10          on Appropriations that the World Bank Moni-  
11          toring Agent of the ARTF is unable to conduct  
12          its financial control and audit responsibilities.

13          (B) Funds appropriated under the head-  
14          ings “Economic Support Fund” and “Inter-  
15          national Narcotics Control and Law Enforce-  
16          ment” in this Act that are available for assist-  
17          ance for Afghanistan—

18                 (i) shall be made available in a man-  
19                 ner that emphasizes the equitable partici-  
20                 pation of Afghan women, prevents and re-  
21                 sponds to gender-based violence, and di-  
22                 rectly improves the security, economic and  
23                 social well-being, and political status, and  
24                 protects the rights of, Afghan women,  
25                 girls, and boys and complies with section

1 7059 of this Act, including support for the  
2 Afghan Independent Human Rights Com-  
3 mission, the Afghan Ministry of Women’s  
4 Affairs, and women-led organizations; and

5 (ii) may be made available for a  
6 United States contribution to an inter-  
7 nationally managed fund to support the  
8 reconciliation with and disarmament, de-  
9 mobilization, and reintegration into Afghan  
10 society of former combatants who have re-  
11 nounced violence against the Government  
12 of Afghanistan: *Provided*, That funds may  
13 be made available to support reconciliation  
14 and reintegration activities only if:

15 (I) Afghan women are partici-  
16 pating at national, provincial, and  
17 local levels of government in the de-  
18 sign, policy formulation, and imple-  
19 mentation of the reconciliation or re-  
20 integration process, and such process  
21 protects the rights of Afghan women;  
22 and

23 (II) such funds will not be used  
24 to support any pardon or immunity  
25 from prosecution, or any position in

1 the Government of Afghanistan or se-  
2 curity forces, for any leader of an  
3 armed group responsible for crimes  
4 against humanity, war crimes, or acts  
5 of terrorism.

6 (C) The authority contained in section  
7 1102(c) of Public Law 111–32 shall continue in  
8 effect during fiscal year 2013 and shall apply  
9 as if part of this Act.

10 (D)(i) Of the funds appropriated by this  
11 Act that are made available for assistance for  
12 Afghanistan, not less than \$75,000,000 shall be  
13 made available for rule of law programs: *Pro-*  
14 *vided*, That decisions on the uses of such funds  
15 shall be the responsibility of the Coordinator for  
16 Rule of Law (the Coordinator), in consultation  
17 with the Interagency Planning and Implementa-  
18 tion Team, at the United States Embassy in  
19 Kabul, Afghanistan.

20 (ii) The Coordinator shall be consulted on  
21 the use of all funds appropriated by this Act for  
22 rule of law programs in Afghanistan.

23 (E) Funds appropriated by this Act or any  
24 other Act that are available for the construction  
25 of any water, energy, transportation, or other

1 infrastructure assistance project in Afghanistan  
2 that is estimated to cost more than  
3 \$15,000,000 and requires the concurrence of,  
4 or is developed jointly with, the Secretary of  
5 State or the USAID Administrator, should not  
6 receive such concurrence unless the Secretary  
7 or the Administrator, as appropriate, first re-  
8 ports in writing to the Committees on Appro-  
9 priations—

10 (i) that the project is based on best  
11 development practices including lessons  
12 learned from recent audits of similar  
13 projects;

14 (ii) that the Government of Afghani-  
15 stan has a credible plan to sustain the  
16 project; and

17 (iii) the contingency plan to mitigate  
18 the risk of sustainment failure.

19 (F) None of the funds made available by  
20 this Act shall be used to support or continue  
21 any program or activity initially funded under  
22 the authority of the Task Force for Business  
23 and Stability Operations, unless the Secretary  
24 of State, in consultation with the USAID Ad-  
25 ministrator and the Secretary of Defense, has

1 provided a detailed justification for such pro-  
2 gram or activity to the Committees on Appro-  
3 priations, including—

4 (i) an explanation of why the Depart-  
5 ment of Defense is no longer funding such  
6 program or activity;

7 (ii) steps by the Government of Af-  
8 ghanistan to include funding for such pro-  
9 gram or activity in its national budget;

10 (iii) benchmarks to measure the im-  
11 pact of such program or activity; and

12 (iv) a description of management con-  
13 trols in place to ensure funds are used for  
14 intended purposes.

15 (G) None of the funds appropriated or oth-  
16 erwise made available by this Act may be used  
17 by the Government of the United States to  
18 enter into a permanent basing rights agreement  
19 between the United States and Afghanistan.

20 (H) Any significant modification to the  
21 scope, objectives, or implementation mecha-  
22 nisms of United States assistance programs in  
23 Afghanistan shall be subject to prior consulta-  
24 tion with, and the regular notification proce-  
25 dures of, the Committees on Appropriations, ex-

1           cept that the prior consultation requirement  
2           may be waived in a manner consistent with sec-  
3           tion 7015(e) of this Act.

4           (I) Funds appropriated under titles III  
5           through VI of this Act that are made available  
6           for assistance for Afghanistan may be made  
7           available notwithstanding section 7012 of this  
8           Act or any similar provision of law and section  
9           660 of the Foreign Assistance Act of 1961.

10          (J) Funds appropriated under titles III  
11          and IV of this Act for assistance for Afghani-  
12          stan shall be matched, to the maximum extent  
13          practicable, from sources other than the Gov-  
14          ernment of the United States.

15          (4) REPORTS.—

16          (A) The spend plan required by section  
17          7076 of this Act for assistance for Afghanistan  
18          shall include achievable and sustainable goals,  
19          benchmarks for measuring progress, and ex-  
20          pected results regarding furthering development  
21          in Afghanistan and establishing conditions con-  
22          ducive to the rule of law and transparent and  
23          accountable governance: *Provided*, That not  
24          later than 6 months after submission of such  
25          spend plan, and each 6 months thereafter until

1           September 30, 2014, the Secretary of State  
2           shall submit a report to the Committees on Ap-  
3           propriations on the status of achieving the goals  
4           and benchmarks in such plan.

5                   (B) The Secretary of State should suspend  
6           assistance for the Government of Afghanistan if  
7           any report required by paragraph (A) indicates  
8           that Afghanistan is failing to make measurable  
9           progress in meeting such goals or benchmarks.

10           (5) OVERSIGHT.—The Special Inspector Gen-  
11           eral for Afghanistan Reconstruction and the Inspec-  
12           tors General of the Department of State and  
13           USAID, shall jointly develop and submit to the  
14           Committees on Appropriations within 45 days of en-  
15           actment of this Act a coordinated audit and inspec-  
16           tion plan of United States assistance for, and civil-  
17           ian operations in, Afghanistan.

18           (b) NEPAL.—

19                   (1) Funds appropriated by this Act under the  
20           heading “Foreign Military Financing Program” may  
21           be made available for assistance for Nepal only if  
22           the Secretary of State certifies to the Committees on  
23           Appropriations that the Nepal Army is—

1 (A) cooperating fully with investigations  
2 and prosecutions of violations of human rights  
3 by civilian judicial authorities; and

4 (B) working constructively to redefine the  
5 Nepal Army's mission and adjust its size ac-  
6 cordingly, implement reforms including  
7 strengthening the capacity of the civilian min-  
8 istry of defense to improve budget transparency  
9 and accountability, and facilitate the integration  
10 of former rebel combatants into the security  
11 forces including the Nepal Army, consistent  
12 with the goals of reconciliation, peace and sta-  
13 bility.

14 (2) The conditions in paragraph (1) shall not  
15 apply to assistance for humanitarian relief and re-  
16 construction activities in Nepal.

17 (c) PAKISTAN.—

18 (1) CERTIFICATION.—

19 (A) None of the funds appropriated or oth-  
20 erwise made available by this Act under the  
21 headings “Economic Support Fund”, “Inter-  
22 national Narcotics Control and Law Enforce-  
23 ment”, “Foreign Military Financing Program”,  
24 and “Pakistan Counterinsurgency Capability  
25 Fund” for assistance for the Government of

1 Pakistan may be made available unless the Sec-  
2 retary of State certifies to the Committees on  
3 Appropriations that the Government of Paki-  
4 stan is—

5 (i) cooperating with the United States  
6 in counterterrorism efforts against the  
7 Haqqani Network, the Quetta Shura  
8 Taliban, Lashkar e-Tayyiba, Jaish-e-Mo-  
9 hammed, Al Qaeda, and other domestic  
10 and foreign terrorist organizations, includ-  
11 ing taking steps to end support for such  
12 groups and prevent them from basing and  
13 operating in Pakistan and carrying out  
14 cross border attacks into neighboring coun-  
15 tries;

16 (ii) not supporting terrorist activities  
17 against United States or coalition forces in  
18 Afghanistan, and Pakistan's military and  
19 intelligence agencies are not intervening  
20 extra-judicially into political and judicial  
21 processes in Pakistan;

22 (iii) dismantling improvised explosive  
23 device (IED) networks and interdicting  
24 precursor chemicals used in the manufac-  
25 ture of IEDs;

1 (iv) preventing the proliferation of nu-  
2 clear-related material and expertise;

3 (v) implementing policies to protect  
4 judicial independence and due process of  
5 law;

6 (vi) issuing visas in a timely manner  
7 for United States visitors engaged in  
8 counterterrorism efforts and assistance  
9 programs in Pakistan; and

10 (vii) providing humanitarian organiza-  
11 tions access to detainees, internally dis-  
12 placed persons, and other Pakistani civil-  
13 ians affected by the conflict.

14 (B) The Secretary of State may waive the  
15 requirements of subparagraph (A) if it is im-  
16 portant to the national security interests of the  
17 United States.

18 (2) ASSISTANCE.—

19 (A) Of the funds appropriated under titles  
20 III, IV, and VIII of this Act, not more than  
21 \$800,346,000 may be made available for assist-  
22 ance for Pakistan, including not more than  
23 \$375,000,000 from funds appropriated under  
24 the heading “Economic Support Fund”, not  
25 more than \$100,000,000 from funds appro-

1           appropriated under the heading “International Nar-  
2           cotics Control and Law Enforcement”, not  
3           more than \$250,000,000 from funds appro-  
4           priated under the heading “Foreign Military Fi-  
5           nancing Program”, and not more than  
6           \$50,000,000 from funds appropriated under the  
7           heading “Pakistan Counterinsurgency Capa-  
8           bility Fund”.

9           (B) Funds appropriated by this Act under  
10          the headings “Foreign Military Financing Pro-  
11          gram” and “Pakistan Counterinsurgency Capa-  
12          bility Fund” for assistance for Pakistan may be  
13          made available only to support counterter-  
14          rorism, counterinsurgency, and counterpiracy  
15          capabilities in Pakistan, and are subject to sec-  
16          tion 620M of the Foreign Assistance Act of  
17          1961, as amended by this Act.

18          (C) Funds appropriated by this Act under  
19          the heading “Economic Support Fund” that are  
20          available for assistance for Pakistan should be  
21          made available to interdict precursor materials  
22          from Pakistan to Afghanistan that are used to  
23          manufacture improvised explosive devices, in-  
24          cluding calcium ammonium nitrate; to support  
25          programs to train border and customs officials

1 in Pakistan and Afghanistan; and for agricul-  
2 tural extension programs that encourage alter-  
3 native fertilizer use among Pakistani farmers.

4 (D) Funds appropriated by this Act under  
5 the heading “Economic Support Fund” that are  
6 available for assistance for Pakistan may be  
7 made available for the Chief of Mission Fund,  
8 as authorized by section 101(c)(5) of Public  
9 Law 111–73.

10 (E) Funds appropriated by this Act under  
11 the heading “Economic Support Fund” that are  
12 made available for assistance for infrastructure  
13 projects in Pakistan shall be implemented in a  
14 manner consistent with section 507(6) of the  
15 Trade Act of 1974 (19 U.S.C. 2467(6)).

16 (F) Funds appropriated by this Act under  
17 titles III and IV for assistance for Pakistan  
18 may be made available notwithstanding any  
19 other provision of law, except for this sub-  
20 section and section 620M of the Foreign Assist-  
21 ance Act of 1961, as amended by this Act.

22 (G) Of the funds appropriated by this Act  
23 under the heading “Foreign Military Financing  
24 Program” and made available for assistance for  
25 Pakistan, \$33,000,000 shall be withheld from

1 obligation until the Secretary of State reports  
2 to the Committees on Appropriations that Dr.  
3 Shakil Afridi has been released from prison and  
4 cleared of all charged relating to the assistance  
5 provided to the United States in locating  
6 Osama bin Laden.

7 (3) REPORTS.—

8 (A)(i) The spend plan required by section  
9 7076 of this Act for assistance for Pakistan  
10 shall include achievable and sustainable goals,  
11 benchmarks for measuring progress, and ex-  
12 pected results regarding furthering development  
13 in Pakistan, countering extremism, and estab-  
14 lishing conditions conducive to the rule of law  
15 and transparent and accountable governance:  
16 *Provided*, That such benchmarks may incor-  
17 porate those required in title III of Public Law  
18 111–73, as appropriate: *Provided further*, That  
19 not later than 6 months after submission of  
20 such spend plan, and each 6 months thereafter  
21 until September 30, 2014, the Secretary of  
22 State shall submit a report to the Committees  
23 on Appropriations on the status of achieving  
24 the goals and benchmarks in such plan.

1           (ii) The Secretary of State should suspend  
2 assistance for the Government of Pakistan if  
3 any report required by paragraph (A)(i) indi-  
4 cates that Pakistan is failing to make measur-  
5 able progress in meeting such goals or bench-  
6 marks.

7           (B) Not later than 90 days after enact-  
8 ment of this Act, the Secretary of State shall  
9 submit a report to the Committees on Appro-  
10 priations detailing the costs and objectives asso-  
11 ciated with significant infrastructure projects  
12 supported by the United States in Pakistan,  
13 and an assessment of the extent to which such  
14 projects achieve such objectives.

15 (d) SRI LANKA.—

16           (1) None of the funds appropriated by this Act  
17 under the heading “Foreign Military Financing Pro-  
18 gram” or under the Arms Export Control Act may  
19 be made available for assistance for Sri Lanka, no  
20 defense export license may be issued, and no mili-  
21 tary equipment or technology shall be sold or trans-  
22 ferred to Sri Lanka pursuant to the authorities con-  
23 tained in this Act or any other Act, unless the Sec-  
24 retary of State certifies to the Committees on Ap-  
25 propriations that the Government of Sri Lanka is

1 meeting the conditions that appear under this sec-  
2 tion in the report accompanying this Act.

3 (2) Paragraph (1) shall not apply to assistance  
4 for humanitarian demining and aerial and maritime  
5 surveillance.

6 (3) If the Secretary makes the certification re-  
7 quired in paragraph (1), funds appropriated under  
8 the heading “Foreign Military Financing Program”  
9 that are made available for assistance for Sri Lanka  
10 should be used to support the recruitment and train-  
11 ing of Tamils into the Sri Lankan military, Tamil  
12 language training for Sinhalese military personnel,  
13 and human rights training for all military personnel.

14 (4) The Secretary of the Treasury shall instruct  
15 the United States executive directors of the inter-  
16 national financial institutions to vote against any  
17 loan, agreement, or other financial support for Sri  
18 Lanka except to meet basic human needs, unless the  
19 Secretary of State certifies to the Committees on  
20 Appropriations that the Government of Sri Lanka is  
21 meeting the conditions that appear under this sec-  
22 tion in the report accompanying this Act.

23 (e) REGIONAL CROSS BORDER PROGRAMS.—Of the  
24 funds appropriated by this Act under the heading “Eco-  
25 nomic Support Fund” that are available for assistance for

1 Afghanistan and Pakistan, not less than \$15,000,000  
2 shall be made available, notwithstanding any other provi-  
3 sion of law that restricts assistance to foreign countries,  
4 for cross border stabilization and development programs  
5 between Afghanistan and Pakistan or between either  
6 country and the Central Asian republics.

7 PROHIBITION OF PAYMENTS TO UNITED NATIONS

8 MEMBERS

9 SEC. 7047. None of the funds appropriated or made  
10 available pursuant to titles III through VI of this Act for  
11 carrying out the Foreign Assistance Act of 1961, may be  
12 used to pay in whole or in part any assessments, arrear-  
13 ages, or dues of any member of the United Nations or,  
14 from funds appropriated by this Act to carry out chapter  
15 1 of part I of the Foreign Assistance Act of 1961, the  
16 costs for participation of another country's delegation at  
17 international conferences held under the auspices of multi-  
18 lateral or international organizations.

19 WAR CRIMES TRIBUNALS DRAWDOWN

20 SEC. 7048. If the President determines that doing so  
21 will contribute to a just resolution of charges regarding  
22 genocide or other violations of international humanitarian  
23 law, the President may direct a drawdown pursuant to sec-  
24 tion 552(c) of the Foreign Assistance Act of 1961 of up  
25 to \$30,000,000 of commodities and services for the United

1 Nations War Crimes Tribunal established with regard to  
 2 the former Yugoslavia by the United Nations Security  
 3 Council or such other tribunals or commissions as the  
 4 Council may establish or authorize to deal with such viola-  
 5 tions, without regard to the ceiling limitation contained  
 6 in paragraph (2) thereof: *Provided*, That the determina-  
 7 tion required under this section shall be in lieu of any de-  
 8 terminations otherwise required under section 552(c): *Pro-*  
 9 *vided further*, That funds made available pursuant to this  
 10 section shall be made available subject to the regular noti-  
 11 fication procedures of the Committees on Appropriations.

12 UNITED NATIONS

13 SEC. 7049. (a) TRANSPARENCY AND ACCOUNT-  
 14 ABILITY.—

15 (1) Of the funds appropriated under title I and  
 16 under the heading “International Organizations and  
 17 Programs” in title V of this Act that are available  
 18 for contributions to any United Nations agency or to  
 19 the Organization of American States, 10 percent  
 20 shall be withheld from obligation for such agency or  
 21 organization if the agency or organization is not—

22 (A) publishing on a publicly available Web  
 23 site, consistent with privacy regulations and due  
 24 process, regular financial and programmatic au-  
 25 dits of the agency or organization, and pro-

1           viding the United States Government with nec-  
2           essary access to such financial and performance  
3           audits; and

4                   (B) implementing best practices for the  
5           protection of whistleblowers from retaliation, in-  
6           cluding for legal burdens of proof, access to  
7           independent adjudicative bodies, results that  
8           eliminate the effects of retaliation, and statutes  
9           of limitation for reporting retaliation.

10           (2) The Secretary of State may waive the re-  
11           striction in this subsection on a case-by-case basis if  
12           the Secretary determines and reports that to do so  
13           is in the national interest of the United States.

14           (b) RESTRICTIONS ON UNITED NATIONS ORGANIZA-  
15           TIONS.—None of the funds made available under title I  
16           of this Act may be used by the Secretary of State as a  
17           contribution to any organization, agency, commission, or  
18           program within the United Nations system if such organi-  
19           zation, agency, commission, or program is chaired or pre-  
20           sided over by a country, the government of which the Sec-  
21           retary of State has determined, for purposes of section  
22           620A of the Foreign Assistance Act of 1961, section 40  
23           of the Arms Export Control Act, section 6(j)(1) of the Ex-  
24           port Administration Act of 1979, or any other provision  
25           of law, is a government that has repeatedly provided sup-

1 port for acts of international terrorism: *Provided*, That the  
2 Secretary of State may waive the restriction in this sub-  
3 section if the Secretary determines and reports to the  
4 Committees on Appropriations that to do so is in the na-  
5 tional interest of the United States.

6 (c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—  
7 Funds appropriated by this Act may be made available  
8 for voluntary contributions or payment of United States  
9 assessments in support of the United Nations Human  
10 Rights Council if the Secretary of State reports to the  
11 Committees on Appropriations that participation in the  
12 Council is in the national interest of the United States:  
13 *Provided*, That the Secretary of State shall report to the  
14 Committees on Appropriations not later than September  
15 30, 2013, on the resolutions considered in the United Na-  
16 tions Human Rights Council during the previous 12  
17 months.

18 (d) CAPITAL MASTER PLAN.—None of the funds ap-  
19 propriated by this Act may be made available as a United  
20 States contribution for additional costs for the Capital  
21 Master Plan construction project for the United Nations  
22 Headquarters in New York.

23 (e) REPORTING REQUIREMENT.—Not later than 45  
24 days after enactment of this Act, the Secretary of State  
25 shall submit a report to the Committees on Appropriation

1 detailing the amount of funds available for obligation or  
2 expenditure in fiscal year 2013 under the headings “Con-  
3 tributions to International Organizations” and “Inter-  
4 national Organizations and Programs” that are withheld  
5 from obligation or expenditure due to any provision of law:  
6 *Provided*, That the Secretary of State shall update such  
7 report each time additional funds are withheld by oper-  
8 ation of any provision of law: *Provided further*, That the  
9 reprogramming of any withheld funds identified in such  
10 report, including updates thereof, shall be subject to prior  
11 consultation with, and the regular notification procedures  
12 of, the Committees on Appropriations.

13                   COMMUNITY-BASED POLICE ASSISTANCE

14           SEC. 7050. (a) AUTHORITY.—Funds made available  
15 by titles III and IV of this Act to carry out the provisions  
16 of chapter 1 of part I and chapters 4 and 6 of part II  
17 of the Foreign Assistance Act of 1961, may be used, not-  
18 withstanding section 660 of that Act, to enhance the effec-  
19 tiveness and accountability of civilian police authority  
20 through training and technical assistance in human rights,  
21 the rule of law, anti-corruption, strategic planning, and  
22 through assistance to foster civilian police roles that sup-  
23 port democratic governance, including assistance for pro-  
24 grams to prevent conflict, respond to disasters, address

1 gender-based violence, and foster improved police relations  
2 with the communities they serve.

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

6 CONFERENCES

7 SEC. 7051. (a) ATTENDANCE AT INTERNATIONAL  
8 CONFERENCES.—None of the funds made available in this  
9 Act may be used to send or otherwise pay for the attend-  
10 ance of more than 50 employees of agencies or depart-  
11 ments of the Government of the United States who are  
12 stationed in the United States, at any single international  
13 conference occurring outside the United States, unless the  
14 Secretary of State reports to the Committees on Appro-  
15 priations at least 5 days in advance that the additional  
16 employees will not perform a redundant function and such  
17 attendance is important to the national interest: *Provided,*  
18 That for purposes of this section the term “international  
19 conference” shall mean a conference attended by rep-  
20 resentatives of the Government of the United States and  
21 of foreign governments, international organizations, or  
22 nongovernmental organizations.

23 (b) REPORTS ON CONFERENCE COSTS.—

24 (1) The head of any department, agency, board,  
25 or commission funded by this Act shall submit semi-

1 annual reports to the Inspector General, or senior  
2 ethics official for any entity without an inspector  
3 general, of the appropriate department, agency,  
4 board, or commission regarding the costs and con-  
5 tracting procedures relating to each conference held  
6 by such department, agency, board, or commission  
7 during fiscal year 2013 for which the cost to the  
8 United States Government was more than \$20,000,  
9 and shall post such reports on their respective Web  
10 sites.

11 (2) Each report submitted shall include, for  
12 each conference held during the applicable 6 month  
13 period—

14 (A) a description of the purpose;

15 (B) the number of participants attending;

16 (C) a detailed statement of the cost to the  
17 United States Government; and

18 (D) a description of the contracting proce-  
19 dures.

20 (3) A grant or contract funded by amounts ap-  
21 propriated by this Act may not be used for the pur-  
22 pose of defraying the cost of a conference that is not  
23 directly and programmatically related to the purpose  
24 for which the grant or contract was awarded.

1           (4) None of the funds made available by this  
2       Act may be used for travel and conference activities  
3       that are not in compliance with the Office of Man-  
4       agement and Budget M-12-12 dated May 11, 2012.

5           AIRCRAFT TRANSFER AND COORDINATION

6       SEC. 7052. (a) TRANSFER AUTHORITY.—Notwith-  
7       standing any other provision of law or regulation, aircraft  
8       procured with funds appropriated by this Act and prior  
9       Acts making appropriations for the Department of State,  
10      foreign operations, and related programs under the head-  
11      ings “Diplomatic and Consular Programs”, “International  
12      Narcotics Control and Law Enforcement”, “Andean  
13      Counterdrug Initiative” and “Andean Counterdrug Pro-  
14      grams” may be used for any other program and in any  
15      region, including for the transportation of active and  
16      standby Civilian Response Corps personnel and equipment  
17      during a deployment: *Provided*, That the responsibility for  
18      policy decisions and justification for the use of such trans-  
19      fer authority shall be the responsibility of the Secretary  
20      of State and the Deputy Secretary of State and this re-  
21      sponsibility shall not be delegated.

22      (b) PROPERTY DISPOSAL.—The authority provided  
23      in subsection (a) shall apply only after the Secretary of  
24      State determines and reports to the Committees on Appro-  
25      priations that the equipment is no longer required to meet

1 programmatic purposes in the designated country or re-  
2 gion: *Provided*, That any such transfer shall be subject  
3 to prior consultation with, and the regular notification  
4 procedures of, the Committees on Appropriations.

5 (c) AIRCRAFT COORDINATION.—

6 (1) The uses of aircraft purchased or leased by  
7 the Department of State and USAID with funds  
8 made available in this Act or prior Acts making ap-  
9 propriations for the Department of State, foreign  
10 operations, and related programs shall be coordi-  
11 nated under the authority of the appropriate Chief  
12 of Mission: *Provided*, That such aircraft may be  
13 used to transport, on a reimbursable or non-reim-  
14 bursable basis, Federal and non-Federal personnel  
15 supporting Department of State and USAID pro-  
16 grams and activities: *Provided further*, That official  
17 travel for other agencies for other purposes may be  
18 supported on a reimbursable basis, or without reim-  
19 bursement when traveling on a space available basis:  
20 *Provided further*, That in fiscal year 2013 and there-  
21 after, funds received by the Department of State for  
22 the use of aircraft owned, leased, or chartered by the  
23 Department of State may be credited to the Depart-  
24 ment's Working Capital Fund and shall be available

1 for expenses related to the purchase, lease, mainte-  
2 nance, chartering, or operation of such aircraft.

3 (2) The requirement and authorities of this  
4 subsection shall only apply to aircraft, the primary  
5 purpose of which is the transportation of personnel.

6 PARKING FINES AND REAL PROPERTY TAXES OWED BY  
7 FOREIGN GOVERNMENTS

8 SEC. 7053. The terms and conditions of section 7055  
9 of division F of Public Law 111–117 shall apply to this  
10 Act: *Provided*, That the date “September 30, 2009” in  
11 subsection (f)(2)(B) shall be deemed to be “September 30,  
12 2012”.

13 LANDMINES AND CLUSTER MUNITIONS

14 SEC. 7054. (a) LANDMINES.—Notwithstanding any  
15 other provision of law, demining equipment available to  
16 USAID and the Department of State and used in support  
17 of the clearance of landmines and unexploded ordnance  
18 for humanitarian purposes may be disposed of on a grant  
19 basis in foreign countries, subject to such terms and condi-  
20 tions as the Secretary of State may prescribe.

21 (b) CLUSTER MUNITIONS.—No military assistance  
22 shall be furnished for cluster munitions, no defense export  
23 license for cluster munitions may be issued, and no cluster  
24 munitions or cluster munitions technology shall be sold or  
25 transferred, unless—

1           (1) the submunitions of the cluster munitions,  
2           after arming, do not result in more than 1 percent  
3           unexploded ordnance across the range of intended  
4           operational environments; and

5           (2) the agreement applicable to the assistance,  
6           transfer, or sale of such cluster munitions or cluster  
7           munitions technology specifies that the cluster muni-  
8           tions will only be used against clearly defined mili-  
9           tary targets and will not be used where civilians are  
10          known to be present or in areas normally inhabited  
11          by civilians.

12           PROHIBITION ON PUBLICITY OR PROPAGANDA

13          SEC. 7055. No part of any appropriation contained  
14          in this Act shall be used for publicity or propaganda pur-  
15          poses within the United States not authorized before the  
16          date of the enactment of this Act by the Congress: *Pro-*  
17          *vided*, That not to exceed \$25,000 may be made available  
18          to carry out the provisions of section 316 of Public Law  
19          96–533.

20           LIMITATION ON RESIDENCE EXPENSES

21          SEC. 7056. Of the funds appropriated or made avail-  
22          able pursuant to title II of this Act, not to exceed  
23          \$100,500 shall be for official residence expenses of the  
24          United States Agency for International Development dur-  
25          ing the current fiscal year.

1 UNITED STATES AGENCY FOR INTERNATIONAL  
2 DEVELOPMENT MANAGEMENT  
3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 7057. (a) AUTHORITY.—Up to \$93,000,000 of  
5 the funds made available in title III of this Act to carry  
6 out the provisions of part I of the Foreign Assistance Act  
7 of 1961 may be used by USAID to hire and employ indi-  
8 viduals in the United States and overseas on a limited ap-  
9 pointment basis pursuant to the authority of sections 308  
10 and 309 of the Foreign Service Act of 1980.

11 (b) RESTRICTIONS.—

12 (1) The number of individuals hired in any fis-  
13 cal year pursuant to the authority contained in sub-  
14 section (a) may not exceed 175.

15 (2) The authority to hire individuals contained  
16 in subsection (a) shall expire on September 30,  
17 2014.

18 (c) CONDITIONS.—The authority of subsection (a)  
19 should only be used to the extent that an equivalent num-  
20 ber of positions that are filled by personal services contrac-  
21 tors or other non-direct hire employees of USAID, who  
22 are compensated with funds appropriated to carry out part  
23 I of the Foreign Assistance Act of 1961 are eliminated.

24 (d) PROGRAM ACCOUNT CHARGED.—The account  
25 charged for the cost of an individual hired and employed

1 under the authority of this section shall be the account  
2 to which such individual's responsibilities primarily relate:  
3 *Provided*, That funds made available to carry out this sec-  
4 tion may be transferred to, and merged with, funds appro-  
5 priated by this Act in title II under the heading "Oper-  
6 ating Expenses".

7 (e) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-  
8 viduals hired and employed by USAID, with funds made  
9 available in this Act or prior Acts making appropriations  
10 for the Department of State, foreign operations, and re-  
11 lated programs, pursuant to the authority of section 309  
12 of the Foreign Service Act of 1980, may be extended for  
13 a period of up to 4 years notwithstanding the limitation  
14 set forth in such section.

15 (f) DISASTER SURGE CAPACITY.—Funds appro-  
16 priated under title III of this Act to carry out part I of  
17 the Foreign Assistance Act of 1961 may be used, in addi-  
18 tion to funds otherwise available for such purposes, for  
19 the cost (including the support costs) of individuals de-  
20 tailed to or employed by USAID whose primary responsi-  
21 bility is to carry out programs in response to natural or  
22 man-made disasters subject to the regular notification  
23 procedures of the Committees on Appropriations.

24 (g) PERSONAL SERVICES CONTRACTORS.—Funds ap-  
25 propriated by this Act to carry out chapter 1 of part I,

1 chapter 4 of part II, and section 667 of the Foreign As-  
2 sistance Act of 1961, and title II of the Agricultural Trade  
3 Development and Assistance Act of 1954, may be used  
4 by USAID to employ up to 40 personal services contrac-  
5 tors in the United States, notwithstanding any other pro-  
6 vision of law, for the purpose of providing direct, interim  
7 support for new or expanded overseas programs and ac-  
8 tivities managed by the agency until permanent direct hire  
9 personnel are hired and trained: *Provided*, That not more  
10 than 15 of such contractors shall be assigned to any bu-  
11 reau or office: *Provided further*, That such funds appro-  
12 priated to carry out title II of the Agricultural Trade De-  
13 velopment and Assistance Act of 1954, may be made avail-  
14 able only for personal services contractors assigned to the  
15 Office of Food for Peace.

16 (h) SMALL BUSINESS.—In entering into multiple  
17 award indefinite-quantity contracts with funds appro-  
18 priated by this Act, USAID may provide an exception to  
19 the fair opportunity process for placing task orders under  
20 such contracts when the order is placed with any category  
21 of small or small disadvantaged business.

22 (i) SENIOR FOREIGN SERVICE LIMITED APPOINT-  
23 MENTS.—Individuals hired pursuant to the authority pro-  
24 vided by section 7059(o) of division F of Public Law 111–  
25 117 may be assigned to or support programs in Iraq, Af-

1 ghanistan, or Pakistan with funds made available in this  
2 Act and prior Acts making appropriations for the Depart-  
3 ment of State, foreign operations, and related programs.

4 GLOBAL HEALTH ACTIVITIES

5 SEC. 7058. (a) IN GENERAL.—Funds appropriated  
6 by titles III and IV of this Act that are made available  
7 for bilateral assistance for global health activities includ-  
8 ing activities relating to research on, and the prevention,  
9 treatment and control of, HIV/AIDS may be made avail-  
10 able notwithstanding any other provision of law except for  
11 provisions under the heading “Global Health Programs”  
12 and the United States Leadership Against HIV/AIDS,  
13 Tuberculosis, and Malaria Act of 2003 (117 Stat. 711;  
14 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of  
15 the funds appropriated under title III of this Act, not less  
16 than \$700,000,000 should be made available for family  
17 planning/reproductive health, including in areas where  
18 population growth threatens biodiversity or endangered  
19 species.

20 (b) GLOBAL FUND.—Not later than September 30,  
21 2013, the Secretary of State shall submit a report to the  
22 Committees on Appropriations assessing progress by the  
23 Global Fund to Fight AIDS, Tuberculosis, and Malaria  
24 (Global Fund) in implementing the recommendations con-  
25 tained in the Final Report of the High-Level Independent

1 Review Panel on Fiduciary Controls and Oversight Mecha-  
2 nisms of the Global Fund (the Final Report): *Provided*,  
3 That the Secretary of State should consider withholding  
4 a portion of the United States contribution to the Global  
5 Fund, if necessary, to further the implementation of such  
6 recommendations, subject to prior consultation with the  
7 Committees on Appropriations, but any such withholding  
8 shall not be in addition to funds that are withheld from  
9 the Global Fund in fiscal year 2013 pursuant to the appli-  
10 cation of any other provision contained in this or any other  
11 Act.

12 (c) PANDEMIC RESPONSE.—If the President deter-  
13 mines and reports to the Committees on Appropriations  
14 that a pandemic virus is efficient and sustained, severe,  
15 and is spreading internationally, funds made available  
16 under titles III, IV, and VIII in this Act and prior Acts  
17 making appropriations for the Department of State, for-  
18 eign operations, and related programs may be made avail-  
19 able to combat such virus: *Provided*, That funds made  
20 available pursuant to the authority of this subsection shall  
21 be subject to prior consultation with, and the regular noti-  
22 fication procedures of, the Committees on Appropriations.

23 (d) CHALLENGE GRANTS.—Funds appropriated by  
24 this Act under the heading “Global Health Programs”  
25 that are administered by the Office of the United States

1 Global HIV/AIDS Coordinator and made available for pro-  
2 grams to combat HIV/AIDS, shall be made available as  
3 challenge grants in countries receiving assistance from the  
4 Global Fund to Fight AIDS, Tuberculosis and Malaria  
5 (the Global Fund): *Provided*, That the purpose of such  
6 challenge grants shall be to leverage funding from host  
7 country governments, multilateral organizations, including  
8 the World Bank, and/or other donor governments for ac-  
9 tivities supported by the Global Fund: *Provided further*,  
10 That not later than 180 days after implementation of a  
11 challenge grants program, the Secretary of State shall  
12 submit a report to the Committees on Appropriations as-  
13 sessing the ability of such program to increase funding  
14 for activities supported by the Global Fund from sources  
15 other than the United States Government and rec-  
16 ommendations for improving such program.

17 GENDER PROGRAMS

18 SEC. 7059. (a) GENDER EQUALITY.—

19 (1) Of the funds appropriated by this Act, not  
20 less than \$1,650,000,000 shall be made available for  
21 gender programs.

22 (2) The Secretary of State and the USAID Ad-  
23 ministrator shall make every effort to integrate a  
24 focus on gender equality in Department of State and  
25 USAID headquarters and overseas operations, in-

1 including in strategic planning and budget allocations,  
2 and in monitoring and evaluation of the impact of  
3 United States policies and programs on women and  
4 girls in foreign countries, as appropriate.

5 (3) Funds appropriated by this Act shall be  
6 made available to promote gender equality in United  
7 States Government diplomatic and development ef-  
8 forts by raising the status, increasing the participa-  
9 tion, and protecting the rights of women and girls  
10 worldwide, including by—

11 (A) expanding access to education and  
12 health services for women and girls;

13 (B) providing women and girls access to  
14 legal and other protective services;

15 (C) expanding economic opportunities for  
16 poor women, including increasing the number  
17 and capacity of women-owned enterprises that  
18 employ the poor and very poor, improving prop-  
19 erty rights for women, increasing access to fi-  
20 nancial services and capital for women living in  
21 poverty, enhancing the role of women in eco-  
22 nomic decision-making and the ability of women  
23 to participate in local, national, and global mar-  
24 kets;

1 (D) focusing on reducing disparities be-  
2 tween women’s and men’s access to, control  
3 over, and ability to benefit economically, politi-  
4 cally, and socially from resources and services;

5 (E) ensuring that programs to strengthen  
6 food security and agricultural development take  
7 into account the unique needs of women, in par-  
8 ticular increasing women’s assets and  
9 prioritizing access to inputs, technologies, and  
10 technical assistance for women farmers; and

11 (F) increasing the participation of women  
12 in the planning, implementation, monitoring,  
13 and evaluation of such efforts, including by  
14 building the capacity of women-focused organi-  
15 zations.

16 (b) WOMEN’S POLITICAL LEADERSHIP.—Of the  
17 funds appropriated under the headings “Development As-  
18 sistance”, “Economic Support Fund”, “Democracy  
19 Fund”, and “Middle East and North Africa Incentive  
20 Fund” in this Act, not less than \$50,000,000 shall be  
21 made available for programs and activities to increase po-  
22 litical opportunities for women in countries where women  
23 and girls suffer severe forms of discrimination due to law,  
24 policy, or practice, by strengthening protections for wom-  
25 en’s political status, expanding women’s participation in

1 political parties and elections, and increasing women’s ac-  
2 cess to leadership positions in government at the local,  
3 provincial, and national levels.

4 (c) GENDER-BASED VIOLENCE.—

5 (1) Of the funds appropriated under the head-  
6 ings “Global Health Programs”, “Development As-  
7 sistance”, “Economic Support Fund”, “Democracy  
8 Fund”, “Middle East and North Africa Incentive  
9 Fund”, and “International Narcotics Control and  
10 Law Enforcement” in this Act, not less than  
11 \$150,000,000 shall be made available, notwith-  
12 standing section 660 of the Foreign Assistance Act  
13 of 1961, to strengthen, expand, and implement a  
14 multi-year strategy to prevent and respond to gen-  
15 der-based violence in countries where it is common  
16 in conflict and non-conflict settings, and funds ap-  
17 propriated under the headings “International Dis-  
18 aster Assistance”, “Transition Initiatives”, “Com-  
19 plex Crises Fund”, “Migration and Refugee Assist-  
20 ance”, and “Emergency Refugee and Migration As-  
21 sistance” should be made available for such efforts.

22 (2) Department of State and USAID gender  
23 programs shall incorporate coordinated efforts to  
24 combat a variety of forms of gender-based violence,  
25 including child marriage, rape, female genital cut-

1       ting and mutilation, and domestic violence, among  
2       other forms of gender-based violence in conflict and  
3       non-conflict settings.

4               (3) Programs and activities funded under titles  
5       III and IV of this Act to train foreign police, judi-  
6       cial, and military personnel, including for inter-  
7       national peacekeeping operations, shall address,  
8       where appropriate, prevention and response to gen-  
9       der-based violence and trafficking in persons, not-  
10      withstanding section 660 of the Foreign Assistance  
11      Act of 1961, and shall promote the integration of  
12      women into the police and other security forces of  
13      their countries.

14      (d) STRATEGY TO IMPLEMENT THE NATIONAL AC-  
15      TION PLAN.—

16              (1) Of the funds appropriated under titles III  
17      and IV (but not including funds appropriated under  
18      the headings “Development Assistance” and “Inter-  
19      national Disaster Assistance”) in this Act, not less  
20      than \$50,000,000 shall be made available to support  
21      a multi-year strategy to fully implement the United  
22      States National Action Plan on Women, Peace, and  
23      Security, including to expand, and improve coordina-  
24      tion of, United States Government efforts to em-  
25      power women as equal partners in conflict preven-

1 tion, peace building, transitional processes, and re-  
2 construction efforts in countries affected by conflict  
3 or in political transitions which may perpetuate the  
4 inequality of, and discrimination and violence  
5 against, women and girls, and to ensure their equal  
6 access to relief and recovery assistance.

7 (2) The Secretary of State shall submit a report  
8 to the Committees on Appropriations not later than  
9 120 days after enactment of this Act describing the  
10 strategy required in paragraph (1) and how existing  
11 programs are being redesigned to directly and con-  
12 cretely implement such strategy.

13 (e) Funds made available by this Act for assistance  
14 for women and girls shall be made available notwith-  
15 standing any other provision of law: *Provided*, That noth-  
16 ing in this section shall be construed to alter any existing  
17 statutory prohibitions against abortion or involuntary  
18 sterilizations contained in this or any other Act.

19 SECTOR ALLOCATIONS

20 SEC. 7060. (a) BASIC AND HIGHER EDUCATION.—

21 (1) BASIC EDUCATION.—Of the funds appro-  
22 priated by title III of this Act, up to \$800,000,000  
23 may be made available for assistance for basic edu-  
24 cation, including as a contribution to the Global  
25 Partnership for Education.

1           (2) HIGHER EDUCATION.—Of the funds appro-  
2           priated by title III of this Act, not less than  
3           \$215,000,000 shall be made available for assistance  
4           for higher education, of which \$25,000,000 shall be  
5           to support such programs in Africa, including for  
6           partnerships between higher education institutions  
7           in Africa and the United States.

8           (b) DEVELOPMENT GRANTS PROGRAM.—Of the  
9           funds appropriated in title III of this Act, not less than  
10          \$45,000,000 shall be made available for the Development  
11          Grants Program established pursuant to section 674 of  
12          the Department of State, Foreign Operations, and Related  
13          Programs Appropriations Act, 2008 (division J of Public  
14          Law 110–161), primarily for unsolicited proposals for ac-  
15          tivities within any sector, to support grants of not more  
16          than \$2,000,000 to small nongovernmental organizations:  
17          *Provided*, That funds made available under this subsection  
18          are in addition to other funds available for such purposes  
19          including funds designated by this Act by subsection (f).

20          (c) ENVIRONMENT AND ENERGY.—

21               (1) IN GENERAL.—Of the funds appropriated  
22               by this Act, not less than \$1,155,000,000 shall be  
23               made available for environment and energy pro-  
24               grams.

1           (2) CLEAN ENERGY PROGRAMS.—The limitation  
2           in section 7081(b) of division F of Public Law 111–  
3           117 shall continue in effect during fiscal year 2013  
4           as if part of this Act: *Provided*, That the proviso  
5           contained in such section shall not apply.

6           (3) ADAPTATION PROGRAMS.—Funds appro-  
7           priated by this Act may be made available for  
8           United States contributions to the Least Developed  
9           Countries Fund, the Special Climate Change Fund,  
10          the Forest Carbon Partnership Facility, the Green  
11          Climate Fund, and the Partnership for Market  
12          Readiness to support adaptation and mitigation pro-  
13          grams and activities.

14          (4) SUSTAINABLE LANDSCAPES AND BIODIVER-  
15          SITY PROGRAMS.—Of the funds appropriated under  
16          title III of this Act, not less than \$111,000,000 shall  
17          be made available for sustainable landscapes pro-  
18          grams and, in addition, not less than \$200,000,000  
19          shall be made available to protect biodiversity, in-  
20          cluding not less than \$2,000,000 to implement and  
21          enforce section 8204 of Public Law 110–246, and  
22          shall not be used to support or promote industrial  
23          scale logging in areas of tropical forest where no  
24          such logging occurred prior to the date of enactment  
25          of this Act: *Provided*, That funds made available for

1 the Central African Regional Program for the Envi-  
2 ronment and other tropical forest programs in the  
3 Congo Basin for the United States Fish and Wildlife  
4 Service (USFWS) shall be apportioned directly to  
5 the USFWS: *Provided further*, That funds made  
6 available for the Department of the Interior (DOI)  
7 for programs in the Mayan Biosphere Reserve shall  
8 be apportioned directly to the DOI: *Provided further*,  
9 That such funds shall also support programs to pro-  
10 tect great apes in Africa and Indonesia, and other  
11 endangered species.

12 (5) AUTHORITY.—Funds appropriated by this  
13 Act to carry out the provisions of sections 103  
14 through 106, and chapter 4 of part II, of the For-  
15 eign Assistance Act of 1961 may be used, notwith-  
16 standing any other provision of law except for the  
17 provisions of this subsection and subject to the reg-  
18 ular notification procedures of the Committees on  
19 Appropriations, to support programs and activities  
20 specified in this section.

21 (6) EXTRACTION OF NATURAL RESOURCES.—

22 (A) Funds appropriated by this Act shall  
23 be made available to promote and support  
24 transparency and accountability of expenditures  
25 and revenues related to the extraction of nat-

1           ural resources, including by strengthening im-  
2           plementation and monitoring of the Extractive  
3           Industries Transparency Initiative, imple-  
4           menting and enforcing section 8204 of Public  
5           Law 110–246 and the Kimberley Process Cer-  
6           tification Scheme, and providing technical as-  
7           sistance to promote independent audit mecha-  
8           nisms and support civil society participation in  
9           natural resource management.

10                   (B)(i) The Secretary of the Treasury shall  
11           inform the managements of the international fi-  
12           nancial institutions and post on the Department  
13           of the Treasury’s Web site that it is the policy  
14           of the United States to vote against any assist-  
15           ance by such institutions (including but not lim-  
16           ited to any loan, credit, grant, or guarantee) for  
17           the extraction and export of a natural resource  
18           if the government of the country has in place  
19           laws or regulations to prevent or limit the pub-  
20           lic disclosure of company payments as required  
21           by section 1504 of Public Law 111–203, and  
22           unless such government has in place func-  
23           tioning systems in the sector in which assist-  
24           ance is being considered for—

1 (I) accurately accounting for and pub-  
2 lic disclosure of payments to the host gov-  
3 ernment by companies involved in the ex-  
4 traction and export of natural resources;

5 (II) the independent auditing of ac-  
6 counts receiving such payments and public  
7 disclosure of the findings of such audits;  
8 and

9 (III) public disclosure of such docu-  
10 ments as Host Government Agreements,  
11 Concession Agreements, and bidding docu-  
12 ments, allowing in any such dissemination  
13 or disclosure for the redaction of, or excep-  
14 tions for, information that is commercially  
15 proprietary or that would create competi-  
16 tive disadvantage.

17 (ii) The requirements of clause (i) shall not  
18 apply to assistance for the purpose of building  
19 the capacity of such government to meet the re-  
20 quirements of this subparagraph.

21 (C) The Secretary of the Treasury or the  
22 Secretary of State, as appropriate, shall in-  
23 struct the United States executive director of  
24 each international financial institution and the  
25 United States representatives to all forest-re-

1           lated multilateral financing mechanisms and  
2           processes to vote against industrial scale log-  
3           ging in areas of tropical forest where no such  
4           logging occurred prior to the date of enactment  
5           of this Act.

6           (D) The Secretary of the Treasury shall  
7           instruct the executive director of each inter-  
8           national financial institution to vote against the  
9           construction of any coal-fired power plant that  
10          does not meet United States Government emis-  
11          sions requirements for new coal-fired power  
12          plants, and absent a thorough, independent as-  
13          sessment including public consultation indi-  
14          cating that a mix of conservation and efficiency  
15          measures, and renewable energy alternatives,  
16          cannot together produce comparable amounts of  
17          electricity at comparable cost over the lifetime  
18          of the plant.

19          (7) CONTINUATION OF PRIOR LAW.—Section  
20          7081(g)(2) and (4) of division F of Public Law 111–  
21          117 shall continue in effect during fiscal year 2013  
22          as if part of this Act.

23          (d) FOOD SECURITY AND AGRICULTURE DEVELOP-  
24          MENT.—Of the funds appropriated by title III of this Act,  
25          not less than \$1,200,000,000 should be made available for

1 food security and agriculture development programs, of  
2 which \$32,000,000 shall be made available for Collabo-  
3 rative Research Support Programs: *Provided*, That such  
4 funds may be made available notwithstanding any other  
5 provision of law to address food shortages, and may be  
6 made available for a United States contribution to the en-  
7 dowment of the Global Crop Diversity Trust pursuant to  
8 section 3202 of Public Law 110–246.

9 (e) MICROENTERPRISE AND MICROFINANCE.—Of the  
10 funds appropriated by this Act, not less than  
11 \$265,000,000 should be made available for microenter-  
12 prise and microfinance development programs for the  
13 poor, especially women: *Provided*, That notwithstanding  
14 the requirements of sections 254 (a)(1) and (2) of the  
15 Foreign Assistance Act of 1961, the USAID Adminis-  
16 trator may certify, pursuant to section 254(a)(3) of such  
17 Act, poverty assessment tools developed by an organiza-  
18 tion other than USAID.

19 (f) RECONCILIATION PROGRAMS.—

20 (1) Of the funds appropriated by this Act under  
21 the headings “Economic Support Fund” and “De-  
22 velopment Assistance”, \$26,000,000 shall be made  
23 available to support people-to-people reconciliation  
24 programs which bring together individuals of dif-  
25 ferent ethnic, religious, and political backgrounds

1 from areas of civil strife and war, of which  
2 \$10,000,000 shall be made available for such pro-  
3 grams in the Middle East: *Provided*, That the  
4 USAID Administrator shall consult with the Com-  
5 mittees on Appropriations, prior to the initial obliga-  
6 tion of funds, on the uses of such funds: *Provided*  
7 *further*, That to the maximum extent practicable,  
8 such funds shall be matched by sources other than  
9 the United States Government.

10 (2) Funds appropriated by this Act under the  
11 headings “Economic Support Fund” and “Develop-  
12 ment Assistance” may be made available for a “New  
13 Generation in the Middle East” initiative to build  
14 understanding, tolerance, and mutual respect among  
15 the next generation of Israeli and Palestinian lead-  
16 ers.

17 (g) **TRAFFICKING IN PERSONS.**—Of the funds appro-  
18 priated by this Act under the headings “Development As-  
19 sistance”, “Economic Support Fund”, and “International  
20 Narcotics Control and Law Enforcement”, not less than  
21 \$39,000,000 shall be made available for activities to com-  
22 bat trafficking in persons internationally.

23 (h) **WATER AND SANITATION.**—Of the funds appro-  
24 priated by this Act, not less than \$400,000,000 shall be  
25 made available for water and sanitation supply projects

1 pursuant to the Senator Paul Simon Water for the Poor  
2 Act of 2005 (Public Law 109–121).

3 (i) NOTIFICATION REQUIREMENTS.—Authorized de-  
4 viations from funding levels contained in this section shall  
5 be subject to the regular notification procedures of the  
6 Committees on Appropriations.

7 CENTRAL ASIA

8 SEC. 7061. The terms and conditions of subsections  
9 (a) through (d) of section 7075 and subsections (a)  
10 through (e) of section 7076 of the Department of State,  
11 Foreign Operations, and Related Programs Appropria-  
12 tions Act, 2009 (division H of Public Law 111–8) shall  
13 apply to funds appropriated by this Act, except that the  
14 Secretary of State may waive the application of section  
15 7076(a) for a period of not more than 6 months and every  
16 6 months thereafter until September 30, 2014, if the Sec-  
17 retary certifies to the Committees on Appropriations that  
18 the waiver is in the national security interest and nec-  
19 essary to obtain access to and from Afghanistan for the  
20 United States, and the waiver includes an assessment of  
21 progress, if any, by the Government of Uzbekistan in  
22 meeting the requirements in section 7076(a): *Provided*,  
23 That the Secretary of State, in consultation with the Sec-  
24 retary of Defense, shall submit a report to the Committees  
25 on Appropriations not later than 180 days after enactment



## 1 OVERSEAS PRIVATE INVESTMENT CORPORATION

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 7063. (a) Whenever the President determines  
4 that it is in furtherance of the purposes of the Foreign  
5 Assistance Act of 1961, up to a total of \$20,000,000 of  
6 the funds appropriated under title III of this Act may be  
7 transferred to, and merged with, funds appropriated by  
8 this Act for the Overseas Private Investment Corporation  
9 Program Account, to be subject to the terms and condi-  
10 tions of that account: *Provided*, That such funds shall not  
11 be available for administrative expenses of the Overseas  
12 Private Investment Corporation: *Provided further*, That  
13 designated funding levels in this Act shall not be trans-  
14 ferred pursuant to this section: *Provided further*, That the  
15 exercise of such authority shall be subject to the regular  
16 notification procedures of the Committees on Appropria-  
17 tions.

18 (b) Notwithstanding section 235(a)(2) of the Foreign  
19 Assistance Act of 1961, the authority of subsections (a)  
20 through (c) of section 234 of such Act shall remain in  
21 effect until September 30, 2013.

## 22 INTERNATIONAL PRISON CONDITIONS

23 SEC. 7064. (a) Not later than 180 days after enact-  
24 ment of this Act, the Secretary of State shall submit to  
25 the Committees on Appropriations a report, which shall

1 also be made publicly available including on the Depart-  
2 ment of State’s Web site, describing—

3 (1) conditions in prisons and other detention fa-  
4 cilities in countries whose governments receive  
5 United States assistance and which the Secretary  
6 determines raise serious human rights or humani-  
7 tarian concerns; and

8 (2) the extent to which such governments are  
9 taking steps to eliminate such conditions.

10 (b) For purposes of each determination made pursu-  
11 ant to subsection (a), the Secretary shall consider the cri-  
12 teria listed in paragraphs (1) through (10) of subsection  
13 (b) of section 7085 of division F of Public Law 111–117.

14 (c) Of the funds appropriated under the headings  
15 “Development Assistance”, “Economic Support Fund”,  
16 and “International Narcotics Control and Law Enforce-  
17 ment” in this Act and prior Acts making appropriations  
18 for the Department of State, foreign operations, and re-  
19 lated programs, not less than \$5,000,000 shall be made  
20 available, notwithstanding section 660 of the Foreign As-  
21 sistance Act of 1961, for assistance to eliminate such con-  
22 ditions: *Provided*, That decisions regarding the uses of  
23 such funds shall be the responsibility of the Assistant Sec-  
24 retary of State for the Bureau of Democracy, Human  
25 Rights, and Labor, in consultation with USAID’s Assist-

1 ant Administrator for the Bureau for Democracy, Conflict,  
2 and Humanitarian Assistance, as appropriate.

3 PROHIBITION ON USE OF TORTURE

4 SEC. 7065. (a) None of the funds made available in  
5 this Act may be used to support or justify the use of tor-  
6 ture, cruel, or inhumane treatment.

7 (b) Funds appropriated by this Act to carry out the  
8 provisions of chapters 1, 10, 11, and 12 of part I and  
9 chapter 4 of part II of the Foreign Assistance Act of 1961  
10 shall be made available, notwithstanding section 660 of  
11 the Foreign Assistance Act of 1961, for assistance to  
12 eliminate torture by foreign police, military or other secu-  
13 rity forces in countries receiving assistance from funds ap-  
14 propriated by this Act that are identified in the Depart-  
15 ment of State's most recent Country Reports on Human  
16 Rights Practices.

17 EXTRADITION

18 SEC. 7066. (a) None of the funds appropriated in this  
19 Act may be used to provide assistance (other than funds  
20 provided under the headings "International Narcotics  
21 Control and Law Enforcement", "Migration and Refugee  
22 Assistance", "Emergency Migration and Refugee Assis-  
23 tance", and "Nonproliferation, Anti-terrorism, Demining  
24 and Related Assistance") for the central government of  
25 a country which has notified the Department of State of

1 its refusal to extradite to the United States any individual  
2 indicted for a criminal offense for which the maximum  
3 penalty is life imprisonment without the possibility of pa-  
4 role or for killing a law enforcement officer, as specified  
5 in a United States extradition request.

6 (b) Subsection (a) shall only apply to the central gov-  
7 ernment of a country with which the United States main-  
8 tains diplomatic relations and with which the United  
9 States has an extradition treaty and the government of  
10 that country is in violation of the terms and conditions  
11 of the treaty.

12 (c) The Secretary of State may waive the restriction  
13 in subsection (a) on a case-by-case basis if the Secretary  
14 certifies to the Committees on Appropriations that such  
15 waiver is important to the national interests of the United  
16 States.

17 COMMERCIAL LEASING OF DEFENSE ARTICLES

18 SEC. 7067. Notwithstanding any other provision of  
19 law, and subject to the regular notification procedures of  
20 the Committees on Appropriations, the authority of sec-  
21 tion 23(a) of the Arms Export Control Act may be used  
22 to provide financing to Israel, Egypt and NATO and  
23 major non-NATO allies for the procurement by leasing  
24 (including leasing with an option to purchase) of defense  
25 articles from United States commercial suppliers, not in-

1 cluding Major Defense Equipment (other than helicopters  
2 and other types of aircraft having possible civilian applica-  
3 tion), if the President determines that there are compel-  
4 ling foreign policy or national security reasons for those  
5 defense articles being provided by commercial lease rather  
6 than by government-to-government sale under such Act.

7 INDEPENDENT STATES OF THE FORMER SOVIET UNION

8 SEC. 7068. (a) None of the funds appropriated by  
9 this Act shall be made available for assistance for a gov-  
10 ernment of an Independent State of the former Soviet  
11 Union if that government directs any action in violation  
12 of the territorial integrity or national sovereignty of any  
13 other Independent State of the former Soviet Union, such  
14 as those violations included in the Helsinki Final Act: *Pro-*  
15 *vided*, That such funds may be made available without re-  
16 gard to the restriction in this subsection if the President  
17 determines that to do so is in the national security interest  
18 of the United States.

19 (b) Funds appropriated by this Act under the heading  
20 “Economic Support Fund” may be made available, not-  
21 withstanding any other provision of law, for assistance and  
22 related programs for the countries identified in section  
23 3(c) of the Support for Eastern European Democracy  
24 (SEED) Act of 1989 (Public Law 101–179) and section  
25 3 of the FREEDOM Support Act (Public Law 102–511)

1 and may be used to carry out the provisions of those Acts:  
2 *Provided*, That such assistance and related programs from  
3 funds appropriated by this Act under the headings “Global  
4 Health Programs”, “Economic Support Fund”, “Democ-  
5 racy Fund”, “International Narcotics Control and Law  
6 Enforcement”, “Nonproliferation, Anti-terrorism,  
7 Demining, and Related Programs”, “International Mili-  
8 tary Education and Training”, and “Foreign Military Fi-  
9 nancing Program” shall be administered in accordance  
10 with the responsibilities of the coordinator designated pur-  
11 suant to section 601 of the Support for Eastern European  
12 Democracy (SEED) Act of 1989 (Public Law 101–179)  
13 and section 102 of the FREEDOM Support Act (Public  
14 Law 102–511).

15 (c) Section 907 of the FREEDOM Support Act shall  
16 not apply to—

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

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

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

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

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

11          (6) humanitarian assistance.

12                                   INTERNATIONAL MONETARY FUND

13          SEC. 7069. (a) The terms and conditions of sections  
14          7086(b) (1) and (2) and 7090(a) of division F of Public  
15          Law 111–117 shall apply to this Act.

16          (b) The Secretary of the Treasury shall instruct the  
17          United States Executive Director of the International  
18          Monetary Fund (IMF) to seek to ensure that any loan  
19          will be repaid to the IMF before other private creditors.

20          (c) The Secretary of the Treasury shall seek to ensure  
21          that the IMF is implementing best practices for the pro-  
22          tection of whistleblowers from retaliation, including best  
23          practices for legal burdens of proof, access to independent  
24          adjudicative bodies, results that eliminate the effects of

1 retaliation, and statutes of limitation for reporting retalia-  
2 tion.

3 REPRESSSION IN THE RUSSIAN FEDERATION

4 SEC. 7070. (a) None of the funds appropriated under  
5 the heading “Economic Support Fund” in this Act may  
6 be made available for the Government of the Russian Fed-  
7 eration, after 180 days from the date of the enactment  
8 of this Act, unless the Secretary of State certifies to the  
9 Committees on Appropriations that the Government of the  
10 Russian Federation—

11 (1) has implemented no statute, Executive  
12 order, regulation or similar government action that  
13 would discriminate, or which has as its principal ef-  
14 fect discrimination, against religious groups or reli-  
15 gious communities in the Russian Federation in vio-  
16 lation of accepted international agreements on  
17 human rights and religious freedoms to which the  
18 Russian Federation is a party;

19 (2) is honoring its international obligations re-  
20 garding freedom of expression, assembly, and press,  
21 as well as due process;

22 (3) is investigating and prosecuting law enforce-  
23 ment personnel credibly alleged to have committed  
24 human rights abuses against political leaders, activ-  
25 ists and journalists; and



1 able to develop and implement training for staff in over-  
2 seas USAID missions to promote the full inclusion and  
3 equal participation of people with disabilities in developing  
4 countries.

5 (c) Of the funds made available by this section, up  
6 to 7 percent may be for management, oversight, and tech-  
7 nical support.

8 ENTERPRISE FUNDS

9 SEC. 7073. (a) Prior to the distribution of any assets  
10 resulting from any liquidation, dissolution, or winding up  
11 of an Enterprise Fund, in whole or in part, the President  
12 shall submit to the Committees on Appropriations, in ac-  
13 cordance with the regular notification procedures of the  
14 Committees on Appropriations, a plan for the distribution  
15 of the assets of the Enterprise Fund.

16 (b) Funds made available under titles III through VI  
17 of this Act for Enterprise Funds shall be expended at the  
18 minimum rate necessary to make timely payment for  
19 projects and activities and no such funds may be available  
20 except through the regular notification procedures of the  
21 Committees on Appropriations.

22 CONSULAR AFFAIRS

23 SEC. 7074. The Secretary of State shall implement  
24 the necessary steps, including hiring a sufficient number  
25 of consular officers to include limited non-career appoint-



1 II, and the Department of the Treasury shall submit to  
2 the Committees on Appropriations an operating plan for  
3 funds appropriated to such department, agency, or organi-  
4 zation in such titles of this Act, or funds otherwise avail-  
5 able for obligation in fiscal year 2013, that provides de-  
6 tails of the use of such funds at the program, project, and  
7 activity level: *Provided*, That such operating plans shall  
8 be subject to the regular notification procedures of the  
9 Committees on Appropriations.

10 (b) SPEND PLANS.—Prior to the initial obligation of  
11 funds, the Secretary of State, in consultation with the  
12 USAID Administrator, shall submit to the Committees on  
13 Appropriations a detailed spend plan for funds made avail-  
14 able in titles III and IV of this Act for assistance for Iraq,  
15 Afghanistan, Pakistan, and the West Bank and Gaza, and  
16 for food security and agriculture development programs  
17 and environment programs.

18 (c) NOTIFICATIONS.—The spend plans referenced in  
19 subsection (b) shall be subject to prior consultation with  
20 the Committees on Appropriations and shall not be consid-  
21 ered as meeting the notification requirements under sec-  
22 tion 7015 of this Act or under section 634A of the Foreign  
23 Assistance Act of 1961.

## 1                   SPECIAL DEFENSE ACQUISITION FUND

2           SEC. 7077. Not to exceed \$100,000,000 may be obli-  
3 gated pursuant to section 51(c)(2) of the Arms Export  
4 Control Act for the purposes of the Special Defense Acqui-  
5 sition Fund (Fund), to remain available for obligation  
6 until September 30, 2016: *Provided*, That the provision  
7 of defense articles and defense services to foreign coun-  
8 tries or international organizations from the Fund shall  
9 be subject to the concurrence of the Secretary of State.

## 10                   UNITED NATIONS POPULATION FUND

11          SEC. 7078. (a) CONTRIBUTION.—Of the funds made  
12 available under the heading “International Organizations  
13 and Programs” in this Act for fiscal year 2013,  
14 \$44,500,000 shall be made available for the United Na-  
15 tions Population Fund (UNFPA).

16          (b) AVAILABILITY OF FUNDS.—Funds appropriated  
17 by this Act for UNFPA, that are not made available for  
18 UNFPA because of the operation of any provision of law,  
19 shall be transferred to the “Global Health Programs” ac-  
20 count and shall be made available for family planning, ma-  
21 ternal, and reproductive health activities, subject to the  
22 regular notification procedures of the Committees on Ap-  
23 propriations.

24          (c) PROHIBITION ON USE OF FUNDS IN CHINA.—  
25 None of the funds made available by this Act may be used

1 by UNFPA for a country program in the People's Repub-  
2 lic of China.

3 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—  
4 Funds made available by this Act for UNFPA may not  
5 be made available unless—

6 (1) UNFPA maintains funds made available by  
7 this Act in an account separate from other accounts  
8 of UNFPA and does not commingle such funds with  
9 other sums; and

10 (2) UNFPA does not fund abortions.

11 AUTHORIZATION FOR SELECTIVE CAPITAL INCREASE

12 SEC. 7079. Section 70 of the Bretton Woods Agree-  
13 ments Act (22 U.S.C. 286 et seq.), is amended in sub-  
14 section (b) by adding at the end the following:

15 “(3) In order to pay for the increase in the  
16 United States subscription to the Bank under sub-  
17 section (a)(1)(B), there are authorized to be appro-  
18 priated, without fiscal year limitation,  
19 \$4,639,501,466 for payment by the Secretary of the  
20 Treasury.

21 “(4) Of the amount authorized to be appro-  
22 priated under paragraph (1)(A)(i), \$278,370,088  
23 shall be for paid in shares of the Bank; and (ii)  
24 \$4,361,131,378 shall be for callable shares of the  
25 Bank.”.

## 1                   COMMUNITY DEVELOPMENT FUNDS

2           SEC. 7080. Funds appropriated by this Act to carry  
3 out part I of the Foreign Assistance Act of 1961 which  
4 are made available through grants or cooperative agree-  
5 ments to strengthen food security in developing countries  
6 and which are consistent with the goals of title II of the  
7 Food for Peace Act, may be deemed to be expended on  
8 nonemergency food assistance for purposes of section  
9 412(e)(1) of the Food for Peace Act, 7 U.S.C.  
10 1736f(e)(1).

## 11                   UNITED STATES EXPORT PROMOTION ACTIVITIES

12           SEC. 7081. Not later than 180 days after enactment  
13 of this Act, the Secretary of State, in consultation with  
14 the Secretary of the Treasury, the USAID Administrator,  
15 the Secretary of Commerce, and the heads of the Export-  
16 Import Bank of the United States, Overseas Private In-  
17 vestment Corporation, United States Trade and Develop-  
18 ment Agency, and other relevant Federal agencies, shall  
19 submit a report to the Committees on Appropriations de-  
20 tailing programs and activities supported by the Depart-  
21 ment of State and such agencies to promote exports of  
22 United States goods and services worldwide, particularly  
23 to Africa, and a plan for improving inter-agency coordina-  
24 tion in efforts to—

1           (1) increase exports of United States goods and  
2 services;

3           (2) align United States commercial interests  
4 with development priorities in each region;

5           (3) facilitate the development of relationships  
6 between the governments of, and businesses in, other  
7 countries with United States businesses;

8           (4) enhance the competitiveness of United  
9 States businesses overseas; and

10           (5) encourage a greater understanding among  
11 United States business and financial communities of  
12 potential markets in other countries for United  
13 States exports.

14 HEAVILY INDEBTED POOR COUNTRIES AUTHORIZATION

15       SEC. 7082. Section 501(i) of title V of H.R. 3425  
16 as enacted into law by section 1000(a)(5) of Public Law  
17 106–113, as amended by section 699H(b)(1) of division  
18 J of Public Law 110–161, is further amended by striking  
19 “2000–2010” and inserting in lieu thereof “2000–2015”.

20           FRAUD PREVENTION AND DETECTION FEES

21       SEC. 7083. In addition to the uses permitted pursu-  
22 ant to Section 286(v)(2)(A) of the Immigration and Na-  
23 tionality Act (8 U.S.C. 1356(v)(2)(A)), the Secretary of  
24 State may also use fees deposited into the Fraud Preven-  
25 tion and Detection Account for programs and activities:

1 (1) to increase the number of personnel assigned to the  
2 function of preventing and detecting visa fraud; and (2)  
3 to purchase, lease, construct, and staff facilities used for  
4 the processing of the class of visas described in subpara-  
5 graphs (H)(i), (H)(ii), or (L) of section 101(a)(15) of that  
6 Act.

7           BORDER CROSSING CARD FEE FOR MINORS

8           SEC. 7084. Section 410(a)(1)(A) of title IV of the  
9 Department of State and Related Agencies Appropriations  
10 Act, 1999 (contained in division A of Public Law 105–  
11 277) is amended by striking “a fee of \$13” and inserting  
12 “a fee of not to exceed half the amount of the fee that  
13 would otherwise apply for processing a machine readable  
14 combined border crossing identification card and non-  
15 immigrant visa, and may be increased not more than 50  
16 percent in a fiscal year”.

17           BUYING POWER MAINTENANCE, INTERNATIONAL  
18   ORGANIZATIONS

19           SEC. 7085. (a) There may be established in the  
20 Treasury of the United States a “Buying Power Mainte-  
21 nance, International Organizations” account.

22           (b) At the end of each fiscal year, the Secretary of  
23 State may transfer to and merge with “Buying Power  
24 Maintenance, International Organizations” such amounts  
25 from “Contributions to International Organizations” as

1 the Secretary determines are in excess of the needs of ac-  
2 tivities funded from “Contributions to International Orga-  
3 nizations” because of fluctuations in foreign currency ex-  
4 change rates.

5 (c) In order to offset adverse fluctuations in foreign  
6 currency exchange rates, the Secretary of State may  
7 transfer to and merge with “Contributions to Inter-  
8 national Organizations” such amounts from “Buying  
9 Power Maintenance, International Organizations” as the  
10 Secretary determines are necessary to provide for the ac-  
11 tivities funded from “Contributions to International Orga-  
12 nizations”.

13 (d)(1) Subject to the limitations contained in this sec-  
14 tion, not later than the end of the fifth fiscal year after  
15 the fiscal year for which funds are appropriated or other-  
16 wise made available for “Contributions to International  
17 Organizations”, the Secretary of State may transfer any  
18 unobligated balance of such funds to the “Buying Power  
19 Maintenance, International Organizations” account.

20 (2) The balance of the Buying Power Maintenance,  
21 International Organizations account may not exceed  
22 \$50,000,000 as a result of any transfer under this sub-  
23 section.

24 (3) Any transfer pursuant to this subsection shall be  
25 treated as a reprogramming of funds under section 34 of

1 the State Department Basic Authorities Act of 1956 (22  
2 U.S.C. 2706) and shall be available for obligation or ex-  
3 penditure only in accordance with the procedures under  
4 such section.

5 (e)(1) Funds transferred to the “Buying Power  
6 Maintenance, International Organizations” account pur-  
7 suant to this section shall remain available until expended.

8 (2) The transfer authorities in this section shall be  
9 available for funds appropriated for fiscal year 2013 and  
10 for each fiscal year thereafter, and are in addition to any  
11 transfer authority otherwise available to the Department  
12 of State under other provisions of law.

13 DEPARTMENT OF STATE ORGANIZATION

14 SEC. 7086. The Secretary of State may transfer any  
15 authority, duty, or function assigned by statute to the Co-  
16 ordinator for Counterterrorism, the Coordinator for Re-  
17 construction and Stabilization, or the Coordinator for  
18 International Energy Affairs (or to their respective of-  
19 fices) to such other officials or offices of the Department  
20 of State as the Secretary may determine from time to  
21 time.

22 HIV/AIDS WORKING CAPITAL FUND

23 SEC. 7087. Funds available in the HIV/AIDS Work-  
24 ing Capital Fund (in this section referred to as the  
25 “Fund”) established pursuant to section 525(b)(1) of the

1 Foreign Operations, Export Financing, and Related Pro-  
2 grams Appropriations Act, 2005 (Public Law 108–477)  
3 may be made available for pharmaceuticals and other  
4 products for other global health and child survival activi-  
5 ties to the same extent as HIV/AIDS pharmaceuticals and  
6 other products, subject to the terms and conditions in such  
7 section: *Provided*, That the authority in section 525(b)(5)  
8 of the Foreign Operations, Export Financing, and Related  
9 Programs Appropriations Act, 2005 (Public Law 108–  
10 477) shall not be exercised by the Coordinator of the  
11 United States Activities to Combat HIV/AIDS Globally  
12 with respect to funds deposited for non-HIV/AIDS phar-  
13 maceuticals and other products.

14 WORKING CAPITAL FUND

15 SEC. 7088. (a) The USAID Administrator (the Ad-  
16 ministrator) is authorized to establish a Working Capital  
17 Fund (in this section referred to as the “Fund”).

18 (b) Funds deposited in the Fund during any fiscal  
19 year shall be available without fiscal year limitation and  
20 used, in addition to other funds available for such pur-  
21 poses, for agency procurement reform efforts and related  
22 administrative costs: *Provided*, That such expenses may  
23 include—

24 (1) personal and non-personal services;

25 (2) training;

1           (3) supplies; and

2           (4) other administrative costs related to the im-  
3       plementation of procurement reform and manage-  
4       ment of the Fund.

5       (c) There may be deposited during any fiscal year in  
6       the Fund up to 1 percent of the total value of obligations  
7       entered into by USAID from appropriations available to  
8       USAID and any appropriation made available for the pur-  
9       pose of providing capital: *Provided*, That receipts from the  
10      disposal of, or repayments for the loss or damage to, prop-  
11      erty held in the Fund, rebates, reimbursements, refunds  
12      and other credits applicable to the operation of the Fund  
13      may be deposited into the Fund.

14      (d) Not later than 45 days after enactment of this  
15      Act and any subsequent Act making appropriations for the  
16      Department of State, foreign operations, and related pro-  
17      grams, the Administrator shall submit to the Committees  
18      on Appropriations an operating plan for funds deposited  
19      in the Fund, which shall include the percentage to be  
20      charged for the current fiscal year.

21      (e) At the close of fiscal year 2013 and at the close  
22      of each fiscal year thereafter, the Administrator shall de-  
23      termine the amounts in excess of the needs of the Fund  
24      for that fiscal year and shall transfer out of the Fund any  
25      excess amounts to any of the original appropriation ac-

1 counts from which deposits were made: *Provided*, That  
2 such transferred funds shall remain available without fis-  
3 cal year limitation: *Provided further*, That the Adminis-  
4 trator shall report to the Committees on Appropriation the  
5 excess amounts and to which appropriation accounts the  
6 excess funds will be transferred: *Provided further*, That  
7 such transfers shall be subject to the regular notification  
8 procedures of the Committees on Appropriations.

9 PILOT PROGRAMS IN AFRICA

10 SEC. 7089. (a) Of the funds appropriated by this Act  
11 under the headings “Global Health Programs” and “De-  
12 velopment Assistance”, not less than \$15,000,000 shall be  
13 made available for a pilot program to address health and  
14 development challenges in Africa and increased economic  
15 engagement opportunities with the United States.

16 (b) Of the funds appropriated by this Act under the  
17 headings “Economic Support Fund” and “International  
18 Narcotics Control and Law Enforcement”, not less than  
19 \$10,000,000 shall be made available for a pilot program  
20 to address security challenges in Africa.

21 (c) Funds made available under subsections (a) and  
22 (b) shall be programmed in a manner that leverages a gov-  
23 ernment-wide approach to addressing shared challenges  
24 and mutually beneficial opportunities, and shall be the re-  
25 sponsibility of United States Chiefs of Mission in countries

1 in Africa seeking enhanced partnerships with the United  
2 States in the areas of trade, investment, development,  
3 health, and security: *Provided further*, That funds made  
4 available under this section shall be matched to the max-  
5 imum extent practicable by sources other than the United  
6 States Government: *Provided further*, That the Secretary  
7 of State shall consult with the Committees on Appropria-  
8 tions prior to the obligation of funds.

9 (d) Up to 7 percent of the funds made available by  
10 subsections (a) and (b) respectively, may be made avail-  
11 able, in addition to funds otherwise available for such pur-  
12 poses, for the administrative costs of the Department of  
13 State and USAID incurred in implementing the pilot pro-  
14 grams established by this section.

15 CONSULAR NOTIFICATION COMPLIANCE

16 SEC. 7090. (a) PETITION FOR REVIEW.—

17 (1) JURISDICTION.—Notwithstanding any other  
18 provision of law, a Federal court shall have jurisdic-  
19 tion to review the merits of a petition claiming a vio-  
20 lation of Article 36(1)(b) or (c) of the Vienna Con-  
21 vention on Consular Relations, done at Vienna April  
22 24, 1963, or a comparable provision of a bilateral  
23 international agreement addressing consular notifi-  
24 cation and access, filed by an individual convicted

1 and sentenced to death by any Federal or State  
2 court before the date of enactment of this Act.

3 (2) STANDARD.—To obtain relief, an individual  
4 described in paragraph (1) shall make a showing of  
5 actual prejudice to the criminal conviction or sen-  
6 tence as a result of the violation. The court may  
7 conduct an evidentiary hearing if necessary to sup-  
8 plement the record and, upon a finding of actual  
9 prejudice, shall order a new trial or sentencing pro-  
10 ceeding.

11 (3) LIMITATIONS.—

12 (A) INITIAL SHOWING.—To qualify for re-  
13 view under this subsection, a petition must  
14 make an initial showing that—

15 (i) a violation of Article 36(1)(b) or  
16 (c) of the Vienna Convention on Consular  
17 Relations, done at Vienna April 24, 1963,  
18 or a comparable provision of a bilateral  
19 international agreement addressing con-  
20 sular notification and access, occurred with  
21 respect to the individual described in para-  
22 graph (1); and

23 (ii) if such violation had not occurred,  
24 the consulate would have provided assist-  
25 ance to the individual.

1           (B) EFFECT OF PRIOR ADJUDICATION.—A  
2 petition for review under this subsection shall  
3 not be granted if the claimed violation described  
4 in paragraph (1) has previously been adju-  
5 dicated on the merits by a Federal or State  
6 court of competent jurisdiction in a post-convic-  
7 tion proceeding in which no Federal or State  
8 procedural bars were raised with respect to  
9 such violation and in which the court provided  
10 review equivalent to the review provided in this  
11 subsection, unless the adjudication of the claim  
12 resulted in a decision that was based on an un-  
13 reasonable determination of the facts in light of  
14 the evidence presented in the prior Federal or  
15 State court proceeding.

16           (C) FILING DEADLINE.—A petition for re-  
17 view under this subsection shall be filed within  
18 1 year of the later of—

- 19                   (i) the date of enactment of this Act;  
20                   (ii) the date on which the Federal or  
21 State court judgment against the indi-  
22 vidual described in paragraph (1) became  
23 final by the conclusion of direct review or  
24 the expiration of the time for seeking such  
25 review; or

1 (iii) the date on which the impediment  
2 to filing a petition created by Federal or  
3 State action in violation of the Constitu-  
4 tion or laws of the United States is re-  
5 moved, if the individual described in para-  
6 graph (1) was prevented from filing by  
7 such Federal or State action.

8 (D) TOLLING.—The time during which a  
9 properly filed application for State post-convic-  
10 tion or other collateral review with respect to  
11 the pertinent judgment or claim is pending  
12 shall not be counted toward the 1-year period of  
13 limitation.

14 (E) TIME LIMIT FOR REVIEW.—A Federal  
15 court shall give priority to a petition for review  
16 filed under this subsection over all noncapital  
17 matters. With respect to a petition for review  
18 filed under this subsection and claiming only a  
19 violation described in paragraph (1), a Federal  
20 court shall render a final determination and  
21 enter a final judgment not later than one year  
22 after the date on which the petition is filed.

23 (4) HABEAS PETITION.—A petition for review  
24 under this subsection shall be part of the first Fed-  
25 eral habeas corpus application or motion for Federal

1 collateral relief under chapter 153 of title 28, United  
2 States Code, filed by an individual, except that if an  
3 individual filed a Federal habeas corpus application  
4 or motion for Federal collateral relief before the date  
5 of enactment of this Act or if such application is re-  
6 quired to be filed before the date that is 1 year after  
7 the date of enactment of this Act, such petition for  
8 review under this subsection shall be filed not later  
9 than 1 year after the enactment date or within the  
10 period prescribed by paragraph (3)(C)(iii), whichever  
11 is later. No petition filed in conformity with the re-  
12 quirements of the preceding sentence shall be consid-  
13 ered a second or successive habeas corpus applica-  
14 tion or subjected to any bars to relief based on pre-  
15 enactment proceedings other than as specified in  
16 paragraph (2).

17 (5) REFERRAL TO MAGISTRATE.—A Federal  
18 court acting under this subsection may refer the pe-  
19 tition for review to a Federal magistrate for pro-  
20 posed findings and recommendations pursuant to 28  
21 U.S.C. §636(b)(1)(B).

22 (6) APPEAL.—

23 (A) IN GENERAL.—A final order on a peti-  
24 tion for review under paragraph (1) shall be  
25 subject to review on appeal by the court of ap-

1 peals for the circuit in which the proceeding is  
2 held.

3 (B) APPEAL BY PETITIONER.—An indi-  
4 vidual described in paragraph (1) may appeal a  
5 final order on a petition for review under para-  
6 graph (1) only if a district or circuit judge  
7 issues a certificate of appealability. A district  
8 judge or circuit judge may issue a certificate of  
9 appealability under this subparagraph if the in-  
10 dividual has made a substantial showing of ac-  
11 tual prejudice to the criminal conviction or sen-  
12 tence of the individual as a result of a violation  
13 described in paragraph (1).

14 (b) VIOLATION.—

15 (1) IN GENERAL.—An individual not covered by  
16 subsection (a) who is arrested, detained, or held for  
17 trial on a charge that would expose the individual to  
18 a capital sentence if convicted may raise a claim of  
19 a violation of Article 36(1)(b) or (c) of the Vienna  
20 Convention on Consular Relations, done at Vienna  
21 April 24, 1963, or of a comparable provision of a bi-  
22 lateral international agreement addressing consular  
23 notification and access, at a reasonable time after  
24 the individual becomes aware of the violation, before

1 the court with jurisdiction over the charge. Upon a  
2 finding of such a violation—

3 (A) the consulate of the foreign state of  
4 which the individual is a national shall be noti-  
5 fied immediately by the detaining authority,  
6 and consular access to the individual shall be  
7 afforded in accordance with the provisions of  
8 the Vienna Convention on Consular Relations,  
9 done at Vienna April 24, 1963, or the com-  
10 parable provisions of a bilateral international  
11 agreement addressing consular notification and  
12 access; and

13 (B) the court—

14 (i) shall postpone any proceedings to  
15 the extent the court determines necessary  
16 to allow for adequate opportunity for con-  
17 sular access and assistance; and

18 (ii) may enter necessary orders to fa-  
19 cilitate consular access and assistance.

20 (2) EVIDENTIARY HEARINGS.—The court may  
21 conduct evidentiary hearings if necessary to resolve  
22 factual issues.

23 (3) RULE OF CONSTRUCTION.—Nothing in this  
24 subsection shall be construed to create any addi-  
25 tional remedy.

1 (c) DEFINITIONS.—In this section—

2 (1) the term “national of the United States”  
3 has the meaning given that term in section  
4 101(a)(22) of the Immigration and Nationality Act  
5 (8 U.S.C. 1101(a)(22)); and

6 (2) the term “State” means any State of the  
7 United States, the District of Columbia, the Com-  
8 monwealth of Puerto Rico, and any territory or pos-  
9 session of the United States.

10 EDUCATION FOUNDATION

11 SEC. 7091. (a) GRANTS AUTHORIZED.—The Sec-  
12 retary of State may award one or more grants, using a  
13 transparent and competitive selection process, to the Viet-  
14 nam Education Foundation, United States accredited in-  
15 stitutions of higher education, or not-for-profit organiza-  
16 tions engaged in promoting institutional innovation in Vi-  
17 etnamese higher education: *Provided*, That grant funds  
18 awarded under this subsection shall be used to support  
19 the establishment of one or more independent, not-for-  
20 profit academic institutions in Vietnam, which meet stand-  
21 ards comparable to those required for accreditation in the  
22 United States under section 101(a)(5) of the Higher Edu-  
23 cation Act of 1965 (20 U.S.C. 1001(a)(5)), with graduate  
24 level programs in public policy, management, and related  
25 fields, that support the equitable and sustainable socio-

1 economic development of Vietnam, feature teaching and  
2 research components, promote the development of institu-  
3 tional capacity and innovation in Vietnam, operate accord-  
4 ing to core principles of good governance, are autonomous  
5 from the Government of Vietnam, and reflect the partici-  
6 pation and support, including financial support, of local  
7 and international stakeholders: *Provided further*, That  
8 each entity desiring a grant under this subsection shall  
9 submit an application to the Secretary of State at such  
10 time, in such manner, and accompanied by such informa-  
11 tion as the Secretary may reasonably require: *Provided*  
12 *further*, That the Secretary may use amounts from the  
13 Vietnam Debt Repayment Fund made available under sec-  
14 tion 207(c) of the Vietnam Education Foundation Act of  
15 2000 (22 U.S.C. 2452 note) for grants authorized under  
16 this subsection and for carrying out the functions trans-  
17 ferred to the Department of State pursuant to subsection  
18 (b): *Provided further*, That the Secretary shall submit an  
19 annual report to the Committees on Appropriations that  
20 summarizes the activities carried out under this subsection  
21 during the most recent fiscal year.

22 (b) TRANSFER OF FUNCTIONS AND ASSETS.—All  
23 functions and assets of the Vietnam Education Founda-  
24 tion, as of the day before the date of the enactment of  
25 this Act, are transferred to the Department of State.



1 late United States law if provided in the United  
2 States; and

3 “(2) a foreign nongovernmental organization  
4 shall not be subject to requirements relating to the  
5 use of non-United States Government funds for ad-  
6 vocacy and lobbying activities other than those that  
7 apply to United States nongovernmental organiza-  
8 tions receiving assistance under this part.”.

9 USE OF FUNDS IN CONTRAVENTION OF THIS ACT

10 SEC. 7093. If the executive branch makes a deter-  
11 mination not to comply with any provision of this Act on  
12 constitutional grounds, the head of the relevant Federal  
13 agency shall notify the Committees on Appropriations in  
14 writing within 5 days of such determination, the basis for  
15 such determination and any resulting changes to program  
16 and policy.

17 TITLE VIII

18 OVERSEAS CONTINGENCY OPERATIONS

19 DEPARTMENT OF STATE

20 ADMINISTRATION OF FOREIGN AFFAIRS

21 DIPLOMATIC AND CONSULAR PROGRAMS

22 (INCLUDING TRANSFER OF FUNDS)

23 For an additional amount for “Diplomatic and Con-  
24 sular Programs”, \$1,426,000,000, to remain available  
25 until September 30, 2014, of which \$651,000,000 is for

1 Worldwide Security Protection and shall remain available  
2 until expended: *Provided*, That the Secretary of State may  
3 transfer up to \$100,000,000 of the total funds made avail-  
4 able under this heading to any other appropriation of any  
5 department or agency of the United States, upon the con-  
6 currence of the head of such department or agency, to sup-  
7 port operations in and assistance for Afghanistan and to  
8 carry out the provisions of the Foreign Assistance Act of  
9 1961: *Provided further*, That any such transfer shall be  
10 treated as a reprogramming of funds under subsections  
11 (a) and (b) of section 7015 of this Act and shall not be  
12 available for obligation or expenditure except in compli-  
13 ance with the procedures set forth in that section: *Pro-*  
14 *vided further*, That of the funds appropriated under this  
15 heading, not more than \$1,071,513,000 may be made  
16 available for Department of State operations in Afghani-  
17 stan, not more than \$154,487,000 may be made available  
18 for such operations in Pakistan, and not more than  
19 \$200,000,000 may be made available for such operations  
20 in Iraq: *Provided further*, That of the funds appropriated  
21 under this heading for operations and security programs  
22 in Afghanistan, 15 percent shall be withheld from obliga-  
23 tion until the Secretary of State, in consultation with the  
24 Secretary of Defense and USAID Administrator, submits  
25 to the Committees on Appropriations the report on Af-

1 ghanistan required under this heading in the report ac-  
2 companying this Act: *Provided further*, That such amount  
3 is designated by the Congress for Overseas Contingency  
4 Operations pursuant to section 251(b)(2)(A) of the Bal-  
5 anced Budget and Emergency Deficit Control Act of 1985.

6 OFFICE OF INSPECTOR GENERAL

7 For an additional amount for “Office of Inspector  
8 General”, \$55,900,000, to remain available until Sep-  
9 tember 30, 2014, of which \$6,000,000 shall be for the  
10 Special Inspector General for Iraq Reconstruction  
11 (SIGIR) for reconstruction oversight, and \$49,900,000  
12 shall be for the Special Inspector General for Afghanistan  
13 Reconstruction (SIGAR) for reconstruction oversight:  
14 *Provided*, That the unobligated balances available for  
15 SIGIR under this heading remaining on March 24, 2013,  
16 shall be made available for SIGAR for Iraq-related recon-  
17 struction oversight carried out pursuant to the two subse-  
18 quent provisos: *Provided further*, That on March 24, 2013,  
19 all investigative functions and related personnel of SIGIR  
20 (including attorneys and related support personnel de-  
21 tailed to the Department of Justice) shall be transferred  
22 to SIGAR, who shall thereafter exercise the authorities re-  
23 lated to criminal investigations granted by law to SIGIR,  
24 notwithstanding any other provision of law, until March  
25 31, 2014: *Provided further*, That the activities carried out

1 by such investigative and support personnel and attorneys  
2 shall continue without interruption, and shall be super-  
3 vised only by SIGAR, notwithstanding any other provision  
4 of law: *Provided further*, That on March 30, 2013, the Of-  
5 fice of the Special Inspector General for Iraq Reconstruc-  
6 tion shall be abolished: *Provided further*, That such  
7 amount is designated by the Congress for Overseas Con-  
8 tingency Operations pursuant to section 251(b)(2)(A) of  
9 the Balanced Budget and Emergency Deficit Control Act  
10 of 1985.

11 INTERNATIONAL ORGANIZATIONS

12 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

13 For an additional amount for “Contributions to  
14 International Organizations”, \$101,300,000: *Provided*,  
15 That such amount is designated by the Congress for Over-  
16 seas Contingency Operations pursuant to section  
17 251(b)(2)(A) of the Balanced budget and Emergency Def-  
18 icit Control Act of 1985.

19 UNITED STATES AGENCY FOR INTERNATIONAL  
20 DEVELOPMENT

21 FUNDS APPROPRIATED TO THE PRESIDENT

22 OPERATING EXPENSES

23 For an additional amount for “Operating Expenses”,  
24 \$109,800,000, to remain available until September 30,  
25 2014, of which not more than \$63,800,000 may be made

1 available for USAID operations in Afghanistan, not more  
2 than \$5,000,000 may be made available for such oper-  
3 ations in Pakistan, and not more than \$41,000,000 may  
4 be made available for such operations in Iraq: *Provided*,  
5 That such amount is designated by the Congress for Over-  
6 seas Contingency Operations pursuant to section  
7 251(b)(2)(A) of the Balanced Budget and Emergency  
8 Deficit Control Act of 1985.

9 BILATERAL ECONOMIC ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 ECONOMIC SUPPORT FUND

12 For an additional amount for “Economic Support  
13 Fund”, \$600,000,000, to remain available until Sep-  
14 tember 30, 2014, of which not more than \$450,000,000  
15 may be made available for assistance for Afghanistan, not  
16 more than \$100,000,000 may be made available for assist-  
17 ance for Pakistan, and not more than \$50,000,000 may  
18 be made available for assistance for Iraq: *Provided*, That  
19 such amount is designated by the Congress for Overseas  
20 Contingency Operations pursuant to section 251(b)(2)(A)  
21 of the Balanced Budget and Emergency Deficit Control  
22 Act of 1985.

## 1                   GENERAL PROVISIONS

## 2                   ADDITIONAL APPROPRIATIONS

3           SEC. 8001. Notwithstanding any other provision of  
4 law, funds appropriated in this title are in addition to  
5 amounts appropriated or otherwise made available in this  
6 Act for fiscal year 2013.

## 7                   EXTENSION OF AUTHORITIES AND CONDITIONS

8           SEC. 8002. Unless otherwise provided for in this Act,  
9 the additional amounts appropriated by this title to appro-  
10 priations accounts in this Act shall be available under the  
11 authorities and conditions applicable to such appropria-  
12 tions accounts.

## 13                   TRANSFER AUTHORITY FOR OPERATIONS

14          SEC. 8003. Funds appropriated by this title under  
15 the headings “Diplomatic and Consular Programs”, “Of-  
16 fice of Inspector General”, and “Operating Expenses”  
17 may be transferred to, and merged with, funds appro-  
18 priated by this title under such headings: *Provided*, That  
19 such transfers shall be subject to the regular notification  
20 procedures of the Committees on Appropriations: *Provided*  
21 *further*, That the transfer authority in this section is in  
22 addition to any transfer authority otherwise available  
23 under any other provision of law.

1        This Act may be cited as the “Department of State,  
2 Foreign Operations, and Related Programs Appropria-  
3 tions Act, 2013”.



Calendar No. 417

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3241**

[Report No. 112-172]

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## **A BILL**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2013, and for other purposes.

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MAY 24, 2012

Read twice and placed on the calendar