

Calendar No. 179112TH CONGRESS
1ST SESSION**S. 1601****[Report No. 112-85]**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2011

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

A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, 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, 2012, 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 \$6,877,500,000, of which \$1,400,000,000 is for World-
11 wide Security Protection (to remain available until ex-
12 pended): *Provided*, That funds made available under this
13 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 \$2,387,854,000, to remain available until September
22 30, 2013, of which not less than \$134,700,000 shall
23 be available only for public diplomacy American sal-
24 aries, and \$205,900,000 is for Worldwide Security
25 Protection and shall remain available until expended.

1 (2) OVERSEAS PROGRAMS.—For necessary ex-
2 penses for the regional bureaus of the Department
3 of State and overseas activities as authorized by law,
4 \$2,124,646,000, to remain available until September
5 30, 2013, of which not less than \$360,602,000 shall
6 be available only for public diplomacy international
7 information programs.

8 (3) DIPLOMATIC POLICY AND SUPPORT.—For
9 necessary expenses for the functional bureaus of the
10 Department of State including representation to cer-
11 tain international organizations in which the United
12 States participates pursuant to treaties ratified pur-
13 suant to the advice and consent of the Senate or
14 specific Acts of Congress, general administration,
15 and arms control, nonproliferation and disarmament
16 activities as authorized, \$865,000,000, to remain
17 available until September 30, 2013.

18 (4) SECURITY PROGRAMS.—For necessary ex-
19 penses for security activities, \$1,500,000,000, to re-
20 main available until September 30, 2013, of which
21 \$1,194,100,000 is for Worldwide Security Protection
22 and shall remain available until expended.

23 (5) FEES AND PAYMENTS COLLECTED.—In ad-
24 dition to amounts otherwise made available under
25 this heading—

1 (A) not to exceed \$1,753,991 shall be de-
2 rived from fees collected from other executive
3 agencies for lease or use of facilities located at
4 the International Center in accordance with sec-
5 tion 4 of the International Center Act, and, in
6 addition, as authorized by section 5 of such
7 Act, \$520,150, to be derived from the reserve
8 authorized by that section, to be used for the
9 purposes set out in that section;

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

19 (C) not to exceed \$15,000, which shall be
20 derived from reimbursements, surcharges and
21 fees for use of Blair House facilities.

22 (6) TRANSFER, REPROGRAMMING, AND SPEND-
23 ING PLAN.—

24 (A) Notwithstanding any provision of this
25 Act, funds may be reprogrammed within and

1 of the Foreign Service Act of 1980 (Public Law 96–465),
2 as it relates to post inspections.

3 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

4 For expenses of educational and cultural exchange
5 programs, as authorized, \$612,000,000, to remain avail-
6 able until expended: *Provided*, That not to exceed
7 \$5,000,000, to remain available until expended, may be
8 credited to this appropriation from fees or other payments
9 received from or in connection with English teaching, edu-
10 cational advising and counseling programs, and exchange
11 visitor programs as authorized.

12 REPRESENTATION ALLOWANCES

13 For representation allowances as authorized,
14 \$7,300,000.

15 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

16 For expenses, not otherwise provided, to enable the
17 Secretary of State to provide for extraordinary protective
18 services, as authorized, \$27,744,000, to remain available
19 until September 30, 2013.

20 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

21 For necessary expenses for carrying out the Foreign
22 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
23 serving, maintaining, repairing, and planning for buildings
24 that are owned or directly leased by the Department of
25 State, renovating, in addition to funds otherwise available,

1 the Harry S Truman Building, and carrying out the Dip-
2 lomatic Security Construction Program as authorized,
3 \$795,000,000, to remain available until expended as au-
4 thorized, of which not to exceed \$25,000 may be used for
5 domestic and overseas representation as authorized: *Pro-*
6 *vided*, That none of the funds appropriated in this para-
7 graph shall be available for acquisition of furniture, fur-
8 nishings, or generators for other departments and agen-
9 cies.

10 In addition, for the costs of worldwide security up-
11 grades, acquisition, and construction as authorized,
12 \$775,000,000, to remain available until expended: *Pro-*
13 *vided*, That not later than 45 days after enactment of this
14 Act, the Secretary of State shall submit to the Committees
15 on Appropriations the proposed allocation of funds made
16 available under this heading and the actual and antici-
17 pated proceeds of sales for all projects in fiscal year 2012.

18 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR

19 SERVICE

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses to enable the Secretary of
22 State to meet unforeseen emergencies arising in the Diplo-
23 matic and Consular Service, \$9,300,000, to remain avail-
24 able until expended as authorized, of which not to exceed
25 \$1,000,000 may be transferred to, and merged with, funds

1 appropriated by this Act under the heading “Repatriation
2 Loans Program Account”, subject to the same terms and
3 conditions.

4 REPATRIATION LOANS PROGRAM ACCOUNT

5 (INCLUDING TRANSFER OF FUNDS)

6 For the cost of direct loans, \$1,447,000, as author-
7 ized, of which \$710,000 may be made available for admin-
8 istrative expenses necessary to carry out the direct loan
9 program and may be paid to “Diplomatic and Consular
10 Programs”: *Provided*, That such costs, including the cost
11 of modifying such loans, shall be as defined in section 502
12 of the Congressional Budget Act of 1974.

13 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

14 For necessary expenses to carry out the Taiwan Rela-
15 tions Act (Public Law 96–8), \$21,108,000.

16 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND

17 DISABILITY FUND

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

20 INTERNATIONAL ORGANIZATIONS

21 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

22 For necessary expenses, not otherwise provided for,
23 to meet annual obligations of membership in international
24 multilateral organizations, pursuant to treaties ratified
25 pursuant to the advice and consent of the Senate, conven-

1 tions or specific Acts of Congress, \$1,585,000,000: *Pro-*
2 *vided*, That the Secretary of State shall, at the time of
3 the submission of the President's budget to Congress
4 under section 1105(a) of title 31, United States Code,
5 transmit to the Committees on Appropriations the most
6 recent biennial budget prepared by the United Nations for
7 the operations of the United Nations: *Provided further*,
8 That the Secretary of State shall notify the Committees
9 on Appropriations of any United Nations action to in-
10 crease funding for any United Nations program without
11 identifying an offsetting decrease elsewhere in the United
12 Nations budget: *Provided further*, That notwithstanding
13 any other provision of law, credits to United States as-
14 sessed contributions to the United Nations Tax Equali-
15 zation Fund should be used to offset other assessed con-
16 tributions to the United Nations, subject to the regular
17 notification procedures of the Committees on Appropria-
18 tions: *Provided further*, That any payment of arrearages
19 under this heading shall be directed toward activities that
20 are mutually agreed upon by the United States and the
21 respective international organization: *Provided further*,
22 That none of the funds appropriated under this heading
23 shall be available for a United States contribution to an
24 international organization for the United States share of
25 interest costs made known to the United States Govern-

1 ment by such organization for loans incurred on or after
2 October 1, 1984, through external borrowings.

3 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
4 ACTIVITIES

5 For necessary expenses to pay assessed and other ex-
6 penses of international peacekeeping activities directed to
7 the maintenance or restoration of international peace and
8 security, \$1,900,000,000, of which 15 percent shall re-
9 main available until September 30, 2013: *Provided*, That
10 at least 15 days in advance of voting for a new or ex-
11 panded mission in the United Nations Security Council
12 (or in an emergency as far in advance as is practicable):
13 (1) the Committees on Appropriations shall be notified of
14 the estimated cost and duration of the mission, the na-
15 tional interest that will be served, the exit strategy, and
16 that the United Nations has taken appropriate measures
17 to prevent United Nations employees, contractor per-
18 sonnel, and peacekeeping forces serving in the mission
19 from trafficking in persons, exploiting victims of traf-
20 ficking, or committing acts of illegal sexual exploitation
21 or other violations of human rights, and to hold account-
22 able individuals who engage in such acts while partici-
23 pating in the peacekeeping mission, including the prosecu-
24 tion in their home countries of such individuals in connec-
25 tion with such acts; and (2) notification pursuant to sec-

1 tion 7015 of this Act is submitted, and the procedures
2 therein followed, setting forth the source of funds that will
3 be used to pay for the cost of the new or expanded mission:
4 *Provided further*, That funds shall be available for peace-
5 keeping expenses unless the Secretary of State determines
6 that American manufacturers and suppliers are not being
7 given opportunities to provide equipment, services, and
8 material for United Nations peacekeeping activities equal
9 to those being given to foreign manufacturers and sup-
10 pliers: *Provided further*, That the Secretary of State shall
11 work with the United Nations and governments contrib-
12 uting peacekeeping troops to develop effective vetting pro-
13 cedures to ensure that troops have not violated human
14 rights: *Provided further*, That notwithstanding any other
15 provision of law, credits to United States assessed con-
16 tributions to United Nations peacekeeping missions and
17 to the United Nations Tax Equalization Fund should be
18 used to offset other assessed contributions to the United
19 Nations, subject to the regular notification procedures of
20 the Committees on Appropriations.

21 INTERNATIONAL COMMISSIONS

22 For necessary expenses, not otherwise provided for,
23 to meet obligations of the United States arising under
24 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 \$6,000 for representation; as follows:

8 SALARIES AND EXPENSES

9 For salaries and expenses, not otherwise provided for,
10 \$45,000,000.

11 CONSTRUCTION

12 For detailed plan preparation and construction of au-
13 thorized projects, \$29,862,000, 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, \$11,687,000: *Provided*, That of the amount provided
23 under this heading for the International Joint Commis-
24 sion, \$9,000 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, \$36,300,000: *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, \$740,039,000: *Provided*, That of the
15 total amount in this heading, not less than \$2,500,000
16 shall be used to expand unrestricted access to information
17 on the Internet through the development and use of cir-
18 cumvention and secure communication technologies: *Pro-*
19 *vided further*, That the BBG shall coordinate the use of
20 such technologies with the Secretary of State and the Ad-
21 ministrator of the United States Agency for International
22 Development, as appropriate: *Provided further*, That the
23 circumvention technologies and programs supported by
24 funds made available by this Act or Public Law 112-10
25 shall undergo a peer review, to include an assessment of

1 protections against such technologies being used for illicit
2 purposes such as furthering the communications capabili-
3 ties of extremist groups or their supporters: *Provided fur-*
4 *ther*, That prior to obligation, the BBG shall submit to
5 the Committees on Appropriations a report detailing
6 planned expenditures for funds made available for such
7 activities: *Provided further*, That not later than September
8 30, 2012, the BBG shall submit a report to the Commit-
9 tees on Appropriations listing programs supported by the
10 BBG to promote unrestricted access to information
11 through the Internet, including an assessment of the re-
12 sults of such programs: *Provided further*, That of the total
13 amount appropriated under this heading, not to exceed
14 \$16,000 may be used for official receptions within the
15 United States as authorized, not to exceed \$35,000 may
16 be used for representation abroad as authorized, and not
17 to exceed \$39,000 may be used for official reception and
18 representation expenses of Radio Free Europe/Radio Lib-
19 erty: *Provided further*, That the authority provided by sec-
20 tion 504(c) of the Foreign Relations Authorization Act,
21 Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206
22 note) shall remain in effect through September 30, 2012:
23 *Provided further*, That the BBG shall notify the Commit-
24 tees on Appropriations within 15 days of any determina-
25 tion by the Board that any of its broadcast entities, in-

1 cluding its grantee organizations, provides an open plat-
2 form for international terrorists or those who support
3 international terrorism, or is in violation of the principles
4 and standards set forth in the United States International
5 Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b))
6 or the entity's journalistic code of ethics: *Provided further*,
7 That reductions and increases to BBG broadcast hours
8 previously justified to Congress, including changes to
9 transmission platforms (shortwave, medium wave, sat-
10 ellite, and television), for all BBG language services shall
11 be subject to the regular notification procedures of the
12 Committees on Appropriations: *Provided further*, That in
13 addition to funds made available under this heading, and
14 notwithstanding any other provision of law, up to
15 \$2,000,000 in receipts from advertising and revenue from
16 business ventures, up to \$500,000 in receipts from cooper-
17 ating international organizations, and up to \$1,000,000
18 in receipts from privatization efforts of the Voice of Amer-
19 ica and the International Broadcasting Bureau, to remain
20 available until expended for carrying out authorized pur-
21 poses.

22 BROADCASTING CAPITAL IMPROVEMENTS

23 For the purchase, rent, construction, and improve-
24 ment of facilities for radio and television transmission and
25 reception, and purchase and installation of necessary

1 equipment for radio and television transmission and recep-
2 tion, including to Cuba, as authorized, \$9,361,000, to re-
3 main available until expended, as authorized.

4 RELATED PROGRAMS

5 THE ASIA FOUNDATION

6 For a grant to The Asia Foundation, as authorized
7 by The Asia Foundation Act (22 U.S.C. 4402),
8 \$17,000,000, to remain available until expended, as au-
9 thorized.

10 UNITED STATES INSTITUTE OF PEACE

11 For necessary expenses of the United States Institute
12 of Peace, as authorized by the United States Institute of
13 Peace Act, \$31,589,000, to remain available until Sep-
14 tember 30, 2012, which shall not be used for construction
15 activities.

16 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

17 TRUST FUND

18 For necessary expenses of the Center for Middle
19 Eastern-Western Dialogue Trust Fund, as authorized by
20 section 633 of the Departments of Commerce, Justice, and
21 State, the Judiciary, and Related Agencies Appropriations
22 Act, 2004 (22 U.S.C. 2078), the total amount of the inter-
23 est and earnings accruing to such Fund on or before Sep-
24 tember 30, 2012, to remain available until expended.

1 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

2 For necessary expenses of Eisenhower Exchange Fel-
3 lowships, Incorporated, as authorized by sections 4 and
4 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
5 U.S.C. 5204–5205), all interest and earnings accruing to
6 the Eisenhower Exchange Fellowship Program Trust
7 Fund on or before September 30, 2012, to remain avail-
8 able until expended: *Provided*, That none of the funds ap-
9 propriated herein shall be used to pay any salary or other
10 compensation, or to enter into any contract providing for
11 the payment thereof, in excess of the rate authorized by
12 5 U.S.C. 5376; or for purposes which are not in accord-
13 ance with OMB Circulars A–110 (Uniform Administrative
14 Requirements) and A–122 (Cost Principles for Non-profit
15 Organizations), including the restrictions on compensation
16 for personal services.

17 ISRAELI ARAB SCHOLARSHIP PROGRAM

18 For necessary expenses of the Israeli Arab Scholar-
19 ship Program, as authorized by section 214 of the Foreign
20 Relations Authorization Act, Fiscal Years 1992 and 1993
21 (22 U.S.C. 2452), all interest and earnings accruing to
22 the Israeli Arab Scholarship Fund on or before September
23 30, 2012, to remain available until expended.

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, \$117,764,000,
15 to remain available until expended, of which \$100,000,000
16 shall be allocated in the traditional and customary man-
17 ner, including for the core institutes, and \$25,000,000
18 shall be for democracy, human rights, and rule of law pro-
19 grams: *Provided*, That the President of the National En-
20 dowment for Democracy shall submit to the Committees
21 on Appropriations not later than 45 days after the date
22 of enactment of this Act a report on the proposed uses
23 of funds under this heading on a regional and country
24 basis.

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, \$656,000, 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), \$4,291,000, to remain avail-
15 able until September 30, 2013: *Provided*, That notwith-
16 standing the expenditure limitation specified in section
17 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Com-
18 mission may expend up to \$250,000 of the funds made
19 available under this heading to procure temporary and
20 intermittent services under the authority of section
21 3109(b) of title 5, United States Code.

1 COMMISSION ON SECURITY AND COOPERATION IN
2 EUROPE
3 SALARIES AND EXPENSES

4 For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public
5 Law 94-304, \$2,715,000, to remain available until September 30, 2013.

8 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
9 PEOPLE'S REPUBLIC OF CHINA
10 SALARIES AND EXPENSES

11 For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of
12 2000 (22 U.S.C. 6911-6919), \$1,996,000, including not
13 more than \$3,000 for the purpose of official representation, to remain available until September 30, 2013.

17 UNITED STATES-CHINA ECONOMIC AND SECURITY
18 REVIEW COMMISSION
19 SALARIES AND EXPENSES

20 For necessary expenses of the United States-China Economic and Security Review Commission, as authorized
21 by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),
22 \$3,493,000, including not more than \$4,000 for the purpose of official representation, to remain available until
23
24
25

1 September 30, 2013: *Provided*, That the second through
2 sixth provisos under this heading in division F of Public
3 Law 111–117 shall continue in effect during fiscal year
4 2012 and shall apply as if part of this Act.

5
6 TITLE II
7 UNITED STATES AGENCY FOR INTERNATIONAL
8 DEVELOPMENT
9 FUNDS APPROPRIATED TO THE PRESIDENT
10 OPERATING EXPENSES
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to carry out the provisions
13 of section 667 of the Foreign Assistance Act of 1961,
14 \$1,251,000,000, to remain available until September 30,
15 2013: *Provided*, That none of the funds appropriated
16 under this heading and under the heading “Capital Invest-
17 ment Fund” in this title may be made available to finance
18 the construction (including architect and engineering serv-
19 ices), purchase, or long-term lease of offices for use by
20 the United States Agency for International Development
21 (USAID), unless the USAID Administrator has identified
22 such proposed use of funds in a report submitted to the
23 Committees on Appropriations at least 15 days prior to
24 the obligation of funds for such purposes: *Provided fur-*
25 *ther*, That contracts or agreements entered into with funds
appropriated under this heading may entail commitments

1 for the expenditure of such funds through the following
2 fiscal year: *Provided further*, That any decision to open
3 a new USAID mission, bureau, center, or office or, except
4 where there is a substantial security risk to mission per-
5 sonnel, to close or significantly reduce the number of per-
6 sonnel of any such mission or office, shall be subject to
7 the regular notification procedures of the Committees on
8 Appropriations: *Provided further*, That the authority of
9 sections 610 and 109 of the Foreign Assistance Act of
10 1961 may be exercised by the Secretary of State to trans-
11 fer funds appropriated to carry out chapter 1 of part I
12 of such Act to “Operating Expenses” in accordance with
13 the provisions of those sections: *Provided further*, That any
14 reprogramming of funds in excess of \$1,000,000 or 10
15 percent, whichever is less, to the cost categories in the
16 table included under this heading in the report accom-
17 panying this Act for funds appropriated under this head-
18 ing, shall be subject to the regular notification procedures
19 of the Committees on Appropriations: *Provided further*,
20 That of the funds appropriated or made available under
21 this heading, not to exceed \$250,000 may be available for
22 representation and entertainment allowances, of which not
23 to exceed \$5,000 may be available for entertainment allow-
24 ances, for USAID during the current fiscal year: *Provided*
25 *further*, That no such entertainment funds may be used

1 for the purposes listed in section 7020 of this Act: *Pro-*
2 *vided further*, That appropriate steps shall be taken to as-
3 sure that, to the maximum extent possible, United States-
4 owned foreign currencies are utilized in lieu of dollars.

5 CAPITAL INVESTMENT FUND

6 For necessary expenses for overseas construction and
7 related costs, and for the procurement and enhancement
8 of information technology and related capital investments,
9 pursuant to section 667 of the Foreign Assistance Act of
10 1961, \$137,000,000, to remain available until expended:
11 *Provided*, That this amount is in addition to funds other-
12 wise available for such purposes: *Provided further*, That
13 funds appropriated under this heading shall be available
14 for obligation only pursuant to the regular notification
15 procedures of the Committees on Appropriations.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses to carry out the provisions
18 of section 667 of the Foreign Assistance Act of 1961,
19 \$49,000,000, to remain available until September 30,
20 2013, which sum shall be available for the Office of In-
21 spector General of the United States Agency for Inter-
22 national Development.

1 TITLE III
2 BILATERAL ECONOMIC ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT

4 For necessary expenses to enable the President to
5 carry out the provisions of the Foreign Assistance Act of
6 1961, and for other purposes, to remain available until
7 September 30, 2012, unless otherwise specified herein, as
8 follows:

9 GLOBAL HEALTH PROGRAMS
10 (INCLUDING TRANSFER OF FUNDS)

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 \$2,657,500,000, to remain available until September 30,
16 2013, and which shall be apportioned directly to the
17 United States Agency for International Development
18 (USAID): *Provided*, That this amount shall be made avail-
19 able for training, equipment, and technical assistance to
20 build the capacity of public health institutions and organi-
21 zations in developing countries, and for such activities as:
22 (1) child survival and maternal health programs; (2) im-
23 munization and oral rehydration programs; (3) other
24 health, nutrition, water and sanitation programs which di-
25 rectly address the needs of mothers and children, and re-

1 lated education programs; (4) assistance for children dis-
2 placed or orphaned by causes other than AIDS; (5) pro-
3 grams for the prevention, treatment, control of, and re-
4 search on HIV/AIDS, tuberculosis, polio, malaria, and
5 other infectious diseases including neglected tropical dis-
6 eases, and for assistance to communities severely affected
7 by HIV/AIDS, including children infected or affected by
8 AIDS; and (6) family planning/reproductive health: *Pro-*
9 *vided further*, That funds appropriated under this para-
10 graph shall be made available for a United States con-
11 tribution to the GAVI Alliance: *Provided further*, That
12 none of the funds made available in this Act nor any unob-
13 ligated balances from prior appropriations Acts may be
14 made available to any organization or program which, as
15 determined by the President of the United States, sup-
16 ports or participates in the management of a program of
17 coercive abortion or involuntary sterilization: *Provided fur-*
18 *ther*, That any determination made under the previous
19 proviso must be made no later than 6 months after enact-
20 ment of this Act, and must be accompanied by the evi-
21 dence and criteria utilized to make the determination: *Pro-*
22 *vided further*, That none of the funds made available under
23 this Act may be used to pay for the performance of abor-
24 tion as a method of family planning or to motivate or co-
25 erce any person to practice abortions: *Provided further*,

1 That nothing in this paragraph shall be construed to alter
2 any existing statutory prohibitions against abortion under
3 section 104 of the Foreign Assistance Act of 1961: *Pro-*
4 *vided further*, That none of the funds made available under
5 this Act may be used to lobby for or against abortion: *Pro-*
6 *vided further*, That the ninth and tenth provisos under this
7 heading in the Consolidated Appropriations Act, 2010
8 (Public Law 111–117) shall apply to funds appropriated
9 under this heading in this Act: *Provided further*, That for
10 purposes of this or any other Act authorizing or appro-
11 priating funds for the Department of State, foreign oper-
12 ations, and related programs, the term “motivate”, as it
13 relates to family planning assistance, shall not be con-
14 strued to prohibit the provision, consistent with local law,
15 of information or counseling about all pregnancy options:
16 *Provided further*, That information provided about the use
17 of condoms as part of projects or activities that are funded
18 from amounts appropriated by this Act shall be medically
19 accurate and shall include the public health benefits and
20 failure rates of such use.

21 In addition, for necessary expenses to carry out the
22 provisions of the Foreign Assistance Act of 1961 for the
23 prevention, treatment, and control of, and research on,
24 HIV/AIDS, \$5,250,000,000, to remain available until
25 September 30, 2015, which shall be apportioned directly

1 to the Department of State: *Provided*, That of the funds
2 appropriated under this paragraph, not less than
3 \$750,000,000 shall be made available, notwithstanding
4 any other provision of law, except for the United States
5 Leadership Against HIV/AIDS, Tuberculosis and Malaria
6 Act of 2003 (Public Law 108–25), as amended, for a
7 United States contribution to the Global Fund to Fight
8 AIDS, Tuberculosis and Malaria (Global Fund), and shall
9 be expended at the minimum rate necessary to make time-
10 ly payment for projects and activities: *Provided further*,
11 That up to 5 percent of the aggregate amount of funds
12 made available to the Global Fund in fiscal year 2012 may
13 be made available to USAID for technical assistance re-
14 lated to the activities of the Global Fund: *Provided further*,
15 That of the funds appropriated under this paragraph, up
16 to \$14,250,000 may be made available, in addition to
17 amounts otherwise available for such purposes, for admin-
18 istrative expenses of the Office of the United States Global
19 AIDS Coordinator.

20 DEVELOPMENT ASSISTANCE

21 For necessary expenses to carry out the provisions
22 of sections 103, 105, 106, 214, and sections 251 through
23 255, and chapter 10 of part I of the Foreign Assistance
24 Act of 1961, \$2,550,000,000, to remain available until
25 September 30, 2013: *Provided*, That relevant bureaus and

1 offices of the United States Agency for International De-
2 velopment (USAID) that support cross-cutting develop-
3 ment programs shall coordinate such programs on a reg-
4 ular basis: *Provided further*, That funds appropriated by
5 this Act shall be made available for water and sanitation
6 supply projects pursuant to the Paul Simon Water for the
7 Poor Act of 2005 (Public Law 109–121): *Provided further*,
8 That funds appropriated by this Act for food security and
9 agricultural development programs may be made available
10 notwithstanding any other provision of law and shall be
11 made available for a United States contribution to the en-
12 dowment of the Global Crop Diversity Trust pursuant to
13 section 3202 of Public Law 110–246: *Provided further*,
14 That funds appropriated under this heading shall be made
15 available for programs to improve women’s leadership ca-
16 pacity in recipient countries.

17 INTERNATIONAL DISASTER ASSISTANCE

18 For necessary expenses to carry out the provisions
19 of section 491 of the Foreign Assistance Act of 1961 for
20 international disaster relief, rehabilitation, and recon-
21 struction assistance, \$850,000,000, to remain available
22 until expended.

23 TRANSITION INITIATIVES

24 For necessary expenses for international disaster re-
25 habilitation and reconstruction assistance pursuant to sec-

1 tion 491 of the Foreign Assistance Act of 1961,
2 \$55,000,000, to remain available until expended, to sup-
3 port transition to democracy and to long-term develop-
4 ment of countries in crisis: *Provided*, That such support
5 may include assistance to develop, strengthen, or preserve
6 democratic institutions and processes, revitalize basic in-
7 frastructure, and foster the peaceful resolution of conflict:
8 *Provided further*, That the United States Agency for Inter-
9 national Development shall submit a report to the Com-
10 mittees on Appropriations at least 5 days prior to begin-
11 ning a new program of assistance: *Provided further*, That
12 if the Secretary of State determines that it is important
13 to the national interests of the United States to provide
14 transition assistance in excess of the amount appropriated
15 under this heading, up to \$15,000,000 of the funds appro-
16 priated by this Act to carry out the provisions of part I
17 of the Foreign Assistance Act of 1961 may be used for
18 purposes of this heading and under the authorities appli-
19 cable to funds appropriated under this heading: *Provided*
20 *further*, That funds made available pursuant to the pre-
21 vious proviso shall be made available subject to prior con-
22 sultation with the Committees on Appropriations.

23 COMPLEX CRISES FUND

24 For necessary expenses to carry out the provisions
25 of the Foreign Assistance Act of 1961 to enable the Ad-

1 administrator of the United States Agency for International
2 Development (USAID), with the concurrence of the Sec-
3 retary of State, to support programs and activities to pre-
4 vent or respond to emerging or unforeseen complex crises
5 overseas, \$30,000,000, to remain available until expended:
6 *Provided*, That the administrative authorities of the For-
7 eign Assistance Act of 1961 shall be applicable to funds
8 appropriated under this heading: *Provided further*, That
9 funds appropriated under this heading may be made avail-
10 able on such terms and conditions as the USAID Adminis-
11 trator may determine, in consultation with the Committees
12 on Appropriations, for the purposes of preventing or re-
13 sponding to such crises, except that no funds shall be
14 made available to respond to natural disasters: *Provided*
15 *further*, That funds appropriated under this heading shall
16 be made available notwithstanding section 10 of Public
17 Law 91-672 and section 15 of the State Department
18 Basic Authorities Act of 1956: *Provided further*, That
19 funds appropriated under this heading may be made avail-
20 able notwithstanding any other provision of law, except
21 sections 7007, 7008, and 7018 of this Act: *Provided fur-*
22 *ther*, That funds appropriated under this heading shall be
23 subject to the regular notification procedures of the Com-
24 mittees on Appropriations, except that such notifications

1 shall be transmitted at least 5 days in advance of the obli-
2 gation of funds.

3 DEVELOPMENT CREDIT AUTHORITY

4 (INCLUDING TRANSFER OF FUNDS)

5 For the cost of direct loans and loan guarantees pro-
6 vided by the United States Agency for International De-
7 velopment, as authorized by sections 256 and 635 of the
8 Foreign Assistance Act of 1961, up to \$50,000,000 may
9 be derived by transfer from funds appropriated by this Act
10 to carry out part I of such Act and under the heading
11 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*
12 *vided*, That funds provided under this paragraph and
13 funds provided as a gift pursuant to section 635(d) of the
14 Foreign Assistance Act of 1961 shall be made available
15 only for micro and small enterprise programs, urban pro-
16 grams, and other programs which further the purposes of
17 part I of such Act: *Provided further*, That such costs, in-
18 cluding the cost of modifying such direct and guaranteed
19 loans, shall be as defined in section 502 of the Congres-
20 sional Budget Act of 1974, as amended: *Provided further*,
21 That funds made available by this paragraph may be used
22 for the cost of modifying any such guaranteed loans under
23 this Act or prior Acts, and funds used for such costs shall
24 be subject to the regular notification procedures of the
25 Committees on Appropriations: *Provided further*, That the

1 provisions of section 107A(d) (relating to general provi-
2 sions applicable to the Development Credit Authority) of
3 the Foreign Assistance Act of 1961, as contained in sec-
4 tion 306 of H.R. 1486 as reported by the House Com-
5 mittee on International Relations on May 9, 1997, shall
6 be applicable to direct loans and loan guarantees provided
7 under this heading, except that the principal amount of
8 loans made or guaranteed under this heading with respect
9 to any single country or borrower shall not exceed
10 \$300,000,000: *Provided further*, That these funds are
11 available to subsidize total loan principal, any portion of
12 which is to be guaranteed, of up to \$1,000,000,000.

13 In addition, for administrative expenses to carry out
14 credit programs administered by the United States Agency
15 for International Development, \$8,300,000, which may be
16 transferred to, and merged with, funds made available
17 under the heading “Operating Expenses” in title II of this
18 Act: *Provided*, That funds made available under this head-
19 ing shall remain available until September 30, 2014.

20 ECONOMIC SUPPORT FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out the provisions
23 of chapter 4 of part II of the Foreign Assistance Act of
24 1961, \$4,378,560,000, to remain available until Sep-
25 tember 30, 2013: *Provided*, That of the funds appro-

1 priated under this heading, up to \$250,000,000 shall be
2 available for assistance for Egypt, which shall be for pro-
3 grams and activities (including to implement sections
4 7039(a)(3) and (b) of this Act) to reduce poverty and cre-
5 ate jobs, strengthen democracy, and protect human rights,
6 including not less than \$35,000,000 for education pro-
7 grams of which not less than \$10,000,000 is for scholar-
8 ships at not-for-profit institutions for Egyptian students
9 with high financial need: *Provided further*, That funds ap-
10 propriated under this heading that are made available for
11 assistance for Cyprus shall be used only for scholarships,
12 administrative support of the scholarship program,
13 bicommunal projects, and measures aimed at reunification
14 of the island and designed to reduce tensions and promote
15 peace and cooperation between the two communities on
16 Cyprus: *Provided further*, That \$12,000,000 of the funds
17 made available for assistance for Lebanon under this
18 heading shall be for scholarships at not-for-profit institu-
19 tions for students in Lebanon with high financial need:
20 *Provided further*, That of the funds appropriated under
21 this heading, not less than \$360,000,000 shall be available
22 for assistance for Jordan, including for programs and ac-
23 tivities to reduce poverty and create jobs, strengthen de-
24 mocracy, and protect human rights: *Provided further*, That
25 up to \$30,000,000 of the funds appropriated for fiscal

1 year 2011 under this heading in Public Law 112–10, divi-
2 sion B, may be made available for the costs, as defined
3 in section 502 of the Congressional Budget Act of 1974,
4 of loan guarantees for Tunisia, which are authorized to
5 be provided: *Provided further*, That amounts that are
6 made available under the previous proviso for the cost of
7 guarantees shall not be considered “assistance” for the
8 purposes of provisions of law limiting assistance to a coun-
9 try: *Provided further*, That none of the funds appropriated
10 under this heading may be made available for the Pales-
11 tinian Authority if Palestine becomes a member or non-
12 member state of the United Nations outside of an agree-
13 ment negotiated between Israel and the Palestinians: *Pro-*
14 *vided further*, That the Secretary may waive the previous
15 proviso if the Secretary certifies to the Committees on Ap-
16 propriations that to do so is in the national security inter-
17 ests of the United States: *Provided further*, That of the
18 funds appropriated under this heading, \$179,000,000
19 shall be apportioned directly to the United States Agency
20 for International Development for alternative develop-
21 ment/institution building programs in Colombia: *Provided*
22 *further*, That of the funds appropriated under this heading
23 that are available for assistance for Colombia, not less
24 than \$8,000,000 shall be transferred to, and merged with,
25 funds appropriated under the heading “Migration and

1 Refugee Assistance” and shall be made available only for
2 assistance to nongovernmental and international organiza-
3 tions that provide assistance to Colombian refugees in
4 neighboring countries: *Provided further*, That of the funds
5 appropriated under this heading, \$15,000,000 may be
6 made available for assistance for Cuba, including humani-
7 tarian and democracy assistance, support for economic re-
8 form, private sector initiatives, and human rights.

9 DEMOCRACY FUND

10 For necessary expenses to carry out the provisions
11 of the Foreign Assistance Act of 1961 for the promotion
12 of democracy globally, \$114,770,000, to remain available
13 until September 30, 2013, of which \$70,910,000 shall be
14 made available for the Human Rights and Democracy
15 Fund of the Bureau of Democracy, Human Rights and
16 Labor, Department of State, and \$43,860,000 shall be
17 made available for the Office of Democracy and Govern-
18 ance of the Bureau for Democracy, Conflict, and Humani-
19 tarian Assistance, United States Agency for International
20 Development.

21 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

22 For necessary expenses to carry out the provisions
23 of the Foreign Assistance Act of 1961, the FREEDOM
24 Support Act, and the Support for East European Democ-
25 racy (SEED) Act of 1989, \$626,718,000, to remain avail-

1 able until September 30, 2013, which shall be available,
2 notwithstanding any other provision of law, for assistance
3 and for related programs for countries identified in section
4 3 of the FREEDOM Support Act and section 3(c) of the
5 SEED Act: *Provided*, That funds appropriated under this
6 heading shall be considered to be economic assistance
7 under the Foreign Assistance Act of 1961 for purposes
8 of making available the administrative authorities con-
9 tained in that Act for the use of economic assistance: *Pro-*
10 *vided further*, That funds made available for the Southern
11 Caucasus region may be used for confidence-building
12 measures and other activities in furtherance of the peace-
13 ful resolution of conflicts, including in Nagorno-Karabakh:
14 *Provided further*, That of the funds appropriated under
15 this heading, not less than \$7,000,000 shall be made avail-
16 able for humanitarian, conflict mitigation, human rights,
17 civil society, and relief and reconstruction assistance for
18 the North Caucasus.

19 DEPARTMENT OF STATE

20 MIGRATION AND REFUGEE ASSISTANCE

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

1 and dependents as authorized by the Foreign Service Act
2 of 1980; allowances as authorized by sections 5921
3 through 5925 of title 5, United States Code; purchase and
4 hire of passenger motor vehicles; and services as author-
5 ized by section 3109 of title 5, United States Code,
6 \$1,700,000,000, to remain available until expended, of
7 which \$20,000,000 shall be made available for refugees
8 resettling in Israel, and not less than \$35,000,000 shall
9 be made available to respond to small-scale emergency hu-
10 manitarian requirements of international and nongovern-
11 mental partners.

12 INDEPENDENT AGENCIES

13 PEACE CORPS

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out the provisions
16 of the Peace Corps Act (22 U.S.C. 2501–2523), including
17 the purchase of not to exceed five passenger motor vehicles
18 for administrative purposes for use outside of the United
19 States, \$375,000,000, of which \$5,000,000 is for the Of-
20 fice of Inspector General, to remain available until Sep-
21 tember 30, 2013: *Provided*, That the Director of the Peace
22 Corps may transfer to the Foreign Currency Fluctuations
23 Account, as authorized by 22 U.S.C. 2515, an amount not
24 to exceed \$5,000,000: *Provided further*, That funds trans-
25 ferred pursuant to the previous proviso may not be derived

1 from amounts made available for Peace Corps overseas op-
 2 erations: *Provided further*, That of the funds appropriated
 3 under this heading, not to exceed \$4,000 may be made
 4 available for entertainment expenses: *Provided further*,
 5 That not later than 45 days after enactment of this Act,
 6 the Director shall submit a spending plan to the Commit-
 7 tees on Appropriations on the proposed uses of funds
 8 under this heading: *Provided further*, That none of the
 9 funds appropriated under this heading may be used to pay
 10 for abortions, except when the life of the mother would
 11 be endangered if the fetus were carried to term, or the
 12 pregnancy is the result of an act of rape or incest.

13 MILLENNIUM CHALLENGE CORPORATION

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out the provisions
 16 of the Millennium Challenge Act of 2003, \$898,200,000
 17 to remain available until expended: *Provided*, That of the
 18 funds appropriated under this heading, up to
 19 \$105,000,000 may be available for administrative ex-
 20 penses of the Millennium Challenge Corporation (the Cor-
 21 poration): *Provided further*, That up to 5 percent of the
 22 funds appropriated under this heading may be made avail-
 23 able to carry out the purposes of section 616 of the Millen-
 24 nium Challenge Act of 2003 for fiscal year 2012: *Provided*
 25 *further*, That section 605(e)(4) of the Millennium Chal-

1 lence Act of 2003 shall apply to funds appropriated under
2 this heading: *Provided further*, That funds appropriated
3 under this heading may be made available for a Millen-
4 nium Challenge Compact entered into pursuant to section
5 609 of the Millennium Challenge Act of 2003 only if such
6 Compact obligates, or contains a commitment to obligate
7 subject to the availability of funds and the mutual agree-
8 ment of the parties to the Compact to proceed, the entire
9 amount of the United States Government funding antici-
10 pated for the duration of the Compact: *Provided further*,
11 That the Chief Executive Officer of the Corporation shall
12 notify the Committees on Appropriations not later than
13 15 days prior to signing any new country compact or new
14 threshold country program; terminating or suspending any
15 country compact or threshold country program; or com-
16 mencing negotiations for any new compact or threshold
17 country program: *Provided further*, That funds appro-
18 priated by this Act or any prior Act appropriating funds
19 for the Department of State, foreign operations, and re-
20 lated programs that are made available for a Millennium
21 Challenge Compact and that are suspended or terminated
22 by the Chief Executive Officer of the Corporation shall
23 be subject to the regular notification procedures of the
24 Committees on Appropriations prior to re-obligation: *Pro-*
25 *vided further*, That none of the funds appropriated by this

1 Act and prior Acts making appropriations for the Depart-
2 ment of State, foreign operations, and related programs
3 under this heading may be used for military assistance
4 or military training, including for assistance for military
5 or paramilitary purposes and for assistance to military
6 forces: *Provided further*, That of the funds appropriated
7 under this heading, not to exceed \$100,000 may be avail-
8 able for representation and entertainment allowances, of
9 which not to exceed \$5,000 may be available for entertain-
10 ment allowances.

11 INTER-AMERICAN FOUNDATION

12 For necessary expenses to carry out the functions of
13 the Inter-American Foundation in accordance with the
14 provisions of section 401 of the Foreign Assistance Act
15 of 1969, \$22,500,000, to remain available until September
16 30, 2013: *Provided*, That of the funds appropriated under
17 this heading, not to exceed \$2,000 may be available for
18 entertainment and representation allowances.

19 AFRICAN DEVELOPMENT FOUNDATION

20 For necessary expenses to carry out title V of the
21 International Security and Development Cooperation Act
22 of 1980 (Public Law 96–533), \$30,000,000, to remain
23 available until September 30, 2013: *Provided*, That funds
24 made available to grantees may be invested pending ex-
25 penditure for project purposes when authorized by the

1 Board of Directors of the Foundation: *Provided further*,
2 That interest earned shall be used only for the purposes
3 for which the grant was made: *Provided further*, That not-
4 withstanding section 505(a)(2) of the African Develop-
5 ment Foundation Act, in exceptional circumstances the
6 Board of Directors of the Foundation may waive the
7 \$250,000 limitation contained in that section with respect
8 to a project and a project may exceed the limitation by
9 up to 10 percent if the increase is due solely to foreign
10 currency fluctuation: *Provided further*, That the Founda-
11 tion shall provide a report to the Committees on Appro-
12 priations after each time such waiver authority is exer-
13 cised.

14 DEPARTMENT OF THE TREASURY

15 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

16 For necessary expenses to carry out the provisions
17 of section 129 of the Foreign Assistance Act of 1961,
18 \$27,000,000, to remain available until September 30,
19 2013, which shall be available notwithstanding any other
20 provision of law.

21 DEBT RESTRUCTURING

22 For the cost, as defined in section 502 of the Con-
23 gressional Budget Act of 1974, of modifying loans and
24 loan guarantees, as the President may determine, for
25 which funds have been appropriated or otherwise made

1 available for programs within the International Affairs
2 Budget Function 150, including the cost of selling, reduc-
3 ing, or canceling amounts owed to the United States as
4 a result of concessional loans made to eligible countries,
5 pursuant to part V of the Foreign Assistance Act of 1961,
6 \$15,000,000, to remain available until September 30,
7 2013.

8 TITLE IV

9 INTERNATIONAL SECURITY ASSISTANCE

10 DEPARTMENT OF STATE

11 INTERNATIONAL NARCOTICS CONTROL AND LAW

12 ENFORCEMENT

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses to carry out section 481 of
15 the Foreign Assistance Act of 1961, \$1,056,000,000, to
16 remain available until September 30, 2013: *Provided,*
17 That during fiscal year 2012, the Department of State
18 may also use the authority of section 608 of the Foreign
19 Assistance Act of 1961, without regard to its restrictions,
20 to receive excess property from an agency of the United
21 States Government for the purpose of providing it to a
22 foreign country or international organization under chap-
23 ter 8 of part I of that Act subject to the regular notifica-
24 tion procedures of the Committees on Appropriations: *Pro-*
25 *vided further,* That the Secretary of State shall provide

1 to the Committees on Appropriations not later than 45
2 days after the date of enactment of this Act and prior
3 to the initial obligation of funds appropriated under this
4 heading, a report on the proposed uses of all funds under
5 this heading on a country-by-country basis for each pro-
6 posed program, project, or activity: *Provided further*, That
7 section 482(b) of the Foreign Assistance Act of 1961 shall
8 not apply to funds appropriated under this heading: *Pro-*
9 *vided further*, That assistance provided with funds appro-
10 priated under this heading that is made available notwith-
11 standing section 482(b) of the Foreign Assistance Act of
12 1961 shall be made available subject to the regular notifi-
13 cation procedures of the Committees on Appropriations:
14 *Provided further*, That notwithstanding any provision of
15 this or any other Act, funds appropriated in prior years
16 under the headings “Andean Counterdrug Initiative” and
17 “Andean Counterdrug Program” shall be available for use
18 in any country for which funds may be made available
19 under this heading without regard to the geographic or
20 purpose limitations under which such funds were origi-
21 nally appropriated, subject to the regular notification pro-
22 cedures of the Committees on Appropriations: *Provided*
23 *further*, That, notwithstanding any other provision of law,
24 of the funds appropriated under this heading, \$5,000,000
25 should be made available to combat piracy of United

1 States copyrighted materials, consistent with the require-
2 ments of section 688(a) and (b) of the Department of
3 State, Foreign Operations, and Related Programs Appro-
4 priations Act, 2008 (division J of Public Law 110–161):
5 *Provided further*, That not later than 90 days after enact-
6 ment of this Act, the Secretary of State shall submit a
7 report to the Committees on Appropriations detailing the
8 operation and maintenance costs of aircraft utilized in
9 Iraq in support of programs funded under this heading,
10 a justification for not including such costs under the head-
11 ing “Diplomatic and Consular Programs”, and estimates
12 for overhead costs associated with the Stabilization Oper-
13 ations and Security Sector Reform program: *Provided fur-*
14 *ther*, That the concurrence of the Secretary of State shall
15 be required for the provision of assistance which is com-
16 parable to assistance made available under this heading
17 but which is provided under any other provision of law.

18 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
19 RELATED PROGRAMS

20 For necessary expenses for nonproliferation, anti-ter-
21 rorism, demining and related programs and activities,
22 \$685,500,000, to carry out the provisions of chapter 8 of
23 part II of the Foreign Assistance Act of 1961 for anti-
24 terrorism assistance, chapter 9 of part II of the Foreign
25 Assistance Act of 1961, section 504 of the FREEDOM

1 Support Act, section 23 of the Arms Export Control Act
2 or the Foreign Assistance Act of 1961 for demining activi-
3 ties, the clearance of unexploded ordnance, the destruction
4 of small arms, and related activities, notwithstanding any
5 other provision of law, including activities implemented
6 through nongovernmental and international organizations,
7 and section 301 of the Foreign Assistance Act of 1961
8 for a voluntary contribution to the International Atomic
9 Energy Agency (IAEA), and for a United States contribu-
10 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
11 paratory Commission: *Provided*, That the clearance of
12 unexploded ordnance should prioritize areas where such
13 ordnance was caused by the United States: *Provided fur-*
14 *ther*, That of the funds made available under this heading,
15 not to exceed \$30,000,000, to remain available until ex-
16 pended, may be made available for the Nonproliferation
17 and Disarmament Fund, notwithstanding any other provi-
18 sion of law and subject to prior consultation with, and the
19 regular notification procedures of, the Committees on Ap-
20 propriations, to promote bilateral and multilateral activi-
21 ties relating to nonproliferation, disarmament and weap-
22 ons destruction: *Provided further*, That such funds may
23 also be used for such countries other than the Independent
24 States of the former Soviet Union and international orga-
25 nizations when it is in the national security interest of the

1 United States to do so: *Provided further*, That funds ap-
2 propriated under this heading may be made available for
3 the IAEA unless the Secretary of State determines that
4 Israel is being denied its right to participate in the activi-
5 ties of that Agency: *Provided further*, That funds appro-
6 priated under this heading may be made available for pub-
7 lic-private partnerships for conventional weapons and
8 mine action by grant, cooperative agreement or contract:
9 *Provided further*, That funds made available for demining
10 and related activities, in addition to funds otherwise avail-
11 able for such purposes, may be used for administrative ex-
12 penses related to the operation and management of the
13 demining program: *Provided further*, That funds appro-
14 priated under this heading that are available for “Anti-
15 terrorism Assistance” and “Export Control and Border
16 Security” shall remain available until September 30,
17 2013.

18 PEACEKEEPING OPERATIONS

19 For necessary expenses to carry out the provisions
20 of section 551 of the Foreign Assistance Act of 1961,
21 \$262,000,000: *Provided*, That funds appropriated under
22 this heading may be used, notwithstanding section 660 of
23 such Act, to provide assistance to enhance the capacity
24 of foreign civilian security forces, including gendarmes, to
25 participate in peacekeeping operations: *Provided further*,

1 That funds appropriated under this heading may be used
2 to pay assessed expenses of international peacekeeping ac-
3 tivities in Somalia and shall be available until September
4 30, 2013: *Provided further*, That funds appropriated
5 under this Act should not be used to support any military
6 training or operations that include child soldiers: *Provided*
7 *further*, That none of the funds appropriated under this
8 heading shall be obligated or expended except as provided
9 through the regular notification procedures of the Com-
10 mittees on Appropriations.

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 INTERNATIONAL MILITARY EDUCATION AND TRAINING

13 For necessary expenses to carry out the provisions
14 of section 541 of the Foreign Assistance Act of 1961,
15 \$105,788,000: *Provided*, That the civilian personnel for
16 whom military education and training may be provided
17 under this heading may include civilians who are not mem-
18 bers of a government whose participation would contribute
19 to improved civil-military relations, civilian control of the
20 military, or respect for human rights: *Provided further*,
21 That funds made available under this heading for assist-
22 ance for Angola, Bahrain, Bangladesh, Cameroon, Central
23 African Republic, Chad, Côte d'Ivoire, Democratic Repub-
24 lic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, In-
25 donesia, Kenya, Libya, Nepal, Nigeria, and Sri Lanka

1 may only be provided through the regular notification pro-
2 cedures of the Committees on Appropriations and any
3 such notification shall include a detailed description of
4 proposed activities: *Provided further*, That of the funds ap-
5 propriated under this heading, not to exceed \$55,000 may
6 be available for entertainment allowances.

7 FOREIGN MILITARY FINANCING PROGRAM

8 (INCLUDING TRANSFER OF FUNDS)

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, \$5,346,000,000: *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 \$3,075,000,000 shall be avail-
21 able for grants only for Israel, and up to \$1,300,000,000
22 shall be made available for grants only for Egypt, includ-
23 ing for border security programs and activities in the
24 Sinai: *Provided further*, That prior to the obligation of
25 funds appropriated under this heading for assistance for

1 Egypt, the Secretary of State shall certify to the Commit-
2 tees on Appropriations that the Governments of the
3 United States and Egypt have agreed upon the specific
4 uses of such funds, that such funds further the national
5 interests of the United States in Egypt and the region,
6 and that the Government of Egypt has held free and fair
7 elections and is implementing policies to protect the rights
8 of journalists, due process, and freedoms of expression and
9 association: *Provided further*, That the funds appropriated
10 under this heading for assistance for Israel shall be dis-
11 bursed within 30 days of enactment of this Act: *Provided*
12 *further*, That to the extent that the Government of Israel
13 requests that funds be used for such purposes, grants
14 made available for Israel under this heading shall, as
15 agreed by the United States and Israel, be available for
16 advanced weapons systems, of which not less than
17 \$808,725,000 shall be available for the procurement in
18 Israel of defense articles and defense services, including
19 research and development: *Provided further*, That funds
20 appropriated under this heading estimated to be outlayed
21 for Egypt during fiscal year 2012 may be transferred to
22 an interest bearing account for Egypt in the Federal Re-
23 serve Bank of New York within 30 days of enactment of
24 this Act: *Provided further*, That of the funds appropriated
25 under this heading, \$300,000,000 shall be made available

1 for assistance for Jordan: *Provided further*, That none of
2 the funds made available under this heading shall be made
3 available to support or continue any program initially
4 funded under the authority of section 1206 of the National
5 Defense Authorization Act for Fiscal Year 2006 (Public
6 Law 109–163; 119 Stat. 3456) unless the Secretary of
7 State, in consultation with the Secretary of Defense, has
8 justified such program to the Committees on Appropria-
9 tions: *Provided further*, That funds appropriated or other-
10 wise made available under this heading shall be nonrepay-
11 able notwithstanding any requirement in section 23 of the
12 Arms Export Control Act: *Provided further*, That funds
13 made available under this heading shall be obligated upon
14 apportionment in accordance with paragraph (5)(C) of
15 title 31, United States Code, section 1501(a).

16 None of the funds made available under this heading
17 shall be available to finance the procurement of defense
18 articles, defense services, or design and construction serv-
19 ices that are not sold by the United States Government
20 under the Arms Export Control Act unless the foreign
21 country proposing to make such procurement has first
22 signed an agreement with the United States Government
23 specifying the conditions under which such procurement
24 may be financed with such funds: *Provided*, That all coun-
25 try and funding level increases in allocations shall be sub-

mitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Bahrain, Philippines, Indonesia, Haiti, Guatemala, Honduras, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than

1 \$62,800,000 of the funds appropriated under this heading
2 may be obligated for necessary expenses, including the
3 purchase of passenger motor vehicles for replacement only
4 for use outside of the United States, for the general costs
5 of administering military assistance and sales, except that
6 this limitation may be exceeded only through the regular
7 notification procedures of the Committees on Appropria-
8 tions: *Provided further*, That of the funds appropriated
9 under this heading for general costs of administering mili-
10 tary assistance and sales, not to exceed \$4,000 may be
11 available for entertainment expenses and not to exceed
12 \$130,000 may be available for representation allowances:
13 *Provided further*, That not more than \$836,900,000 of
14 funds realized pursuant to section 21(e)(1)(A) of the Arms
15 Export Control Act may be obligated for expenses incurred
16 by the Department of Defense during fiscal year 2012
17 pursuant to section 43(b) of the Arms Export Control Act,
18 except that this limitation may be exceeded only through
19 the regular notification procedures of the Committees on
20 Appropriations: *Provided further*, That, with respect to the
21 previous proviso, up to \$100,000,000 of such funds may
22 be transferred to the Special Defense Acquisition Fund
23 pursuant to section 51 of the Arms Export Control Act.

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, \$352,950,000: *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 \$120,000,000, to remain available until expended.

18 CONTRIBUTION TO THE INTERNATIONAL BANK FOR
19 RECONSTRUCTION AND DEVELOPMENT
20 For payment to the International Bank for Recon-
21 struction and Development by the Secretary of the Treas-
22 ury, for the United States share of the paid-in portion of
23 the increases in capital stock, \$117,364,344, to remain
24 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, \$25,000,000, to remain available until ex-
11 pended.

12 For payment to the Inter-American Investment Cor-
13 poration by the Secretary of the Treasury, \$4,670,000, to
14 remain available until expended.

15 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

16 The United States Governor of the Inter-American
17 Development Bank may subscribe without fiscal year limi-
18 tation to the callable capital portion of the United States
19 share of such capital stock in an amount not to exceed
20 \$4,098,794,833.

21 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS

22 MULTILATERAL INVESTMENT FUND

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

1 CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

2 For payment to the Asian Development Bank by the
3 Secretary of the Treasury for the United States share of
4 the paid-in portion of increase in capital stock,
5 \$106,586,000, to remain available until expended.

6 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

7 The United States Governor of the Asian Develop-
8 ment Bank may subscribe without fiscal year limitation
9 to the callable capital portion of the United States share
10 of such capital stock in an amount not to exceed
11 \$2,558,048,769.

12 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

13 For payment to the Asian Development Bank's Asian
14 Development Fund by the Secretary of the Treasury,
15 \$100,000,000, to remain available until expended.

16 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

17 For payment to the African Development Bank by
18 the Secretary of the Treasury for the United States share
19 of the paid-in portion of the increase in capital stock,
20 \$32,417,720, to remain available until expended.

21 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

22 The United States Governor of the African Develop-
23 ment Bank may subscribe without fiscal year limitation
24 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, \$125,000,000, to remain
6 available until expended.

7 For payment to the African Development Fund by
8 the Secretary of the Treasury for costs incurred under the
9 Multilateral Debt Relief Initiative, \$7,500,000, to remain
10 available until expended.

11 EUROPEAN BANK FOR RECONSTRUCTION AND

12 DEVELOPMENT

13 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

14 The United States Governor of the European Bank
15 for Reconstruction and Development may subscribe with-
16 out fiscal year limitation to the callable capital of the
17 United States share of such capital in an amount not to
18 exceed \$1,252,331,952.

19 CONTRIBUTION TO THE INTERNATIONAL FUND FOR

20 AGRICULTURAL DEVELOPMENT

21 For payment to the International Fund for Agricul-
22 tural Development by the Secretary of the Treasury,
23 \$30,000,000, to remain available until expended.

1 TITLE VI
2 EXPORT AND INVESTMENT ASSISTANCE
3 EXPORT-IMPORT BANK OF THE UNITED STATES
4 INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$4,000,000, to remain
8 available until September 30, 2013.

9 PROGRAM ACCOUNT

10 The Export-Import Bank of the United States is au-
11 thorized to make such expenditures within the limits of
12 funds and borrowing authority available to such corpora-
13 tion, and in accordance with law, and to make such con-
14 tracts and commitments without regard to fiscal year limi-
15 tations, as provided by section 104 of the Government
16 Corporation Control Act, as may be necessary in carrying
17 out the program for the current fiscal year for such cor-
18 poration: *Provided*, That none of the funds available dur-
19 ing the current fiscal year may be used to make expendi-
20 tures, contracts, or commitments for the export of nuclear
21 equipment, fuel, or technology to any country, other than
22 a nuclear-weapon state as defined in Article IX of the
23 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
24 ble to receive economic or military assistance under this
25 Act, that has detonated a nuclear explosive after the date

1 of the enactment of this Act: *Provided further*, That the
2 use of the aggregate loan, guarantee, and insurance au-
3 thority available to the Export-Import Bank during the
4 current fiscal year should not result in greenhouse gas
5 emissions from the extraction or production of fossil fuels
6 and the use of fossil fuels in electricity generation exceed-
7 ing the total amount of such emissions resulting from the
8 use of such authority during fiscal year 2010, unless not
9 less than 15 days prior to the use of such authority the
10 Export-Import Bank provides written notification to the
11 Committees on Appropriations that the use of such au-
12 thority would result in greenhouse gas emissions exceeding
13 such amount and indicating the amount of the increase,
14 and posts such notification on the Bank's Web site: *Pro-*
15 *vided further*, That not less than 10 percent of such aggre-
16 gate should be used for renewable energy technology and
17 end-use energy efficiency technologies: *Provided further*,
18 That notwithstanding section 1(c) of Public Law 103-
19 428, as amended, sections 1(a) and (b) of Public Law
20 103-428 shall remain in effect through October 1, 2012:
21 *Provided further*, That notwithstanding the dates specified
22 in section 7 of the Export-Import Bank Act of 1945 (12
23 U.S.C. 6350 and section 1(c) of Public Law 103-428),
24 the Export-Import Bank of the United States shall con-
25 tinue to exercise its functions in connection with and in

1 furtherance of its objects and purposes through September
2 30, 2012.

3 SUBSIDY APPROPRIATION

4 For the cost of direct loans, loan guarantees, insur-
5 ance, and tied-aid grants as authorized by section 10 of
6 the Export-Import Bank Act of 1945, as amended, not
7 to exceed \$58,000,000: *Provided*, That such costs, includ-
8 ing the cost of modifying such loans, shall be as defined
9 in section 502 of the Congressional Budget Act of 1974:
10 *Provided further*, That such funds shall remain available
11 until September 30, 2027, for the disbursement of direct
12 loans, loan guarantees, insurance and tied-aid grants obli-
13 gated in fiscal years 2012, 2013, 2014, and 2015: *Pro-*
14 *vided further*, That none of the funds appropriated by this
15 Act or any prior Acts appropriating funds for the Depart-
16 ment of State, foreign operations, and related programs
17 for tied-aid credits or grants may be used for any other
18 purpose except through the regular notification procedures
19 of the Committees on Appropriations.

20 ADMINISTRATIVE EXPENSES

21 For administrative expenses to carry out the direct
22 and guaranteed loan and insurance programs, including
23 hire of passenger motor vehicles and services as authorized
24 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
25 reception and representation expenses for members of the

1 Board of Directors, not to exceed \$89,900,000: *Provided*,
2 That the Export-Import Bank may accept, and use, pay-
3 ment or services provided by transaction participants for
4 legal, financial, or technical services in connection with
5 any transaction for which an application for a loan, guar-
6 antee or insurance commitment has been made: *Provided*
7 *further*, That notwithstanding subsection (b) of section
8 117 of the Export Enhancement Act of 1992, subsection
9 (a) thereof shall remain in effect until October 1, 2012:
10 *Provided further*, That the Export-Import Bank shall
11 charge fees for necessary expenses (including special serv-
12 ices performed on a contract or fee basis, but not including
13 other personal services) in connection with the collection
14 of moneys owed the Export-Import Bank, repossession or
15 sale of pledged collateral or other assets acquired by the
16 Export-Import Bank in satisfaction of moneys owed the
17 Export-Import Bank, or the investigation or appraisal of
18 any property, or the evaluation of the legal, financial, or
19 technical aspects of any transaction for which an applica-
20 tion for a loan, guarantee or insurance commitment has
21 been made: *Provided further*, That, in addition to other
22 funds appropriated for administrative expenses, such fees
23 shall be credited to this account, to remain available until
24 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 2012 in excess of
12 obligations, up to \$50,000,000, shall become available on
13 September 1, 2012 and shall remain available until Sep-
14 tember 30, 2015.

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 \$35,000) shall not exceed

1 \$54,990,000: *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 \$29,000,000, 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 2012, 2013, and 2014: *Provided fur-*
19 *ther*, That funds so obligated in fiscal year 2012 remain
20 available for disbursement through 2020; funds obligated
21 in fiscal year 2013 remain available for disbursement
22 through 2021; and funds obligated in fiscal year 2014 re-
23 main available for disbursement through 2022: *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 \$50,000,000, to remain available until September 30,
17 2013: *Provided*, That of the funds appropriated under this
18 heading, not more than \$4,000 may be available for rep-
19 resentation and entertainment allowances.

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 expired and unex-
12 pired funds received by such department or agency in fis-
13 cal year 2012 or any previous fiscal year: *Provided*, That
14 for the purposes of this section, obligated balances shall
15 not include obligations made through bilateral agreements
16 unless further sub-obligated.

17 CONSULTING SERVICES

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

EMBASSY CONSTRUCTION

1
2 SEC. 7004. (a) Of funds provided under title I of this
3 Act, except as provided in subsection (b), a project to con-
4 struct a diplomatic facility of the United States may not
5 include office space or other accommodations for an em-
6 ployee of a Federal agency or department if the Secretary
7 of State determines that such department or agency has
8 not provided to the Department of State the full amount
9 of funding required by subsection (e) of section 604 of
10 the Secure Embassy Construction and Counterterrorism
11 Act of 1999 (as enacted into law by section 1000(a)(7)
12 of Public Law 106–113 and contained in appendix G of
13 that Act; 113 Stat. 1501A–453), as amended by section
14 629 of the Departments of Commerce, Justice, and State,
15 the Judiciary, and Related Agencies Appropriations Act,
16 2005.

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

21 (c) For the purposes of calculating the fiscal year
22 2012 costs of providing new United States diplomatic fa-
23 cilities in accordance with section 604(e) of the Secure
24 Embassy Construction and Counterterrorism Act of 1999
25 (22 U.S.C. 4865 note), the Secretary of State, in consulta-

1 tion with the Director of the Office of Management and
2 Budget, shall determine the annual program level and
3 agency shares in a manner that is proportional to the De-
4 partment of State's contribution for this purpose.

5 (d) Funds appropriated by this Act, and any prior
6 Act making appropriations for the Department of State,
7 foreign operations, and related programs, which may be
8 made available for the acquisition of property for diplo-
9 matic facilities in Afghanistan, Pakistan, and Iraq, shall
10 be subject to prior consultation with, and the regular noti-
11 fication procedures of, the Committees on Appropriations.

12 (e) Section 604(e)(1) of the Secure Embassy Con-
13 struction and Counterterrorism Act of 1999 (22 U.S.C.
14 4865 note) is amended by striking "providing new," and
15 inserting in its place "providing, maintaining, repairing,
16 and renovating".

17 PERSONNEL ACTIONS

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

1 included elsewhere in this Act: *Provided further*, That use
2 of funds to carry out this section shall be treated as a
3 reprogramming of funds under section 7015 of this Act
4 and shall not be available for obligation or expenditure ex-
5 cept in compliance with the procedures set forth in that
6 section.

7 LOCAL GUARD CONTRACTS

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

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 a coup d'état or decree that is
18 supported by the military: *Provided*, That assistance may
19 be resumed to such government if the President deter-
20 mines and certifies to the Committees on Appropriations
21 that subsequent to the termination of assistance a demo-
22 cratically elected government has taken office: *Provided*
23 *further*, That the provisions of this section shall not apply
24 to assistance to promote democratic elections or public
25 participation in democratic processes: *Provided further*,

1 That funds made available pursuant to the previous pro-
2 visos shall be subject to the regular notification procedures
3 of the Committees on Appropriations.

4 TRANSFER AUTHORITY

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

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

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

21 (3) Any transfer pursuant to this section shall
22 be treated as a reprogramming of funds under sec-
23 tion 7015(a) and (b) of this Act and shall not be
24 available for obligation or expenditure except in com-
25 pliance with the procedures set forth in that section.

1 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—
2 Not to exceed 5 percent of any appropriation other than
3 for administrative expenses made available for fiscal year
4 2012, for programs under title VI of this Act may be
5 transferred between such appropriations for use for any
6 of the purposes, programs, and activities for which the
7 funds in such receiving account may be used, but no such
8 appropriation, except as otherwise specifically provided,
9 shall be increased by more than 25 percent by any such
10 transfer: *Provided*, That the exercise of such authority
11 shall be subject to the regular notification procedures of
12 the Committees on Appropriations.

13 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
14 CIES.—

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

21 (2) Notwithstanding paragraph (1), in addition
22 to transfers made by, or authorized elsewhere in,
23 this Act, funds appropriated by this Act to carry out
24 the purposes of the Foreign Assistance Act of 1961
25 may be allocated or transferred to agencies of the

1 United States Government pursuant to the provi-
2 sions of sections 109, 610, and 632 of the Foreign
3 Assistance Act of 1961.

4 (3) Any agreement entered into by the United
5 States Agency for International Development
6 (USAID) or the Department of State with any de-
7 partment, agency, or instrumentality of the United
8 States Government pursuant to section 632(b) of the
9 Foreign Assistance Act of 1961 valued in excess of
10 \$1,000,000 and any agreement made pursuant to
11 section 632(a) of such Act, with funds appropriated
12 by this Act and prior Acts making appropriations
13 for the Department of State, foreign operations, and
14 related programs under the headings “Global Health
15 Programs”, “Development Assistance”, and “Eco-
16 nomic Support Fund” shall be subject to the regular
17 notification procedures of the Committees on Appro-
18 priations: *Provided*, That the requirement in the pre-
19 vious sentence shall not apply to agreements entered
20 into between USAID and the Department of State.

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

1 less than 5 days prior to the exercise of any authority con-
2 tained in the Foreign Assistance Act of 1961 to transfer
3 funds, consults with and provides a written policy jus-
4 tification to the Committees on Appropriations.

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

19 REPORTING REQUIREMENT

20 SEC. 7010. The Secretary of State shall provide the
21 Committees on Appropriations, not later than April 1,
22 2012, and for each fiscal quarter, a report in writing on
23 the uses of funds made available under the headings “For-
24 eign Military Financing Program”, “International Mili-
25 tary Education and Training”, “Peacekeeping Oper-

1 ations”, and “Pakistan Counter-Insurgency Fund”: *Pro-*
2 *vided*, That such report shall include a description of the
3 obligation and expenditure of funds, and the specific coun-
4 try in receipt of, and the use or purpose of the assistance
5 provided by such funds.

6 AVAILABILITY OF FUNDS

7 SEC. 7011. No part of any appropriation contained
8 in this Act shall remain available for obligation after the
9 expiration of the current fiscal year unless expressly so
10 provided in this Act: *Provided*, That funds appropriated
11 for the purposes of chapters 1, 8, 11, and 12 of part I,
12 section 661, section 667, chapters 4, 5, 6, 8, and 9 of
13 part II of the Foreign Assistance Act of 1961, section 23
14 of the Arms Export Control Act, and funds provided under
15 the headings “Assistance for Europe, Eurasia and Central
16 Asia” and “Development Credit Authority”, shall remain
17 available for an additional 4 years from the date on which
18 the availability of such funds would otherwise have ex-
19 pired, if such funds are initially obligated before the expi-
20 ration of their respective periods of availability contained
21 in this Act: *Provided further*, That notwithstanding any
22 other provision of this Act, any funds made available for
23 the purposes of chapter 1 of part I and chapter 4 of part
24 II of the Foreign Assistance Act of 1961 which are allo-
25 cated or obligated for cash disbursements in order to ad-

1 dress balance of payments or economic policy reform ob-
2 jectives, shall remain available for an additional 4 years
3 from the date on which the availability of such funds
4 would otherwise have expired, if such funds are initially
5 allocated or obligated before the expiration of their respec-
6 tive periods of availability contained in this Act.

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

19 PROHIBITION ON TAXATION OF UNITED STATES
20 ASSISTANCE

21 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
22 of the funds appropriated under titles III through VI of
23 this Act may be made available to provide assistance for
24 a foreign country under a new bilateral agreement gov-
25 erning the terms and conditions under which such assist-

1 ance is to be provided unless such agreement includes a
2 provision stating that assistance provided by the United
3 States shall be exempt from taxation, or reimbursed, by
4 the foreign government, and the Secretary of State shall
5 expeditiously seek to negotiate amendments to existing bi-
6 lateral agreements, as necessary, to conform with this re-
7 quirement.

8 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
9 amount equivalent to 200 percent of the total taxes as-
10 sessed during fiscal year 2011 on funds appropriated by
11 this Act by a foreign government or entity against com-
12 modities financed under United States assistance pro-
13 grams for which funds are appropriated by this Act, either
14 directly or through grantees, contractors and subcontrac-
15 tors shall be withheld from obligation from funds appro-
16 priated for assistance for fiscal year 2012 and allocated
17 for the central government of such country and for the
18 West Bank and Gaza program to the extent that the Sec-
19 retary of State certifies and reports in writing to the Com-
20 mittees on Appropriations that such taxes have not been
21 reimbursed to the Government of the United States.

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

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

7 (e) DETERMINATIONS.—

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

11 (A) does not assess taxes on United States
12 assistance or which has an effective arrange-
13 ment that is providing substantial reimburse-
14 ment of such taxes; or

15 (B) the foreign policy interests of the
16 United States outweigh the purpose of this sec-
17 tion to ensure that United States assistance is
18 not subject to taxation.

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

23 (f) IMPLEMENTATION.—The Secretary of State shall
24 issue rules, regulations, or policy guidance, as appropriate,

1 to implement the prohibition against the taxation of assist-
2 ance contained in this section.

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

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

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

20 RESERVATIONS OF FUNDS

21 SEC. 7014. (a) Funds appropriated under titles II
22 through VI of this Act which are specifically designated
23 may be reprogrammed for other programs within the same
24 account notwithstanding the designation if compliance
25 with the designation is made impossible by operation of

1 any provision of this or any other Act: *Provided*, That any
2 such reprogramming shall be subject to the regular notifi-
3 cation procedures of the Committees on Appropriations:
4 *Provided further*, That assistance that is reprogrammed
5 pursuant to this subsection shall be made available under
6 the same terms and conditions as originally provided.

7 (b) In addition to the authority contained in sub-
8 section (a), the original period of availability of funds ap-
9 propriated by this Act and administered by the United
10 States Agency for International Development (USAID)
11 that are specifically designated for particular programs or
12 activities by this or any other Act shall be extended for
13 an additional fiscal year if the USAID Administrator de-
14 termines and reports promptly to the Committees on Ap-
15 propriations that the termination of assistance to a coun-
16 try or a significant change in circumstances makes it un-
17 likely that such designated funds can be obligated during
18 the original period of availability: *Provided*, That such des-
19 igned funds that continue to be available for an addi-
20 tional fiscal year shall be obligated only for the purpose
21 of such designation.

22 (c) Ceilings and specifically designated funding levels
23 contained in this Act shall not be applicable to funds or
24 authorities appropriated or otherwise made available by
25 any subsequent Act unless such Act specifically so directs:

1 *Provided*, That specifically designated funding levels or
2 minimum funding requirements contained in any other
3 Act shall not be applicable to funds appropriated by this
4 Act.

5 REPROGRAMMING NOTIFICATION REQUIREMENTS

6 SEC. 7015. (a) None of the funds made available in
7 title I of this Act, or in prior appropriations Acts to the
8 agencies and departments funded by this Act that remain
9 available for obligation or expenditure in fiscal year 2012,
10 or provided from any accounts in the Treasury of the
11 United States derived by the collection of fees or of cur-
12 rency reflows or other offsetting collections, or made avail-
13 able by transfer, to the agencies and departments funded
14 by this Act, shall be available for obligation or expenditure
15 through a reprogramming of funds that:

- 16 (1) creates new programs;
- 17 (2) eliminates a program, project, or activity;
- 18 (3) increases funds or personnel by any means
19 for any project or activity for which funds have been
20 denied or restricted;
- 21 (4) relocates an office or employees;
- 22 (5) closes or opens a mission or post;
- 23 (6) creates, reorganizes, or renames bureaus,
24 centers, or offices;
- 25 (7) reorganizes programs or activities; or

1 (8) contracts out or privatizes any functions or
2 activities presently performed by Federal employees;
3 unless the Committees on Appropriations are noti-
4 fied 15 days in advance of such reprogramming of
5 funds.

6 (b) None of the funds provided under title I of this
7 Act, or provided under previous appropriations Acts to the
8 agency or department funded under title I of this Act that
9 remain available for obligation or expenditure in fiscal
10 year 2012, or provided from any accounts in the Treasury
11 of the United States derived by the collection of fees avail-
12 able to the agency or department funded under title I of
13 this Act, shall be available for obligation or expenditure
14 for activities, programs, or projects through a reprogram-
15 ming of funds in excess of \$1,000,000 or 10 percent,
16 whichever is less, that:

17 (1) augments existing programs, projects, or ac-
18 tivities;

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

22 (3) results from any general savings, including
23 savings from a reduction in personnel, which would
24 result in a change in existing programs, activities, or
25 projects as approved by Congress; unless the Com-

1 mittees on Appropriations are notified 15 days in
2 advance of such reprogramming of funds.

3 (c) None of the funds made available under titles II
4 through VI and VIII in this Act under the headings
5 “Global Health Programs”, “Development Assistance”,
6 “International Organizations and Programs”, “Trade and
7 Development Agency”, “International Narcotics Control
8 and Law Enforcement”, “Assistance for Europe, Eurasia
9 and Central Asia”, “Economic Support Fund”, “Democ-
10 racy Fund”, “Peacekeeping Operations”, “Capital Invest-
11 ment Fund”, “Operating Expenses”, “Conflict Stabiliza-
12 tion Operations”, “Office of Inspector General”, “Non-
13 proliferation, Anti-terrorism, Demining and Related Pro-
14 grams”, “Millennium Challenge Corporation”, “Global Se-
15 curity Contingency Fund”, “Foreign Military Financing
16 Program”, “International Military Education and Train-
17 ing”, “Pakistan Counter-Insurgency Capability Fund”,
18 and “Peace Corps”, shall be available for obligation for
19 activities, programs, projects, type of materiel assistance,
20 countries, or other operations not justified or in excess of
21 the amount justified to the Committees on Appropriations
22 for obligation under any of these specific headings unless
23 the Committees on Appropriations are notified 15 days in
24 advance: *Provided*, That the President shall not enter into
25 any commitment of funds appropriated for the purposes

1 of section 23 of the Arms Export Control Act for the pro-
2 vision of major defense equipment, other than conven-
3 tional ammunition, or other major defense items defined
4 to be aircraft, ships, missiles, or combat vehicles, not pre-
5 viously justified to Congress or 20 percent in excess of
6 the quantities justified to Congress unless the Committees
7 on Appropriations are notified 15 days in advance of such
8 commitment: *Provided further*, That requirements of this
9 subsection or any similar provision of this or any other
10 Act shall not apply to any reprogramming for an activity,
11 program, or project for which funds are appropriated
12 under titles II through IV of this Act of less than 10 per-
13 cent of the amount previously justified to the Congress
14 for obligation for such activity, program, or project for the
15 current fiscal year.

16 (d) Notwithstanding any other provision of law, with
17 the exception of funds transferred to, and merged with,
18 funds appropriated under title I of this Act, funds trans-
19 ferred by the Department of Defense to the Department
20 of State and the United States Agency for International
21 Development for assistance for foreign countries and
22 international organizations, and funds made available for
23 programs authorized by section 1206 of the National De-
24 fense Authorization Act for Fiscal Year 2006 (Public Law

1 109–163), shall be subject to the regular notification pro-
2 cedures of the Committees on Appropriations.

3 (e) The requirements of this section or any similar
4 provision of this Act or any other Act, including any prior
5 Act requiring notification in accordance with the regular
6 notification procedures of the Committees on Appropria-
7 tions, may be waived if failure to do so would pose a sub-
8 stantial risk to human health or welfare: *Provided*, That
9 in case of any such waiver, notification to the Committees
10 on Appropriations shall be provided as early as prac-
11 ticable, but in no event later than 3 days after taking the
12 action to which such notification requirement was applica-
13 ble, in the context of the circumstances necessitating such
14 waiver: *Provided further*, That any notification provided
15 pursuant to such a waiver shall contain an explanation
16 of the emergency circumstances.

17 (f) None of the funds appropriated under titles III
18 through VI and VIII of this Act shall be obligated or ex-
19 pended for assistance for Serbia, Sudan, South Sudan,
20 Zimbabwe, Afghanistan, Pakistan, Cuba, Iran, Haiti,
21 Libya, Ethiopia, Nepal, Colombia, Burma, Yemen, Mex-
22 ico, Kazakhstan, Uzbekistan, Somalia, Sri Lanka, or
23 Cambodia except as provided through the regular notifica-
24 tion procedures of the Committees on Appropriations.

1 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

2 SEC. 7016. Prior to providing excess Department of
3 Defense articles in accordance with section 516(a) of the
4 Foreign Assistance Act of 1961, the Department of De-
5 fense shall notify the Committees on Appropriations to the
6 same extent and under the same conditions as other com-
7 mittees pursuant to subsection (f) of that section: *Pro-*
8 *vided*, That before issuing a letter of offer to sell excess
9 defense articles under the Arms Export Control Act, the
10 Department of Defense shall notify the Committees on
11 Appropriations in accordance with the regular notification
12 procedures of such Committees if such defense articles are
13 significant military equipment (as defined in section 47(9)
14 of the Arms Export Control Act) or are valued (in terms
15 of original acquisition cost) at \$7,000,000 or more, or if
16 notification is required elsewhere in this Act for the use
17 of appropriated funds for specific countries that would re-
18 ceive such excess defense articles: *Provided further*, That
19 such Committees shall also be informed of the original ac-
20 quisition cost of such defense articles.

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

23 SEC. 7017. Subject to the regular notification proce-
24 dures of the Committees on Appropriations, funds appro-
25 priated under titles III through VI of this Act and prior

1 Acts making appropriations for the Department of State,
2 foreign operations, and related programs, which are re-
3 turned or not made available for organizations and pro-
4 grams because of the implementation of section 307(a) of
5 the Foreign Assistance Act of 1961, shall remain available
6 for obligation until September 30, 2013.

7 PROHIBITION ON FUNDING FOR ABORTIONS AND
8 INVOLUNTARY STERILIZATION

9 SEC. 7018. None of the funds made available to carry
10 out part I of the Foreign Assistance Act of 1961, as
11 amended, may be obligated or expended for any country
12 or organization if the President certifies that the use of
13 such funds by any such country or organization would vio-
14 late any provisions related to abortions and involuntary
15 sterilizations in section 104(f)(1), (2), and (3) of such Act.

16 ALLOCATIONS

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

21 (b) For the purposes of implementing this section and
22 only with respect to the tables included in the report ac-
23 companying this Act, the Secretary of State, the Adminis-
24 trator of the United States Agency for International De-
25 velopment and the Broadcasting Board of Governors, as

1 appropriate, may propose deviations to the amounts ref-
2 erenced in subsection (a), subject to the regular notifica-
3 tion procedures of the Committees on Appropriations.

4 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

5 SEC. 7020. None of the funds appropriated or other-
6 wise made available by this Act under the headings “Inter-
7 national Military Education and Training” or “Foreign
8 Military Financing Program” for Informational Program
9 activities or under the headings “Global Health Pro-
10 grams”, “Development Assistance”, and “Economic Sup-
11 port Fund” may be obligated or expended to pay for—

12 (1) alcoholic beverages; or

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

18 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

19 SUPPORTING INTERNATIONAL TERRORISM

20 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
21 PORTS.—

22 (1) None of the funds appropriated or otherwise
23 made available by titles III through VI of this Act
24 may be available to any foreign government which
25 provides lethal military equipment to a country the

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

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

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

23 (b) BILATERAL ASSISTANCE.—

24 (1) Funds appropriated for bilateral assistance
25 in titles III through VI of this Act and funds appro-

1 appropriated under any such title in prior acts making ap-
2 propriations for the Department of State, foreign
3 operations, and related programs, shall not be made
4 available to any foreign government which the Presi-
5 dent determines—

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

9 (B) otherwise supports international ter-
10 rorism.

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

22 AUTHORIZATION REQUIREMENTS

23 SEC. 7022. Funds appropriated by this Act, except
24 funds appropriated under the heading “Trade and Devel-
25 opment Agency”, may be obligated and expended notwith-

1 standing section 10 of Public Law 91–672, section 15 of
2 the State Department Basic Authorities Act of 1956, sec-
3 tion 313 of the Foreign Relations Authorization Act, Fis-
4 cal Years 1994 and 1995 (Public Law 103–236), and sec-
5 tion 504(a)(1) of the National Security Act of 1947 (50
6 U.S.C. 414(a)(1)).

7 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

8 SEC. 7023. For the purpose of titles II through VI
9 of this Act “program, project, and activity” shall be de-
10 fined at the appropriations Act account level and shall in-
11 clude all appropriations and authorizations Acts funding
12 directives, ceilings, and limitations with the exception that
13 for the following accounts: “Economic Support Fund” and
14 “Foreign Military Financing Program”, “program,
15 project, and activity” shall also be considered to include
16 country, regional, and central program level funding with-
17 in each such account; for the development assistance ac-
18 counts of the United States Agency for International De-
19 velopment “program, project, and activity” shall also be
20 considered to include central, country, regional, and pro-
21 gram level funding, either as:

22 (1) justified to the Congress; or

23 (2) allocated by the executive branch in accord-
24 ance with a report, to be provided to the Committees
25 on Appropriations within 30 days of the enactment

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

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

5 SEC. 7024. Unless expressly provided to the contrary,
6 provisions of this or any other Act, including provisions
7 contained in prior Acts authorizing or making appropria-
8 tions for the Department of State, foreign operations, and
9 related programs, shall not be construed to prohibit activi-
10 ties authorized by or conducted under the Peace Corps
11 Act, the Inter-American Foundation Act or the African
12 Development Foundation Act: *Provided*, That the agency
13 shall promptly report to the Committees on Appropria-
14 tions whenever it is conducting activities or is proposing
15 to conduct activities in a country for which assistance is
16 prohibited.

17 COMMERCE, TRADE AND SURPLUS COMMODITIES

18 SEC. 7025. (a) None of the funds appropriated or
19 made available pursuant to titles III through VI of this
20 Act for direct assistance and none of the funds otherwise
21 made available to the Export-Import Bank and the Over-
22 seas Private Investment Corporation shall be obligated or
23 expended to finance any loan, any assistance or any other
24 financial commitments for establishing or expanding pro-
25 duction of any commodity for export by any country other

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

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

21 (2) activities in a country the President deter-
22 mines is recovering from widespread conflict, a hu-
23 manitarian crisis, or a complex emergency.

24 (b) None of the funds appropriated by this or any
25 other Act to carry out chapter 1 of part I of the Foreign

1 Assistance Act of 1961 shall be available for any testing
2 or breeding feasibility study, variety improvement or intro-
3 duction, consultancy, publication, conference, or training
4 in connection with the growth or production in a foreign
5 country of an agricultural commodity for export which
6 would compete with a similar commodity grown or pro-
7 duced in the United States: *Provided*, That this subsection
8 shall not prohibit—

9 (1) activities designed to increase food security
10 in developing countries where such activities will not
11 have a significant impact on the export of agricul-
12 tural commodities of the United States;

13 (2) research activities intended primarily to
14 benefit American producers;

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

22 (4) activities in a country the President deter-
23 mines is recovering from widespread conflict, a hu-
24 manitarian crisis, or a complex emergency.

1 SEPARATE ACCOUNTS

2 SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL
3 CURRENCIES.—

4 (1) If assistance is furnished to the government
5 of a foreign country under chapters 1 and 10 of part
6 I or chapter 4 of part II of the Foreign Assistance
7 Act of 1961 under agreements which result in the
8 generation of local currencies of that country, the
9 Administrator of the United States Agency for
10 International Development (USAID) shall—

11 (A) require that local currencies be depos-
12 ited in a separate account established by that
13 government;

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

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

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

21 (C) establish by agreement with that gov-
22 ernment the responsibilities of USAID and that
23 government to monitor and account for deposits
24 into and disbursements from the separate ac-
25 count.

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

6 (A) to carry out chapter 1 or 10 of part
7 I or chapter 4 of part II of the Foreign Assist-
8 ance Act of 1961 (as the case may be), for such
9 purposes as—

10 (i) project and sector assistance activi-
11 ties; or

12 (ii) debt and deficit financing; or

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

15 (3) PROGRAMMING ACCOUNTABILITY.—USAID
16 shall take all necessary steps to ensure that the
17 equivalent of the local currencies disbursed pursuant
18 to subsection (a)(2)(A) from the separate account
19 established pursuant to subsection (a)(1) are used
20 for the purposes agreed upon pursuant to subsection
21 (a)(2).

22 (4) TERMINATION OF ASSISTANCE PRO-
23 GRAMS.—Upon termination of assistance to a coun-
24 try under chapter 1 or 10 of part I or chapter 4 of
25 part II of the Foreign Assistance Act of 1961 (as

1 the case may be), any unencumbered balances of
2 funds which remain in a separate account estab-
3 lished pursuant to subsection (a) shall be disposed of
4 for such purposes as may be agreed to by the gov-
5 ernment of that country and the United States Gov-
6 ernment.

7 (5) REPORTING REQUIREMENT.—The USAID
8 Administrator shall report on an annual basis as
9 part of the justification documents submitted to the
10 Committees on Appropriations on the use of local
11 currencies for the administrative requirements of the
12 United States Government as authorized in sub-
13 section (a)(2)(B), and such report shall include the
14 amount of local currency (and United States dollar
15 equivalent) used and/or to be used for such purpose
16 in each applicable country.

17 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

18 (1) If assistance is made available to the gov-
19 ernment of a foreign country, under chapter 1 or 10
20 of part I or chapter 4 of part II of the Foreign As-
21 sistance Act of 1961, as cash transfer assistance or
22 as nonproject sector assistance, that country shall be
23 required to maintain such funds in a separate ac-
24 count and not commingle them with any other
25 funds.

1 (2) APPLICABILITY OF OTHER PROVISIONS OF
2 LAW.—Such funds may be obligated and expended
3 notwithstanding provisions of law which are incon-
4 sistent with the nature of this assistance including
5 provisions which are referenced in the Joint Explan-
6 atory Statement of the Committee of Conference ac-
7 companying House Joint Resolution 648 (House Re-
8 port No. 98–1159).

9 (3) NOTIFICATION.—At least 15 days prior to
10 obligating any such cash transfer or nonproject sec-
11 tor assistance, the President shall submit a notifica-
12 tion through the regular notification procedures of
13 the Committees on Appropriations, which shall in-
14 clude a detailed description of how the funds pro-
15 posed to be made available will be used, with a dis-
16 cussion of the United States interests that will be
17 served by the assistance (including, as appropriate,
18 a description of the economic policy reforms that will
19 be promoted by such assistance).

20 (4) EXEMPTION.—Nonproject sector assistance
21 funds may be exempt from the requirements of sub-
22 section (b)(1) only through the regular notification
23 procedures of the Committees on Appropriations.

1 ELIGIBILITY FOR ASSISTANCE

2 SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERN-
3 MENTAL ORGANIZATIONS.—Section 123 of the Foreign
4 Assistance Act of 1961 (22 U.S.C. 2151u) is amended by
5 adding the following new subsection at the end:

6 “(i)(1) Restrictions contained in this or any other Act
7 with respect to assistance for a country shall not be con-
8 strued to restrict assistance in support of programs of
9 nongovernmental organizations from—

10 “(A) funds made available to carry out this
11 chapter and chapters 10, 11, and 12 of part I and
12 chapter 4 of part II; or

13 “(B) funds made available for economic assist-
14 ance activities under the Support for East European
15 Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et
16 seq.).

17 “(2) The President shall submit to Congress, in ac-
18 cordance with section 634A, advance notice of an intent
19 to obligate funds under the authority of this subsection
20 to furnish assistance in support of programs of nongovern-
21 mental organizations.

22 “(3) This subsection shall not apply—

23 “(A) with respect to section 620A of this Act
24 or any comparable provision of law prohibiting as-

1 sistance to governments that support international
2 terrorism; or

3 “(B) with respect to section 116 of this Act or
4 any comparable provision of law prohibiting assist-
5 ance to the government of a country that violates
6 internationally recognized human rights.

7 “(4) Nothing in this subsection shall be construed to
8 alter any existing statutory prohibitions against abortion
9 or involuntary sterilization contained in this or any other
10 Act.”.

11 (b) PUBLIC LAW 480.—During fiscal year 2012, re-
12 strictions contained in this or any other Act with respect
13 to assistance for a country shall not be construed to re-
14 strict assistance under the Food for Peace Act (Public
15 Law 83–480, as amended): *Provided*, That none of the
16 funds appropriated to carry out title I of such Act and
17 made available pursuant to this subsection may be obli-
18 gated or expended except as provided through the regular
19 notification procedures of the Committees on Appropria-
20 tions.

21 IMPACT ON JOBS IN THE UNITED STATES

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

1 (1) any financial incentive to a business enter-
2 prise currently located in the United States for the
3 purpose of inducing such an enterprise to relocate
4 outside the United States if such incentive or in-
5 ducement is likely to reduce the number of employ-
6 ees of such business enterprise in the United States
7 because United States production is being replaced
8 by such enterprise outside the United States; or

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

21 INTERNATIONAL FINANCIAL INSTITUTIONS

22 SEC. 7029. (a) None of the funds appropriated under
23 title V of this Act may be made as payment to any inter-
24 national financial institution while the United States exec-
25 utive director to such institution is compensated by the

1 institution at a rate which, together with whatever com-
2 pensation such executive director receives from the United
3 States, is in excess of the rate provided for an individual
4 occupying a position at level IV of the Executive Schedule
5 under section 5315 of title 5, United States Code, or while
6 any alternate United States executive director to such in-
7 stitution is compensated by the institution at a rate in
8 excess of the rate provided for an individual occupying a
9 position at level V of the Executive Schedule under section
10 5316 of title 5, United States Code.

11 (b) Of the funds appropriated under title V of this
12 Act that are available for payments to international finan-
13 cial institutions, 10 percent should not be obligated for
14 any such institution until the Secretary of the Treasury
15 reports to the Committees on Appropriations that the in-
16 stitution is implementing effective practices to protect
17 whistleblowers (including the institution's employees and
18 others affected by the institution's operations) from retal-
19 iation for internal and lawful public disclosures, includ-
20 ing—

- 21 (1) best practices for legal burdens of proof;
- 22 (2) access to independent adjudicative bodies,
23 including external arbitration based on consensus se-
24 lection and shared costs;

1 (3) results that eliminate the effects of proven
2 retaliation; and

3 (4) a minimum of a 6-month statute of limita-
4 tions for reporting retaliation.

5 (c) The Secretary of the Treasury shall instruct the
6 United States executive director of each international fi-
7 nancial institution to oppose any loan, grant, strategy or
8 policy of such institution that would require user fees or
9 service charges on poor people for primary education or
10 primary healthcare, including prevention, care and treat-
11 ment for HIV/AIDS, malaria, tuberculosis, and infant,
12 child, and maternal health, in connection with such insti-
13 tution's financing programs.

14 (d) The Secretary of the Treasury shall instruct the
15 United States Executive Director of the International
16 Monetary Fund (the Fund) to use the voice and vote of
17 the United States to oppose any loan, project, agreement,
18 memorandum, instrument, plan, or other program of the
19 Fund to a Heavily Indebted Poor Country that imposes
20 budget caps or restraints that do not allow the mainte-
21 nance of or an increase in governmental spending on
22 healthcare or education; and to promote government
23 spending on healthcare, education, agriculture and food
24 security, or other critical safety net programs in all of the

1 Fund's activities with respect to Heavily Indebted Poor
2 Countries.

3 (e) The Secretary of the Treasury shall instruct the
4 United States executive directors of the international fi-
5 nancial institutions to use the voice and vote of the United
6 States to oppose any assistance by such institutions, using
7 funds appropriated or made available pursuant to titles
8 III through VI of this Act, for the production or extraction
9 of any commodity or mineral for export, if it is in surplus
10 on world markets and if the assistance will cause substan-
11 tial injury to United States producers of the same, similar,
12 or competing commodity.

13 (f) For the purposes of this Act "international finan-
14 cial institutions" shall mean the International Bank for
15 Reconstruction and Development, the International Devel-
16 opment Association, the International Finance Corpora-
17 tion, the Inter-American Development Bank, the Inter-
18 national Monetary Fund, the Asian Development Bank,
19 the Asian Development Fund, the Inter-American Invest-
20 ment Corporation, the North American Development
21 Bank, the European Bank for Reconstruction and Devel-
22 opment, the African Development Bank and the African
23 Development Fund.

DEBT-FOR-DEVELOPMENT

1
2 SEC. 7030. In order to enhance the continued partici-
3 pation of nongovernmental organizations in debt-for-devel-
4 opment and debt-for-nature exchanges, a nongovern-
5 mental organization which is a grantee or contractor of
6 the United States Agency for International Development
7 may place in interest bearing accounts local currencies
8 which accrue to that organization as a result of economic
9 assistance provided under title III of this Act and, subject
10 to the regular notification procedures of the Committees
11 on Appropriations, any interest earned on such investment
12 shall be used for the purpose for which the assistance was
13 provided to that organization.

14 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

15 SEC. 7031. (a) LOANS ELIGIBLE FOR SALE, REDUC-
16 TION, OR CANCELLATION.—

17 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
18 CERTAIN LOANS.—Notwithstanding any other provi-
19 sion of law, the President may, in accordance with
20 this section, sell to any eligible purchaser any
21 concessional loan or portion thereof made before
22 January 1, 1995, pursuant to the Foreign Assist-
23 ance Act of 1961, to the government of any eligible
24 country as defined in section 702(6) of that Act or
25 on receipt of payment from an eligible purchaser, re-

1 duce or cancel such loan or portion thereof, only for
2 the purpose of facilitating—

3 (A) debt-for-equity swaps, debt-for-develop-
4 ment swaps, or debt-for-nature swaps; or

5 (B) a debt buyback by an eligible country
6 of its own qualified debt, only if the eligible
7 country uses an additional amount of the local
8 currency of the eligible country, equal to not
9 less than 40 percent of the price paid for such
10 debt by such eligible country, or the difference
11 between the price paid for such debt and the
12 face value of such debt, to support activities
13 that link conservation and sustainable use of
14 natural resources with local community develop-
15 ment, and child survival and other child devel-
16 opment, in a manner consistent with sections
17 707 through 710 of the Foreign Assistance Act
18 of 1961, if the sale, reduction, or cancellation
19 would not contravene any term or condition of
20 any prior agreement relating to such loan.

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

1 (3) ADMINISTRATION.—The Facility, as defined
2 in section 702(8) of the Foreign Assistance Act of
3 1961, shall notify the administrator of the agency
4 primarily responsible for administering part I of the
5 Foreign Assistance Act of 1961 of purchasers that
6 the President has determined to be eligible, and
7 shall direct such agency to carry out the sale, reduc-
8 tion, or cancellation of a loan pursuant to this sec-
9 tion: *Provided*, That such agency shall make adjust-
10 ment in its accounts to reflect the sale, reduction, or
11 cancellation.

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

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

22 (c) ELIGIBLE PURCHASERS.—A loan may be sold
23 pursuant to subsection (a)(1)(A) only to a purchaser who
24 presents plans satisfactory to the President for using the

1 loan for the purpose of engaging in debt-for-equity swaps,
2 debt-for-development swaps, or debt-for-nature swaps.

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

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

14 SPECIAL PROVISIONS

15 SEC. 7032. (a) AFGHANISTAN, PAKISTAN, IRAQ,
16 LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND
17 DISPLACED BURMESE.—Funds appropriated under titles
18 III through VI of this Act that are made available for as-
19 sistance for Afghanistan may be made available notwith-
20 standing section 7012 of this Act or any similar provision
21 of law and section 660 of the Foreign Assistance Act of
22 1961, and funds appropriated under titles III and VI of
23 this Act that are made available for assistance for Paki-
24 stan, Iraq, and Lebanon and for victims of war, displaced
25 children, displaced Burmese, and to assist victims of traf-

1 ficking in persons and, subject to the regular notification
2 procedures of the Committees on Appropriations, to com-
3 bat such trafficking, may be made available notwith-
4 standing any other provision of law except section 620M
5 of the Foreign Assistance Act, as amended by this Act.

6 (b) WAIVER.—

7 (1) The President may waive the provisions of
8 section 1003 of Public Law 100–204 if the Presi-
9 dent determines and certifies in writing to the Presi-
10 dent pro tempore of the Senate, the Speaker of the
11 House of Representatives, and the Committees on
12 Appropriations that it is important to the national
13 security interests of the United States.

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

19 (3) Not later than 30 days after enactment of
20 this Act, the Secretary of State shall submit to the
21 Committees on Appropriations specific recommenda-
22 tions on appropriate actions to be taken with respect
23 to the Palestine Liberation Organization’s status in
24 the United States, especially about the closing of its
25 office, if Palestine seeks to become a member or

1 non-member state of the United Nations outside an
2 agreement negotiated between Israel and the Pal-
3 estinians.

4 (c) SMALL BUSINESS.—In entering into multiple
5 award indefinite-quantity contracts with funds appro-
6 priated by this Act, the United States Agency for Inter-
7 national Development (USAID) may provide an exception
8 to the fair opportunity process for placing task orders
9 under such contracts when the order is placed with any
10 category of small or small disadvantaged business.

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

19 (e) EXTENSION OF AUTHORITY.—The Foreign Oper-
20 ations, Export Financing, and Related Programs Appro-
21 priations Act, 1990 (Public Law 101–167) is amended—

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

23 (A) in subsection (b)(3), by striking “and
24 2011” and inserting “2011, and 2012”; and

1 (B) in subsection (e), by striking “June 1,
2 2011” each place it appears and inserting “Oc-
3 tober 1, 2012”; and

4 (2) in section 599E (8 U.S.C. 1255 note) in
5 subsection (b)(2), by striking “2011” and inserting
6 “2012”.

7 (f) WORLD FOOD PROGRAM.—Funds managed by
8 the Bureau for Democracy, Conflict, and Humanitarian
9 Assistance, USAID, from this or any other Act, shall be
10 made available as a general contribution to the World
11 Food Program, notwithstanding any other provision of
12 law.

13 (g) DISARMAMENT, DEMOBILIZATION AND RE-
14 INTEGRATION.—Notwithstanding any other provision of
15 law, regulation or Executive order, funds appropriated by
16 this Act and prior Acts making appropriations for the De-
17 partment of State, foreign operations, and related pro-
18 grams under the headings “Economic Support Fund”,
19 “Peacekeeping Operations”, “International Disaster As-
20 sistance”, and “Transition Initiatives” should be made
21 available to support programs to disarm, demobilize, and
22 reintegrate into civilian society former members of foreign
23 terrorist organizations: *Provided*, That the Secretary of
24 State shall consult with the Committees on Appropriations
25 prior to the obligation of funds pursuant to this sub-

1 section: *Provided further*, That for the purposes of this
2 subsection the term “foreign terrorist organization”
3 means an organization designated as a terrorist organiza-
4 tion under section 219 of the Immigration and Nationality
5 Act.

6 (h) CONTINGENCIES.—During fiscal year 2012, the
7 President may use up to \$75,000,000 under the authority
8 of section 451 of the Foreign Assistance Act of 1961, not-
9 withstanding any other provision of law.

10 (i) CONSOLIDATION OF REPORTS.—The Secretary of
11 State, in coordination with the USAID Administrator,
12 shall submit to the Committees on Appropriations not
13 later than 90 days after enactment of this Act rec-
14 ommendations for the consolidation or combination of re-
15 ports (including plans and strategies) that are called for
16 by any provision of law to be submitted to the Congress
17 and that are substantially duplicative of others called for
18 by any other provision of law: *Provided*, That reports are
19 considered “substantially duplicative” if they are required
20 to address at least more than half of the same substantive
21 factors, criteria and issues that are required to be ad-
22 dressed by any other report, and any such consolidated
23 report must address all the substantive factors, criteria
24 and issues required to be addressed in each of the indi-
25 vidual reports: *Provided further*, That reports affected by

1 this subsection are those within the purview of, or pre-
2 pared primarily by, the Department of State and USAID
3 and that relate to matters addressed under this Act or
4 any other Act authorizing or appropriating funds for use
5 by, or actions of, the Department of State or USAID.

6 (j) PROMOTION OF DEMOCRACY.—

7 (1) Funds made available by this Act that are
8 made available for the promotion of democracy may
9 be made available notwithstanding any other provi-
10 sion of law, and with regard to the National Endow-
11 ment for Democracy, any regulation.

12 (2) For the purposes of funds appropriated by
13 this Act, the term “promotion of democracy” means
14 programs that support good governance, human
15 rights, independent media, and the rule of law, and
16 otherwise strengthen the capacity of democratic po-
17 litical parties, governments, nongovernmental organi-
18 zations and institutions, and citizens to support the
19 development of democratic states, institutions, and
20 practices that are responsive and accountable to citi-
21 zens.

22 (3) With respect to the provision of assistance
23 for democracy, human rights and governance activi-
24 ties in this Act, the organizations implementing such
25 assistance and the specific nature of that assistance

1 shall not be subject to the prior approval by the gov-
2 ernment of any foreign country.

3 (4) Of the funds appropriated under the head-
4 ing “Economic Support Fund”, up to \$25,000,000
5 shall be made available to the Bureau of Democracy,
6 Human Rights and Labor for programs to promote
7 human rights by expanding open and uncensored ac-
8 cess to information and communication through the
9 Internet, mobile phones, and other connection tech-
10 nologies including digital safety training, policy and
11 advocacy, and the development of circumvention and
12 secure communication technologies, as identified in
13 the Department of State’s Internet freedom strat-
14 egy: *Provided*, That funds made available by this
15 section should be matched by sources other than the
16 United States Government, as appropriate: *Provided*
17 *further*, That the Secretary of State shall coordinate
18 the uses of circumvention and secure communica-
19 tions technologies with the Administrator of the
20 United States Agency for International Development
21 (USAID) and the Broadcasting Board of Governors,
22 as appropriate: *Provided further*, That the cir-
23 cumvention technologies and programs supported by
24 funds made available by this Act, Public Law 111–
25 117 or Public Law 112–10 shall undergo a peer re-

1 view, to include an assessment of the protection
2 against such technologies being used for illicit pur-
3 poses, including to further the communications capa-
4 bilities of extremist groups or their supporters: *Pro-*
5 *vided further,* That prior to the obligation of funds,
6 the Secretary of State shall submit to the Commit-
7 tees on Appropriations a report detailing planned ex-
8 penditures of funds made available for activities to
9 promote Internet freedom: *Provided further,* That
10 not later than September 30, 2012, the Secretary of
11 State, in coordination with the USAID Adminis-
12 trator, shall submit a report to the Committees on
13 Appropriations listing programs supported by the
14 Department of State and USAID to promote Inter-
15 net freedom, including an assessment of the results
16 of such programs, and detailing how such programs
17 further, and are coordinated with cyber diplomacy
18 and the United States International Strategy for
19 Cyberspace.

20 (k) ACCOUNTABILITY REVIEW BOARDS.—The au-
21 thority provided by section 301(a)(3) of the Omnibus Dip-
22 lomatic Security and Antiterrorism Act of 1986 (22
23 U.S.C. 4831(a)(3)) shall remain in effect through Sep-
24 tember 30, 2012.

1 (l) PARTNER VETTING.—The provisions of section
2 7034(o) of division F of Public Law 111–117 shall remain
3 in effect through fiscal year 2012.

4 (m) MOTOR VEHICLE POLLUTION CONTROL.—Not
5 later than 90 days after enactment of this Act, the head
6 of each United States Government agency that receives
7 funds appropriated by this Act shall establish a policy to
8 eliminate unnecessary idling of motor vehicles owned or
9 leased by such department or agency, and provide a copy
10 of such policy to the Committees on Appropriations includ-
11 ing an estimate of the amount of annual fuel savings that
12 will result from such policy: *Provided*, That such policy
13 may include exceptions to accommodate important secu-
14 rity, health, or safety concerns, and if necessary to per-
15 form an important job function, ensure safe operating con-
16 ditions, or to operate a motor vehicle in accordance with
17 manufacturer specifications.

18 (n) PROTECTIONS AND REMEDIES FOR EMPLOYEES
19 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
20 ZATIONS.—The Secretary of State shall implement section
21 203(a)(2) of the William Wilberforce Trafficking Victims
22 Protection Reauthorization Act of 2008 (Public Law 110–
23 457): *Provided*, That in determining whether to suspend
24 the issuance of A–3 or G–5 visas to applicants seeking
25 to work for officials of a diplomatic mission or inter-

1 national organization, the Secretary shall consider wheth-
2 er a final court judgment has been issued against a cur-
3 rent or former employee of such mission or organization
4 (and the time period for a final appeal has expired) or
5 whether the Department of State has requested that im-
6 munity of individual diplomats or family members be
7 waived to permit criminal prosecution: *Provided further,*
8 That the Secretary should continue to assist in obtaining
9 payment of final court judgments awarded to A-3 and G-
10 5 visa holders, including encouraging the sending states
11 to provide compensation directly to victims: *Provided fur-*
12 *ther,* That the Secretary shall include, in a manner the
13 Secretary deems appropriate, all trafficking cases involv-
14 ing A-3 or G-5 visa holders in the Trafficking in Persons
15 annual report for which a final civil judgment has been
16 issued (and the time period for final appeal has expired)
17 or the Department of Justice has determined that the
18 United States Government would seek to indict the dip-
19 lomat or a family member but for diplomatic immunity.

20 (o) MODIFICATION OF AMENDMENT.—Section 620J
21 of the Foreign Assistance Act of 1961 (Limitation on As-
22 sistance to Security Forces) is amended as follows:

23 (1) by redesignating the section as section
24 620M;

1 (2) in subsection (a), by striking “evidence”
2 and inserting “information” and by striking “gross
3 violations” and inserting “a gross violation”;

4 (3) in subsection (b), by striking “measures”
5 and inserting “steps”; and

6 (4) by adding the following subsections:

7 “(d) CREDIBLE INFORMATION.—Not later than 180
8 days after the enactment of this section, the Secretary
9 shall establish, and periodically update, procedures to—

10 “(1) ensure that for each country the Depart-
11 ment of State has a current list of all security force
12 units receiving United States training, equipment, or
13 other types of assistance;

14 “(2) facilitate receipt by the Department of
15 State and United States embassies of information
16 from individuals and organizations outside the
17 United States Government about gross violations of
18 human rights by security force units;

19 “(3) routinely request and obtain such informa-
20 tion from the Department of Defense, the Central
21 Intelligence Agency, and other United States Gov-
22 ernment sources;

23 “(4) ensure that such information is evaluated
24 and preserved;

1 “(5) ensure that when vetting an individual for
2 eligibility to receive United States training the indi-
3 vidual’s unit is also vetted;

4 “(6) seek to identify the unit involved when
5 credible information of a gross violation exists but
6 the identity of the unit is lacking; and

7 “(7) make publicly available, to the maximum
8 extent practicable, the identity of those units for
9 which the Secretary has credible information.

10 “(e) REPORT.—The Secretary shall provide a copy of
11 the procedures to the Committees on Appropriations.”

12 (p) SECTIONS REPEALED.—Sections 494, 495, and
13 495B through 495K of the Foreign Assistance Act of
14 1961 are hereby repealed.

15 (q) ANNUITANT WAIVER.—

16 (1) Section 824 of the Foreign Service Act of
17 1980 (22 U.S.C. 4064) is amended in subsection
18 (g)—

19 (A) in paragraph (1)(B), by inserting “to
20 positions in the Response Readiness Corps,” be-
21 fore “or to posts vacated”; and

22 (B) in paragraph (2), by striking “2011”
23 and inserting in lieu thereof “2013”.

1 (2) Section 61 of the State Department Basic
2 Authorities Act of 1956 (22 U.S.C. 2733) is amend-
3 ed in subsection (a)—

4 (A) in paragraph (1), by inserting “to po-
5 sitions in the Response Readiness Corps,” be-
6 fore “or to posts vacated”; and

7 (B) in paragraph (2), by striking “2011”
8 and inserting in lieu thereof “2013”.

9 (3) Section 625 of the Foreign Assistance Act
10 of 1961 (22 U.S.C. 2385) is amended in subsection
11 (j)(1)—

12 (A) in subparagraph (A), by inserting “to
13 positions in the Response Readiness Corps,” be-
14 fore “or to posts vacated”; and

15 (B) in subparagraph (B), by striking
16 “2011” and inserting in lieu thereof “2013”.

17 (r) INCENTIVES FOR CRITICAL POSTS.—The author-
18 ity contained in section 1115(d) of Public Law 111–32
19 shall remain in effect through fiscal year 2012.

20 (s) REPORTS REPEALED.—Section 4(b) of Public
21 Law 79–264; section 51(a)(2) of Public Law 84–885; sec-
22 tions 133(d), 620C(c) and 620F(c) of Public Law 87–195;
23 section 807 of Public Law 98–164; section 704(e) of Pub-
24 lic Law 101–179; section 104 of Public Law 102–511; sec-
25 tion 560(g) of Public Law 103–87; sections 514(a) and

1 527(f) of Public Law 103–236; section 605(c) of Appendix
2 G, Public Law 106–113; sections 3203 and 3204(f) of di-
3 vision B of Public Law 106–246; section 564(g)(4) of
4 Public Law 106–429; section 304(f) of Public Law 107–
5 173; sections 694(a), 694(b), 702, 704 and 1321 of Public
6 Law 107–228; and section 409(c) of Public Law 108–447
7 are hereby repealed.

8 (t) FEE.—Section 1(b)(2) of the Passport Act of
9 June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by strik-
10 ing “2011” and inserting instead “2012”.

11 (u) CONFLICT STABILIZATION OPERATIONS AU-
12 THORITY.—Of the funds appropriated in title I of this Act
13 under the heading “Diplomatic and Consular Programs”,
14 up to \$35,000,000, to remain available until expended,
15 may be made available pursuant to the authorities under
16 the heading “Civilian Stabilization Initiative” in title I of
17 division F of Public Law 111–117: *Provided*, That the
18 third and fourth proviso under such heading shall not
19 apply to funds made available under this subsection.

20 (v) TRANSFER OF AUTHORITY.—

21 (1) The State Department Basic Authorities
22 Act of 1956 is amended in section 1(c)(1) (22
23 U.S.C. 2651a(c)(1)) by striking “24” and inserting
24 instead “26”.

1 (2) The Secretary of State may transfer any
2 authority, duty, or function assigned by statute to
3 the Coordinator for Counterterrorism, the Coordi-
4 nator for Reconstruction and Stabilization, or the
5 Coordinator for International Energy Affairs (or to
6 their respective offices) to such other officials or of-
7 fices of the Department of State as the Secretary
8 may determine from time to time, following con-
9 sultation with the Committees on Appropriations.

10 (w) COUNTRY EXPENDITURES.—Except to respond
11 to humanitarian crises or natural or man-made disasters,
12 or to promote democracy or protect human rights, funds
13 appropriated under the headings “Global Health Pro-
14 grams”, “Development Assistance”, “Economic Support
15 Fund”, “Millennium Challenge Corporation”, and “Inter-
16 national Narcotics Control and Law Enforcement” shall
17 not be made available for programs and activities in any
18 country whose government is not increasing its own budg-
19 etary expenditures for such programs and activities.

20 (x) PERSONNEL.—The authority provided by section
21 1113 of Public Law 111–32 shall remain in effect through
22 fiscal year 2012: *Provided*, That none of the funds appro-
23 priated or otherwise made available by this Act or any
24 other Act making appropriations for the Department of

1 State, foreign operations, and related programs may be
2 used to implement phase 3 of such authority.

3 (y) INTERNATIONAL CHILD ABDUCTIONS.—The Sec-
4 retary of State may withhold funds appropriated by this
5 Act under the heading “Economic Support Fund” for as-
6 sistance for the central government of any country that
7 the Secretary determines is not taking appropriate steps
8 to comply with the Convention on the Civil Aspects of
9 International Child Abductions, done at the Hague on Oc-
10 tober 25, 1980: *Provided*, That the Secretary shall report
11 to the Committees on Appropriations within 15 days of
12 making any such determination.

13 ARAB LEAGUE BOYCOTT OF ISRAEL

14 SEC. 7033. It is the sense of the Congress that—

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

20 (2) the Arab League boycott, which was regret-
21 tably reinstated in 1997, should be immediately and
22 publicly terminated, and the Central Office for the
23 Boycott of Israel immediately disbanded;

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

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

3 (B) is taking appropriate measures to
4 counter terrorism and terrorist financing in the
5 West Bank and Gaza, including the dismantling
6 of terrorist infrastructures, and is cooperating
7 with appropriate Israeli and other appropriate
8 security organizations; and

9 (2) the Palestinian Authority (or the governing
10 entity of a new Palestinian state) is working with
11 other countries in the region to vigorously pursue ef-
12 forts to establish a just, lasting, and comprehensive
13 peace in the Middle East that will enable Israel and
14 an independent Palestinian state to exist within the
15 context of full and normal relationships, which
16 should include—

17 (A) termination of all claims or states of
18 belligerency;

19 (B) respect for and acknowledgment of the
20 sovereignty, territorial integrity, and political
21 independence of every state in the area through
22 measures including the establishment of demili-
23 tarized zones;

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

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

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

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the governing entity should enact a constitution
10 assuring the rule of law, an independent judiciary, and
11 respect for human rights for its citizens, and should enact
12 other laws and regulations assuring transparent and ac-
13 countable governance.

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

17 (d) EXEMPTION.—The restriction in subsection (a)
18 shall not apply to assistance intended to help reform the
19 Palestinian Authority and affiliated institutions, or the
20 governing entity, in order to help meet the requirements
21 of subsection (a), consistent with the provisions of section
22 7038 of this Act (“Limitation on Assistance for the Pales-
23 tinian Authority”).

1 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
2 BROADCASTING CORPORATION

3 SEC. 7036. None of the funds appropriated or other-
4 wise made available by this Act may be used to provide
5 equipment, technical support, consulting services, or any
6 other form of assistance to the Palestinian Broadcasting
7 Corporation.

8 ASSISTANCE FOR THE WEST BANK AND GAZA

9 SEC. 7037. (a) OVERSIGHT.—For fiscal year 2012,
10 30 days prior to the initial obligation of funds for the bi-
11 lateral West Bank and Gaza Program, the Secretary of
12 State shall certify to the Committees on Appropriations
13 that procedures have been established to assure the Comp-
14 troller General of the United States will have access to
15 appropriate United States financial information in order
16 to review the uses of United States assistance for the Pro-
17 gram funded under the heading “Economic Support
18 Fund” for the West Bank and Gaza.

19 (b) VETTING.—Prior to the obligation of funds ap-
20 propriated by this Act under the heading “Economic Sup-
21 port Fund” for assistance for the West Bank and Gaza,
22 the Secretary of State shall take all appropriate steps to
23 ensure that such assistance is not provided to or through
24 any individual, private or government entity, or edu-
25 cational institution that the Secretary knows or has reason

1 to believe advocates, plans, sponsors, engages in, or has
2 engaged in, terrorist activity nor, with respect to private
3 entities or educational institutions, those that have as a
4 principal officer of the entity's governing board or gov-
5 erning board of trustees any individual that has been de-
6 termined to be involved in, or advocating terrorist activity
7 or determined to be a member of a designated foreign ter-
8 rorist organization: *Provided*, That the Secretary of State
9 shall, as appropriate, establish procedures specifying the
10 steps to be taken in carrying out this subsection and shall
11 terminate assistance to any individual, entity, or edu-
12 cational institution which the Secretary has determined to
13 be involved in or advocating terrorist activity.

14 (c) PROHIBITION.—

15 (1) None of the funds appropriated under titles
16 III through VI of this Act for assistance under the
17 West Bank and Gaza Program may be made avail-
18 able for the purpose of recognizing or otherwise hon-
19 oring individuals who commit, or have committed
20 acts of terrorism.

21 (2) Notwithstanding any other provision of law,
22 none of the funds made available by this or prior ap-
23 propriations act, including funds made available by
24 transfer, may be made available for obligation for se-
25 curity assistance for the West Bank and Gaza until

1 the Secretary of State reports to the Committees on
2 Appropriations on the benchmarks that have been
3 established for security assistance for the West
4 Bank and Gaza and reports on the extent of Pales-
5 tinian compliance with such benchmarks.

6 (d) AUDITS.—

7 (1) The Administrator of the United States
8 Agency for International Development shall ensure
9 that Federal or non-Federal audits of all contractors
10 and grantees, and significant subcontractors and
11 sub-grantees, under the West Bank and Gaza Pro-
12 gram, are conducted at least on an annual basis to
13 ensure, among other things, compliance with this
14 section.

15 (2) Of the funds appropriated by this Act up to
16 \$500,000 may be used by the Office of Inspector
17 General of the United States Agency for Inter-
18 national Development for audits, inspections, and
19 other activities in furtherance of the requirements of
20 this subsection: *Provided*, That such funds are in ad-
21 dition to funds otherwise available for such pur-
22 poses.

23 (e) Subsequent to the certification specified in sub-
24 section (a), the Comptroller General of the United States
25 shall conduct an audit and an investigation of the treat-

1 ment, handling, and uses of all funds for the bilateral
2 West Bank and Gaza Program, including all funds pro-
3 vided as cash transfer assistance, in fiscal year 2012
4 under the heading “Economic Support Fund”, and such
5 audit shall address—

6 (1) the extent to which such Program complies
7 with the requirements of subsections (b) and (c);
8 and

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

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

15 (g) Not later than 180 days after enactment of this
16 Act, the Secretary of State shall submit a report to the
17 Committees on Appropriations updating the report con-
18 tained in section 2106 of chapter 2 of title II of Public
19 Law 109–13.

20 LIMITATION ON ASSISTANCE FOR THE PALESTINIAN

21 AUTHORITY

22 SEC. 7038. (a) PROHIBITION OF FUNDS.—None of
23 the funds appropriated by this Act to carry out the provi-
24 sions of chapter 4 of part II of the Foreign Assistance

1 Act of 1961 may be obligated or expended with respect
2 to providing funds to the Palestinian Authority.

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

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

13 (d) REPORT.—Whenever the waiver authority pursu-
14 ant to subsection (b) is exercised, the President shall sub-
15 mit a report to the Committees on Appropriations detail-
16 ing the justification for the waiver, the purposes for which
17 the funds will be spent, and the accounting procedures in
18 place to ensure that the funds are properly disbursed: *Pro-*
19 *vided*, That the report shall also detail the steps the Pales-
20 tinian Authority has taken to arrest terrorists, confiscate
21 weapons and dismantle the terrorist infrastructure.

22 (e) CERTIFICATION.—If the President exercises the
23 waiver authority under subsection (b), the Secretary of
24 State must certify and report to the Committees on Ap-
25 propriations prior to the obligation of funds that the Pal-

1 estinian Authority has established a single treasury ac-
2 count for all Palestinian Authority financing and all fi-
3 nancing mechanisms flow through this account, no parallel
4 financing mechanisms exist outside of the Palestinian Au-
5 thority treasury account, and there is a single comprehen-
6 sive civil service roster and payroll.

7 (f) PROHIBITION TO HAMAS AND THE PALESTINE
8 LIBERATION ORGANIZATION.—

9 (1) None of the funds appropriated in titles III
10 through VI of this Act may be obligated for salaries
11 of personnel of the Palestinian Authority located in
12 Gaza or may be obligated or expended for assistance
13 to Hamas or any entity effectively controlled by
14 Hamas, any power-sharing government of which
15 Hamas is a member, or a government over which
16 Hamas exercises undue influence.

17 (2) Notwithstanding the limitation of subsection
18 (1), assistance may be provided to a power-sharing
19 government only if the President certifies and re-
20 ports to the Committees on Appropriations that such
21 government, including all of its ministers or such
22 equivalent, has publicly accepted and is complying
23 with the principles contained in section
24 620K(b)(1)(A) and (B) of the Foreign Assistance
25 Act of 1961, as amended.

1 (1) Notwithstanding any other provision of this
2 Act, funds appropriated by this Act under the head-
3 ing “Foreign Military Financing Program” for as-
4 sistance for Egypt may be transferred to, and
5 merged with, funds appropriated for assistance for
6 Egypt under the heading “Economic Support
7 Fund”: *Provided*, That such transfer may only be
8 made following consultation with, and subject to the
9 regular notification procedures of, the Committees
10 on Appropriations.

11 (2)(A) None of the funds appropriated by this
12 Act may be made available for assistance for the
13 central Government of Egypt unless the Secretary of
14 State certifies to the Committees on Appropriations
15 that such government is meeting its obligations
16 under the 1979 Egypt-Israel Peace Treaty.

17 (B) The Secretary of State may waive para-
18 graph (2)(A) if the Secretary determines and reports
19 to the Committees on Appropriations that to do so
20 is important to the national interests of the United
21 States: *Provided*, That any such determination and
22 report shall include a detailed justification for such
23 waiver.

24 (3)(A) Funds appropriated under the heading
25 “Economic Support Fund” in this and prior Acts

1 (including previously obligated funds), may be made
2 available, notwithstanding any other provision of
3 law, for an Egypt initiative, particularly for the spe-
4 cific costs referred to in the authorities referenced
5 herein, for the purpose of improving the lives of the
6 Egyptian people through education, investment in
7 jobs and skills (including secondary and vocational
8 education), and access to finance for small and me-
9 dium enterprise with emphasis on expanding oppor-
10 tunities for women, as well as other appropriate
11 market-reform and economic growth activities: *Pro-*
12 *vided*, That the provisions of title VI of Public Law
13 103–306 pertaining to funds for Jordan shall be
14 deemed to apply to any such initiative and to funds
15 available under this section to carry out such an ini-
16 tiative in the same manner as such cited provisions
17 apply to Jordan, subject to the following provisos:
18 *Provided further*, That subparagraph (b)(2) shall be
19 deemed not to apply and the amount made available
20 pursuant to this section as set forth in the report ac-
21 companying this Act and incorporated herein shall
22 be deemed to apply in lieu of the figure in subpara-
23 graph (b)(1): *Provided further*, That the authority to
24 reduce debt shall include authority to exchange an
25 outstanding obligation for a new obligation and to

1 permit both principal and interest payments on new
2 obligations to be deposited into a fund established
3 for such purpose, to be used in accordance with pur-
4 poses set forth in an agreement between the United
5 States and Egypt: *Provided further*, That the au-
6 thority of this paragraph shall only be made avail-
7 able after the Secretary of State certifies to the
8 Committees on Appropriations that the Government
9 of Egypt has held free and fair elections and is im-
10 plementing policies to protect the rights of journal-
11 ists, due process, and freedoms of expression and as-
12 sociation.

13 (b) ENTERPRISE FUNDS.—Up to \$60,000,000 of
14 funds appropriated under the heading “Economic Support
15 Fund” in this Act and prior acts making appropriations
16 for the Department of State, foreign operations, and re-
17 lated programs (and including previously obligated funds),
18 that are available for assistance for Egypt, up to
19 \$20,000,000 of such funds that are available for assist-
20 ance for Tunisia, up to \$60,000,000 of such funds that
21 are available for assistance for Pakistan, and up to
22 \$60,000,000 of such funds that are available for assist-
23 ance for Jordan, respectively, may be made available not-
24 withstanding any other provision of law, to establish and
25 operate one or more enterprise funds for Egypt, Tunisia,

1 Pakistan, and Jordan, respectively: *Provided*, That provi-
2 sions contained in section 201 of the Support for East
3 European Democracy (SEED) Act of 1989 (excluding the
4 provisions of subsections (b)(c)(d)(3) and (f) of that sec-
5 tion), shall be deemed to apply to any such fund or funds,
6 and to funds made available to such fund or funds, in
7 order to enable such fund or funds to provide assistance
8 for purposes of this section: *Provided further*, That section
9 7077 of division F of Public Law 111–117 shall apply to
10 any such fund or funds established pursuant to this sub-
11 section: *Provided further*, That not more than 5 percent
12 of the funds made available pursuant to this subsection
13 should be available for administrative expenses of such
14 fund or funds and not later than 1 year after the date
15 of enactment of this Act, and annually thereafter until
16 each fund is dissolved, each fund shall submit to the Com-
17 mittees on Appropriations a report detailing the adminis-
18 trative expenses of such fund: *Provided further*, That each
19 fund shall be governed by a Board of Directors comprised
20 of six private United States citizens and three private citi-
21 zens of each country, respectively, who have had inter-
22 national business careers and demonstrated expertise in
23 international and emerging markets investment activities:
24 *Provided further*, That not later than 1 year after the
25 entry into force of the initial grant agreement under this

1 section and annually thereafter, each fund shall prepare
2 and make available to the public on an Internet Web site
3 administered by the fund a detailed report on the fund's
4 activities during the previous year: *Provided further*, That
5 the authority of any such fund or funds to provide assist-
6 ance shall cease to be effective on December 31, 2022:
7 *Provided further*, That funds made available pursuant to
8 this section shall be subject to prior consultation with the
9 Committees on Appropriations.

10 (c) IRAN.—

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

23 (2) None of the funds appropriated or otherwise
24 made available in this Act under the heading “Ex-
25 port-Import Bank of the United States” may be

1 used by the Export-Import Bank of the United
2 States to provide any new financing (including loans,
3 guarantees, other credits, insurance, and reinsur-
4 ance) to any person that is subject to sanctions
5 under paragraph (2) or (3) of section 5(a) of the
6 Iran Sanctions Act of 1996 (Public Law 104–172).

7 (3) The reporting requirements in section
8 7043(e) in division F of Public Law 111–117 shall
9 continue in effect during fiscal year 2012 as if part
10 of this Act: *Provided*, That the date in subsection
11 (c)(1) shall be deemed to be “September 31, 2012”.

12 (d) IRAQ.—

13 (1) Funds appropriated or otherwise made
14 available by this Act for assistance for Iraq shall be
15 made available in a manner that utilizes Iraqi enti-
16 ties to the maximum extent practicable, and in ac-
17 cordance with the Department of State’s April 9,
18 2009 “Guidelines for Government of Iraq Financial
19 Participation in United States Government-Funded
20 Civilian Foreign Assistance Programs and Projects”.

21 (2) None of the funds appropriated or otherwise
22 made available by this Act may be used by the Gov-
23 ernment of the United States to enter into a perma-
24 nent basing rights agreement between the United
25 States and Iraq.

1 (3) Funds appropriated or otherwise made
2 available by this Act for security-related programs in
3 Iraq may only be made available if the Secretary of
4 State certifies to the Committees on Appropriations
5 that the Government of Iraq has committed to con-
6 tributing to, and sustaining, such programs, includ-
7 ing details on the manner in which such contribu-
8 tions and sustainment will be achieved.

9 (4) Of the funds appropriated by this Act for
10 assistance for Iraq under the heading “Economic
11 Support Fund”, not less than \$10,000,000 shall be
12 made available for programs and activities for which
13 policy justifications and decisions shall be the re-
14 sponsibility of the United States Chief of Mission in
15 Iraq.

16 (e) LEBANON.—

17 (1) None of the funds appropriated by this Act
18 may be made available for assistance for the Govern-
19 ment of Lebanon if such government is controlled by
20 a foreign terrorist organization.

21 (2) Funds appropriated under the heading
22 “Foreign Military Financing Program” in this Act
23 for assistance for Lebanon may be made available
24 only to professionalize the Lebanese Armed Forces
25 and to strengthen border security and combat ter-

1 rorism, including training and equipping the Leba-
2 nese Armed Forces to secure Lebanon’s borders,
3 interdicting arms shipments, preventing the use of
4 Lebanon as a safe haven for terrorist groups, and to
5 implement United Nations Security Council Resolu-
6 tion 1701: *Provided*, That funds may not be made
7 available for obligation until the Secretary of State
8 provides the Committees on Appropriations a de-
9 tailed spending plan: *Provided further*, That such
10 plan shall not be considered as meeting the notifica-
11 tion requirements under section 7015 of this Act or
12 under section 634A of the Foreign Assistance Act of
13 1961.

14 (f) LIBYA.—

15 (1) Of the funds appropriated by this Act under
16 the heading “Economic Support Fund”, not less
17 than \$20,000,000 should be made available to pro-
18 mote democracy, transparent and accountable gov-
19 ernance, human rights, transitional justice, and the
20 rule of law in Libya, and for exchange programs be-
21 tween Libyan and American students: *Provided*,
22 That such funds shall be made available, to the max-
23 imum extent practicable, on a cost matching basis.

24 (2) None of the funds appropriated by this Act
25 may be made available for assistance for Libya for

1 the rehabilitation or reconstruction of infrastructure
2 except on a loan basis with terms favorable to the
3 United States, and only following consultation with
4 the Committees on Appropriations.

5 (g) MOROCCO.—Of the funds appropriated by this
6 Act under the heading “Foreign Military Financing Pro-
7 gram” for assistance for Morocco, \$1,000,000 shall be
8 withheld from obligation until the Secretary of State sub-
9 mits a report to the Committees on Appropriations on
10 steps being taken by the Government of Morocco to—

11 (1) respect the right of individuals to peacefully
12 express their opinions regarding the status and fu-
13 ture of the Western Sahara and to document viola-
14 tions of human rights; and

15 (2) provide unimpeded access to human rights
16 organizations, journalists, and representatives of for-
17 eign governments to the Western Sahara.

18 (h) SYRIA.—Notwithstanding any other provision of
19 law, funds appropriated by this Act shall be made avail-
20 able to promote democracy and protect human rights in
21 Syria: *Provided*, That a portion of such funds should be
22 programmed in coordination with the Government of Tur-
23 key and other governments in the region, as appropriate.

1 AIRCRAFT TRANSFER AND COORDINATION

2 SEC. 7040. (a) TRANSFER AUTHORITY.—Notwith-
3 standing any other provision of law or regulation, aircraft
4 procured with funds appropriated by this Act and prior
5 Acts making appropriations for the Department of State,
6 foreign operations, and related programs under the head-
7 ings “Diplomatic and Consular Programs”, “International
8 Narcotics Control and Law Enforcement”, “Andean
9 Counterdrug Initiative” and “Andean Counterdrug Pro-
10 grams” may be used for any other program and in any
11 region, including for the transportation of active and
12 standby Civilian Response Corps personnel and equipment
13 during a deployment: *Provided*, That the responsibility for
14 policy decisions and justification for the use of such trans-
15 fer authority shall be the responsibility of the Secretary
16 of State and the Deputy Secretary of State and this re-
17 sponsibility shall not be delegated.

18 (b) PROPERTY DISPOSAL.—The authority provided
19 in subsection (a) shall apply only after a determination
20 by the Secretary of State to the Committees on Appropria-
21 tions that the equipment is no longer required to meet
22 programmatic purposes in the designated country or re-
23 gion: *Provided*, That any such transfer shall be subject
24 to prior consultation with, and the regular notification
25 procedures of, the Committees on Appropriations.

1 (c) AIRCRAFT COORDINATION.—

2 (1) The uses of aircraft purchased or leased by
3 the Department of State and the United States
4 Agency for International Development (USAID)
5 with funds made available in this Act or prior Acts
6 making appropriations for the Department of State,
7 foreign operations, and related programs shall be co-
8 ordinated under the authority of the appropriate
9 Chief of Mission: *Provided*, That such aircraft may
10 be used to transport, on a reimbursable or non-reim-
11 bursable basis, Federal and non-Federal personnel
12 supporting the Department of State and USAID
13 programs and activities: *Provided further*, That offi-
14 cial travel for other agencies for other purposes may
15 be supported on a reimbursable basis, or without re-
16 imbursement when traveling on a space available
17 basis.

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

21 WESTERN HEMISPHERE

22 SEC. 7041. (a) CENTRAL AMERICA AND THE CARIB-
23 BEAN.—Funds appropriated by this Act shall be made
24 available for the Central America Regional Security Initia-
25 tive (CARSI) and for the Caribbean Basin Security Initia-

1 tive (CBSI) to strengthen the capacity and profes-
2 sionalism of civilian law enforcement and judicial institu-
3 tions.

4 (b) COLOMBIA.—

5 (1) ASSISTANCE.—

6 (A) Funds appropriated by this Act and
7 made available to the Department of State for
8 counter-narcotics or other law enforcement as-
9 sistance for the Government of Colombia may
10 be used to support a unified campaign against
11 narcotics trafficking and organizations des-
12 ignated as Foreign Terrorist Organizations and
13 successor organizations, and to take actions to
14 protect human health and welfare in emergency
15 circumstances, including undertaking rescue op-
16 erations: *Provided*, That no United States
17 Armed Forces personnel or United States civil-
18 ian contractor employed by the United States
19 will participate in any combat operation in con-
20 nection with assistance made available by this
21 Act for Colombia: *Provided further*, That the
22 President shall ensure that if any helicopter
23 procured with funds in this Act or prior Acts
24 making appropriations for the Department of
25 State, foreign operations, and related programs,

1 is used to aid or abet the operations of any ille-
2 gal self-defense group, paramilitary organiza-
3 tion, illegal security cooperative or successor or-
4 ganizations in Colombia, such helicopter shall
5 be immediately returned to the United States:
6 *Provided further*, That none of the funds appro-
7 priated by this Act or prior Acts making appro-
8 priations for the Department of State, foreign
9 operations, and related programs may be made
10 available for assistance for the Colombian
11 Departamento Administrativo de Seguridad
12 (DAS) or successor organizations.

13 (B) None of the funds appropriated by this
14 Act under the heading “International Narcotics
15 Control and Law Enforcement” that are avail-
16 able for assistance for Colombia for the pro-
17 curement of chemicals for aerial drug eradi-
18 cation may be made available unless the Sec-
19 retary of State certifies to the Committees on
20 Appropriations that any complaints of harm to
21 health or licit crops caused by such aerial eradi-
22 cation are thoroughly investigated and evalu-
23 ated, and fair compensation is paid in a timely
24 manner for meritorious claims: *Provided fur-*
25 *ther*, That the Secretary shall submit a report

1 to the Committees on Appropriations not later
2 than 6 months after enactment of this Act and
3 6 months thereafter detailing the complaints
4 made during the previous 6 months, the inves-
5 tigation conducted, and the amount of com-
6 pensation, if any: *Provided further*, That such
7 funds may not be made available for such pur-
8 poses unless voluntary eradication programs are
9 not feasible and programs are being imple-
10 mented by the United States Agency for Inter-
11 national Development, the Government of Co-
12 lombia, or other organizations, in consultation
13 and coordination with local communities, to
14 provide alternative sources of income in areas
15 where security permits for small-acreage grow-
16 ers and communities whose illicit crops are tar-
17 geted for aerial eradication: *Provided further*,
18 That none of the funds appropriated by this
19 Act for assistance for Colombia shall be made
20 available for the cultivation or processing of Af-
21 rican oil palm, if doing so would contribute to
22 significant loss of native species, disrupt or con-
23 taminant natural water sources, reduce local
24 food security, or cause the forced displacement
25 of local people: *Provided further*, That funds ap-

1 appropriated by this Act may not be used for aer-
2 rial drug eradication in Colombia's national
3 parks or reserves unless the Secretary of State
4 certifies to the Committees on Appropriations
5 that there are no effective alternatives and the
6 eradication is in accordance with Colombian
7 laws.

8 (2) APPLICABILITY OF FISCAL YEAR 2009 PRO-
9 VISIONS.—

10 (A) IN GENERAL.—Except as provided in
11 paragraph (2), the provisions of subsections (b)
12 through (f) of section 7046 of the Department
13 of State, Foreign Operations, and Related Pro-
14 grams Appropriations Act, 2009 (division H of
15 Public Law 111–8), as amended by section
16 7046 (b)(2)(A) of division F of Public Law
17 111–117, shall apply to funds appropriated or
18 otherwise made available by this Act for assist-
19 ance for Colombia.

20 (B) EXCEPTIONS.—The following provi-
21 sions of section 7046 of division H of Public
22 Law 111–8 shall apply to funds appropriated or
23 otherwise made available by this Act for assist-
24 ance for Colombia as follows:

1 (i) Subsection (b)(1)(B) is amended
2 as follows:

3 (I) By striking clause (i) and in-
4 sserting the following:

5 “(i) The Colombian Armed Forces are
6 suspending those members, of whatever
7 rank, who have been credibly alleged to
8 have violated human rights, or to have
9 aided, abetted or benefitted from para-
10 military organizations or successor armed
11 groups; all such cases are promptly re-
12 ferred to civilian jurisdiction for investiga-
13 tion and prosecution, and the Colombian
14 Armed Forces are no longer opposing civil-
15 ian judicial jurisdiction in such cases; and
16 the Colombian Armed Forces are cooper-
17 ating fully with civilian prosecutors and ju-
18 dicial authorities.”.

19 (II) By striking clause (iv) and
20 inserting the following:

21 “(iv) The Government of Colombia is
22 respecting the rights of human rights de-
23 fenders, journalists, trade unionists, and
24 other social activists, and the rights and
25 territory of indigenous and Afro-Colombian

1 communities; and the Colombian Armed
2 Forces are implementing procedures to dis-
3 tinguish between civilians, including dis-
4 placed persons, and combatants, in their
5 operations.”.

6 (ii) Subsection (b)(2) shall be applied
7 by substituting “July 31, 2012” for the
8 date contained therein;

9 (iii) Subsection (c) shall be applied by
10 substituting “September 30, 2012” for the
11 date contained therein; and

12 (iv) Subsection (d)(1) shall be applied
13 by substituting “fiscal year 2012” for the
14 fiscal year contained therein.

15 (C) REPORT.—Not later than 90 days
16 after enactment of this Act, the Secretary of
17 State shall submit a report to the Committees
18 on Appropriations detailing any United States
19 funding, assistance or other support for the
20 DAS, its officials, employees, affiliates and con-
21 tractors during the period 2002 through 2010,
22 including but not limited to training, equip-
23 ment, information sharing, technical assistance,
24 and facilities construction: *Provided*, That to
25 the maximum extent possible the report shall be

1 provided in unclassified form, but may also in-
2 clude a classified annex.

3 (c) GUATEMALA.—

4 (1) Of the funds appropriated in this Act under
5 the heading “International Narcotics Control and
6 Law Enforcement” not less than \$5,000,000 shall
7 be made available for a United States contribution
8 to the International Commission Against Impunity
9 in Guatemala (CICIG).

10 (2) Funds appropriated under the heading
11 “International Military Education and Training”
12 (IMET) that are available for assistance for the
13 Guatemalan Army may only be made available for
14 expanded IMET.

15 (3) None of the funds appropriated under the
16 heading “Foreign Military Financing Program” may
17 be made available for assistance for the Guatemalan
18 Army, except that such funds may be made available
19 for the Army Corps of Engineers only to improve
20 disaster response capabilities and to participate in
21 international peacekeeping operations.

22 (d) HAITI.—

23 (1) The Government of Haiti shall be eligible to
24 purchase defense articles and services under the

1 Arms Export Control Act (22 U.S.C. 2751 et seq.),
2 for the Coast Guard.

3 (2) Funds appropriated under the heading
4 “Economic Support Fund” in this Act and prior
5 Acts that are made available for assistance for Haiti
6 shall be made available, to the maximum extent
7 practicable, in a manner that emphasizes the partici-
8 pation of Haitian civil society organizations and di-
9 rectly improves the security, economic and social
10 well-being, and political status, of Haitian women
11 and girls.

12 (e) HONDURAS.—Funds appropriated by this Act
13 that are available for assistance for police forces in Hon-
14 duras may not be made available until the Secretary of
15 State certifies to the Committees on Appropriations that
16 the Government of Honduras is investigating, prosecuting,
17 and punishing police officers who have violated human
18 rights and the Honduran police are cooperating with civil-
19 ian judicial authorities in such cases.

20 (f) MEXICO.—Funds appropriated by this Act that
21 are available to support anti-crime and counter-narcotics
22 efforts in Mexico shall be made available to strengthen the
23 capacity of civilian law enforcement and judicial institu-
24 tions.

1 (g) TRADE CAPACITY.—Of the funds appropriated by
2 this Act, not less than \$10,000,000 under the heading
3 “Development Assistance” and not less than \$10,000,000
4 under the heading “Economic Support Fund” shall be
5 made available for labor and environmental capacity build-
6 ing activities relating to free trade agreements with coun-
7 tries of Central America, Peru and the Dominican Repub-
8 lic.

9 SERBIA

10 SEC. 7042. (a) Funds appropriated by this Act may
11 be made available for assistance for the central Govern-
12 ment of Serbia after May 31, 2012, if the Secretary of
13 State has submitted the report required in subsection (c).

14 (b) After May 31, 2012, the Secretary of the Treas-
15 ury should instruct the United States executive directors
16 of the international financial institutions to support loans
17 and assistance to the Government of Serbia subject to the
18 condition in subsection (c).

19 (c) The report referred to in subsection (a) is a report
20 by the Secretary of State to the Committees on Appropria-
21 tions that the Government of Serbia is cooperating with
22 the International Criminal Tribunal for the former Yugo-
23 slavia, including apprehending and transferring indictees
24 and providing investigators access to witnesses, docu-
25 ments, and other information.

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

3 COMMUNITY-BASED POLICE ASSISTANCE

4 SEC. 7043. (a) AUTHORITY.—Funds made available
5 by titles III and IV of this Act to carry out the provisions
6 of chapter 1 of part I and chapters 4 and 6 of part II
7 of the Foreign Assistance Act of 1961, may be used, not-
8 withstanding section 660 of that Act, to enhance the effec-
9 tiveness and accountability of civilian police authority
10 through training and technical assistance in human rights,
11 the rule of law, anti-corruption, strategic planning, and
12 through assistance to foster civilian police roles that sup-
13 port democratic governance including assistance for pro-
14 grams to prevent conflict, respond to disasters, address
15 sexual and gender-based violence, and foster improved po-
16 lice relations with the communities they serve.

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

20 PROHIBITION OF PAYMENTS TO UNITED NATIONS

21 MEMBERS

22 SEC. 7044. None of the funds appropriated or made
23 available pursuant to titles III through VI of this Act for
24 carrying out the Foreign Assistance Act of 1961, may be
25 used to pay in whole or in part any assessments, arrear-

1 ages, or dues of any member of the United Nations or,
2 from funds appropriated by this Act to carry out chapter
3 1 of part I of the Foreign Assistance Act of 1961, the
4 costs for participation of another country's delegation at
5 international conferences held under the auspices of multi-
6 lateral or international organizations.

7 WAR CRIMES TRIBUNALS DRAWDOWN

8 SEC. 7045. If the President determines that doing so
9 will contribute to a just resolution of charges regarding
10 genocide or other violations of international humanitarian
11 law, the President may direct a drawdown pursuant to sec-
12 tion 552(c) of the Foreign Assistance Act of 1961 of up
13 to \$30,000,000 of commodities and services for the United
14 Nations War Crimes Tribunal established with regard to
15 the former Yugoslavia by the United Nations Security
16 Council or such other tribunals or commissions as the
17 Council may establish or authorize to deal with such viola-
18 tions, without regard to the ceiling limitation contained
19 in paragraph (2) thereof: *Provided*, That the determina-
20 tion required under this section shall be in lieu of any de-
21 terminations otherwise required under section 552(c): *Pro-*
22 *vided further*, That funds made available pursuant to this
23 section shall be made available subject to the regular noti-
24 fication procedures of the Committees on Appropriations.

PEACEKEEPING

1
2 SEC. 7046. (a) MISSIONS.—None of the funds appro-
3 priated or otherwise made available by title I of this Act
4 may be used for any United Nations peacekeeping mission
5 that will involve United States Armed Forces under the
6 command or operational control of a foreign national, un-
7 less the President’s military advisors have submitted to
8 the President a recommendation that such involvement is
9 in the national interests of the United States and the
10 President has submitted to the Congress such a rec-
11 ommendation.

12 (b) ASSESSMENT.—Section 404(b)(2)(B) of the For-
13 eign Relations Authorization Act, Fiscal Years 1994 and
14 1995 (22 U.S.C. 287e note) is amended by adding the
15 following at the end:

16 “(vii) For assessments made during
17 calendar year 2011 and 2012, 27.2 per-
18 cent.”.

ATTENDANCE AT INTERNATIONAL CONFERENCES

20 SEC. 7047. None of the funds made available in this
21 Act may be used to send or otherwise pay for the attend-
22 ance of more than 50 employees of agencies or depart-
23 ments of the United States Government who are stationed
24 in the United States, at any single international con-
25 ference occurring outside the United States, unless the

1 Secretary of State reports to the Committees on Appro-
2 priations that such attendance is important to the national
3 interest: *Provided*, That for purposes of this section the
4 term “international conference” shall mean a conference
5 attended by representatives of the United States Govern-
6 ment and of foreign governments, international organiza-
7 tions, or nongovernmental organizations.

8 RESTRICTIONS ON UNITED NATIONS DELEGATIONS

9 SEC. 7048. None of the funds made available under
10 title I of this Act may be used to pay expenses for any
11 United States delegation to any specialized agency, body,
12 or commission of the United Nations if such commission
13 is chaired or presided over by a country, the government
14 of which the Secretary of State has determined, for pur-
15 poses of section 6(j)(1) of the Export Administration Act
16 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-
17 national terrorism.

18 PARKING FINES AND REAL PROPERTY TAXES OWED BY

19 FOREIGN GOVERNMENTS

20 SEC. 7049. The terms and conditions of section 7055
21 of division F of Public Law 111–117 shall apply to this
22 Act: *Provided*, That the date “September 30, 2009” in
23 subsection (f)(2)(B) shall be deemed to be “September 30,
24 2011”.

1 LANDMINES AND CLUSTER MUNITIONS

2 SEC. 7050. (a) LANDMINES.—Notwithstanding any
3 other provision of law, demining equipment available to
4 the United States Agency for International Development
5 and the Department of State and used in support of the
6 clearance of landmines and unexploded ordnance for hu-
7 manitarian purposes may be disposed of on a grant basis
8 in foreign countries, subject to such terms and conditions
9 as the Secretary of State may prescribe.

10 (b) CLUSTER MUNITIONS.—No military assistance
11 shall be furnished for cluster munitions, no defense export
12 license for cluster munitions may be issued, and no cluster
13 munitions or cluster munitions technology shall be sold or
14 transferred, unless—

15 (1) the submunitions of the cluster munitions,
16 after arming, do not result in more than 1 percent
17 unexploded ordnance across the range of intended
18 operational environments; and

19 (2) the agreement applicable to the assistance,
20 transfer, or sale of such cluster munitions or cluster
21 munitions technology specifies that the cluster muni-
22 tions will only be used against clearly defined mili-
23 tary targets and will not be used where civilians are
24 known to be present or in areas normally inhabited
25 by civilians.

1 PROHIBITION ON PUBLICITY OR PROPAGANDA

2 SEC. 7051. No part of any appropriation contained
3 in this Act shall be used for publicity or propaganda pur-
4 poses within the United States not authorized before the
5 date of the enactment of this Act by the Congress: *Pro-*
6 *vided*, That not to exceed \$25,000 may be made available
7 to carry out the provisions of section 316 of Public Law
8 96-533.

9 LIMITATION ON RESIDENCE EXPENSES

10 SEC. 7052. Of the funds appropriated or made avail-
11 able pursuant to title II of this Act, not to exceed
12 \$100,500 shall be for official residence expenses of the
13 United States Agency for International Development dur-
14 ing the current fiscal year: *Provided*, That appropriate
15 steps shall be taken to assure that, to the maximum extent
16 possible, United States-owned foreign currencies are uti-
17 lized in lieu of dollars.

18 UNITED STATES AGENCY FOR INTERNATIONAL

19 DEVELOPMENT MANAGEMENT

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 7053. (a) AUTHORITY.—Up to \$93,000,000 of
22 the funds made available in title III of this Act to carry
23 out the provisions of part I of the Foreign Assistance Act
24 of 1961, including funds appropriated under the heading
25 “Assistance for Europe, Eurasia and Central Asia”, may

1 be used by the United States Agency for International De-
2 velopment (USAID) to hire and employ individuals in the
3 United States and overseas on a limited appointment basis
4 pursuant to the authority of sections 308 and 309 of the
5 Foreign Service Act of 1980.

6 (b) RESTRICTIONS.—

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

10 (2) The authority to hire individuals contained
11 in subsection (a) shall expire on September 30,
12 2013.

13 (c) CONDITIONS.—The authority of subsection (a)
14 should only be used to the extent that an equivalent num-
15 ber of positions that are filled by personal services contrac-
16 tors or other nondirect hire employees of USAID, who are
17 compensated with funds appropriated to carry out part I
18 of the Foreign Assistance Act of 1961, including funds
19 appropriated under the heading “Assistance for Europe,
20 Eurasia and Central Asia”, are eliminated.

21 (d) PRIORITY SECTORS.—In exercising the authority
22 of this section, primary emphasis shall be placed on ena-
23 bling USAID to meet personnel positions in technical
24 areas currently encumbered by contractor or other non-
25 direct hire personnel.

1 (e) PROGRAM ACCOUNT CHARGED.—The account
2 charged for the cost of an individual hired and employed
3 under the authority of this section shall be the account
4 to which such individual’s responsibilities primarily relate:
5 *Provided*, That funds made available to carry out this sec-
6 tion may be transferred to, and merged with, funds appro-
7 priated by this Act in title II under the heading “Oper-
8 ating Expenses”.

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

17 (g) DISASTER SURGE CAPACITY.—Funds appro-
18 priated under title III of this Act to carry out part I of
19 the Foreign Assistance Act of 1961, including funds ap-
20 propriated under the heading “Assistance for Europe,
21 Eurasia and Central Asia”, may be used, in addition to
22 funds otherwise available for such purposes, for the cost
23 (including the support costs) of individuals detailed to or
24 employed by USAID whose primary responsibility is to

1 carry out programs in response to natural or man-made
2 disasters.

3 (h) TECHNICAL ADVISORS.—Up to \$13,500,000 of
4 the funds made available in title III of this Act for assist-
5 ance under the heading “Global Health Programs”, may
6 be used to reimburse United States Government agencies,
7 agencies of State governments, institutions of higher
8 learning, and private and voluntary organizations for the
9 full cost of individuals (including for the personal services
10 of such individuals) detailed or assigned to, or contracted
11 by USAID for the purpose of carrying out activities under
12 that heading: *Provided*, That up to \$3,500,000 of the
13 funds made available by this Act for assistance under the
14 heading “Development Assistance” may be used to reim-
15 burse such agencies, institutions, and organizations for
16 such costs of such individuals carrying out other develop-
17 ment assistance activities.

18 (i) PERSONAL SERVICES CONTRACTORS.—Funds ap-
19 propriated by this Act to carry out chapter 1 of part I,
20 chapter 4 of part II, and section 667 of the Foreign As-
21 sistance Act of 1961, and title II of the Agricultural Trade
22 Development and Assistance Act of 1954, may be used
23 by USAID to employ up to 40 personal services contrac-
24 tors in the United States, notwithstanding any other pro-
25 vision of law, for the purpose of providing direct, interim

1 support for new or expanded overseas programs and ac-
 2 tivities managed by the agency until permanent direct hire
 3 personnel are hired and trained: *Provided*, That not more
 4 than 10 of such contractors shall be assigned to any bu-
 5 reau or office: *Provided further*, That not more than 15
 6 of such contractors shall be for activities related to
 7 USAID's Afghanistan or Pakistan programs: *Provided*
 8 *further*, That such funds appropriated to carry out title
 9 II of the Agricultural Trade Development and Assistance
 10 Act of 1954, may be made available only for personal serv-
 11 ices contractors assigned to the Office of Food for Peace.

12 (j) SENIOR FOREIGN SERVICE LIMITED APPOINT-
 13 MENTS.—Individuals hired pursuant to the authority pro-
 14 vided by section 7059(o) of division F of Public Law 111–
 15 117 may be assigned to or support programs in Iraq, Af-
 16 ghanistan, or Pakistan with funds made available in this
 17 Act and prior Acts making appropriations for the Depart-
 18 ment of State, foreign operations, and related programs.

19 GLOBAL HEALTH ACTIVITIES

20 SEC. 7054. (a) Funds appropriated by titles III and
 21 IV of this Act that are made available for bilateral assist-
 22 ance for global health activities including activities relat-
 23 ing to research on, and the prevention, treatment and con-
 24 trol of, HIV/AIDS may be made available notwithstanding
 25 any other provision of law except for provisions under the

1 heading “Global Health Programs” and the United States
2 Leadership Against HIV/AIDS, Tuberculosis, and Malaria
3 Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as
4 amended: *Provided*, That of the funds appropriated under
5 title III of this Act, not less than \$700,000,000 shall be
6 made available for family planning/reproductive health, in-
7 cluding in areas where population growth threatens bio-
8 diversity or endangered species.

9 (b) Not later than 90 days after enactment of this
10 Act, the Secretary of State, in consultation with the Ad-
11 ministrator of the United States Agency for International
12 Development (USAID) shall submit to the Committees on
13 Appropriations a report on any cost savings that could be
14 achieved by transitioning the function, role, and duties of
15 the Office of the United States Global AIDS Coordinator
16 into USAID.

17 (c) Not later than 90 days after enactment of this
18 Act, the Secretary of State, in consultation with the Ad-
19 ministrator of the United States Agency for International
20 Development (USAID) shall submit to the Committees on
21 Appropriations a report on the status of the Quadrennial
22 Diplomacy and Development Review (QDDR) decision to
23 transition the leadership of the Global Health Initiative
24 (GHI) to USAID, to include the following:

1 Operations, and Related Programs Appropriations Act,
2 2008 (division J of Public Law 110–161), primarily for
3 unsolicited proposals, to support grants of not more than
4 \$2,000,000 to small nongovernmental organizations: *Pro-*
5 *vided*, That funds made available under this section are
6 in addition to other funds available for such purposes in-
7 cluding funds designated by this Act by section 7063.

8 PROGRAMS TO PROMOTE GENDER EQUALITY

9 SEC. 7056. (a) Programs funded under title III of
10 this Act shall include, where appropriate, efforts to im-
11 prove the status of women, including through gender con-
12 siderations in the planning, assessment, implementation,
13 monitoring and evaluation of such programs.

14 (b) Funds appropriated under title III of this Act
15 shall be made available to support programs to expand
16 economic opportunities for poor women in developing
17 countries, including increasing the number and capacity
18 of women-owned enterprises, improving property rights for
19 women, increasing women’s access to financial services
20 and capital, enhancing the role of women in economic deci-
21 sionmaking at the local, national and international levels,
22 and improving women’s ability to participate in the global
23 economy.

24 (c) Funds appropriated under title III of this Act
25 shall be made available to increase political opportunities

1 for women, including strengthening protections for wom-
2 en’s personal status, increasing women’s participation in
3 elections, and enhancing women’s positions in government
4 and role in government decisionmaking.

5 (d) Funds appropriated under in title III of this Act
6 for food security and agricultural development shall take
7 into consideration the unique needs of women, and tech-
8 nical assistance for women farmers should be a priority.

9 (e) The Secretary of State, in consultation with the
10 heads of other relevant Federal agencies, shall develop a
11 National Action Plan in accordance with United Nations
12 Security Council Resolution 1325 (adopted on October 31,
13 2000) to ensure the United States effectively promotes
14 and supports the rights and roles of women in conflict-
15 affected and post-conflict regions through clear, measur-
16 able commitments to—

17 (1) promote the active and meaningful partici-
18 pation of women in affected areas in all aspects of
19 conflict prevention, management, and resolution;

20 (2) integrate the perspectives and interests of
21 affected women into conflict-prevention activities and
22 strategies;

23 (3) promote the physical safety, economic secu-
24 rity, and dignity of women and girls;

1 (4) support women’s equal access to aid dis-
2 tribution mechanisms and services; and

3 (5) monitor, analyze and evaluate implementa-
4 tion efforts and their impact.

5 (f) The Department of State and the United States
6 Agency for International Development shall fully integrate
7 gender into all diplomatic and development efforts through
8 the inclusion of gender in strategic planning and budget
9 allocations, and the development of indicators and evalua-
10 tion mechanisms to measure the impact of United States
11 policies and programs on women and girls in foreign coun-
12 tries.

13 GENDER-BASED VIOLENCE

14 SEC. 7057. (a) Funds appropriated under the head-
15 ings “Global Health Programs”, “Development Assist-
16 ance”, “Economic Support Fund”, and “International
17 Narcotics Control and Law Enforcement” in this Act shall
18 be made available for sexual and gender-based violence
19 prevention and response efforts, and funds appropriated
20 under the headings “International Disaster Assistance”,
21 “Complex Crises Fund” and “Migration and Refugee As-
22 sistance” should be made available for such efforts.

23 (b) Programs and activities funded under titles III
24 and IV of this Act to train foreign police, judicial, and
25 military personnel, including for international peace-

1 keeping operations, shall address, where appropriate, pre-
2 vention and response to sexual and gender-based violence
3 and trafficking in persons.

4 (c) Not later than 180 days after enactment of this
5 Act, the Secretary of State and the Administrator of the
6 United States Agency for International Development shall
7 jointly submit to the Committees on Appropriations a
8 multi-year strategy to prevent and respond to violence
9 against women and girls in countries where it is common:
10 *Provided*, That the strategy should reflect the input of
11 local women’s organizations in such countries and include
12 achievable and sustainable goals, benchmarks for meas-
13 uring progress, and expected results: *Provided further*,
14 That the strategy should include regular engagement with
15 men and boys as community leaders and advocates in end-
16 ing violence against women and girls.

17 RECONCILIATION PROGRAMS

18 SEC. 7058. Of the funds appropriated by title III of
19 this Act under the headings “Economic Support Fund”
20 and “Development Assistance”, \$26,000,000 shall be
21 made available to support people to people reconciliation
22 programs which bring together individuals of different eth-
23 nic, religious and political backgrounds from areas of civil
24 strife and war, of which \$10,000,000 shall be made avail-
25 able for such programs in the Middle East: *Provided*, That

1 the Administrator of the United States Agency for Inter-
2 national Development shall consult with the Committees
3 on Appropriations, prior to the initial obligation of funds,
4 on the uses of such funds.

5 REQUESTS FOR DOCUMENTS

6 SEC. 7059. None of the funds appropriated or made
7 available pursuant to titles III through VI of this Act shall
8 be available to a nongovernmental organization, including
9 any contractor, which fails to provide upon timely request
10 any document, file, or record necessary to the auditing re-
11 quirements of the United States Agency for International
12 Development.

13 PROHIBITION ON USE OF TORTURE

14 SEC. 7060. (a) None of the funds made available in
15 this Act may be used to support or justify the use of tor-
16 ture, cruel or inhumane treatment by any official or con-
17 tract employee of the United States Government.

18 (b) Not later than 90 days after enactment of this
19 Act, the Secretary of State shall submit to the Committees
20 on Appropriations a report identifying those countries re-
21 ceiving United States assistance from funds appropriated
22 by this Act whose police, military, or other security forces
23 have been credibly alleged to use torture, as determined
24 by the Assistant Secretary of State for Democracy,
25 Human Rights and Labor based on the Department of

1 State’s most recent Human Rights Report and other rel-
2 evant information.

3 (c) Funds appropriated by this Act to carry out the
4 provisions of chapters 1, 10, 11, and 12 of part I and
5 chapter 4 of part II of the Foreign Assistance Act of 1961,
6 and the Support for East European Democracy (SEED)
7 Act of 1989, shall be made available, notwithstanding sec-
8 tion 660 of the Foreign Assistance Act of 1961, for assist-
9 ance to eliminate torture by foreign police, military or
10 other security forces in countries identified in the report
11 required in subsection (b).

12 AFRICA

13 SEC. 7061. (a) CONFLICT MINERALS.—

14 (1) None of the funds appropriated by this Act
15 under the heading “Foreign Military Financing Pro-
16 gram” may be made available for assistance for
17 Rwanda or Uganda if the Secretary of State has
18 credible evidence that the Government of Rwanda or
19 the Government of Uganda is providing political,
20 military or financial support to armed groups in the
21 Democratic Republic of the Congo (DRC) that are
22 involved in the illegal exportation of minerals out of
23 the DRC or have violated human rights.

24 (2) The restriction in paragraph (1) shall not
25 apply to assistance to improve border controls to

1 prevent the illegal exportation of minerals out of the
2 DRC by such groups, to protect relief efforts, or to
3 support the training and deployment of members of
4 the Rwandan or Ugandan militaries in international
5 peacekeeping operations.

6 (b) COUNTER-TERRORISM PROGRAMS.—

7 (1) Of the funds appropriated by this Act, not
8 less than \$52,800,000 should be made available for
9 the Trans-Sahara Counter-terrorism Partnership
10 program, and not less than \$21,300,000 should be
11 made available for the Partnership for Regional
12 East Africa Counter-terrorism program.

13 (2) In addition to such sums that may other-
14 wise be made available, of the funds appropriated by
15 this Act under the heading “Economic Support
16 Fund”, \$10,000,000 shall be made available for pro-
17 grams to counter extremism in East Africa.

18 (3) Not later than 90 days after enactment of
19 this Act, the Secretary of State, in consultation with
20 the Secretary of Defense, shall submit a report to
21 the Committees on Appropriations detailing—

22 (A) the United States Government’s multi-
23 year strategy for combating terrorism in Africa;

24 (B) the amount of funding provided, by ac-
25 count, to implement such a strategy, and a

1 brief description of counter-terrorism programs
2 implemented on a country-by-country basis;

3 (C) the mechanisms for coordinating such
4 assistance between the Department of State,
5 the United States Agency for International De-
6 velopment, and the Department of Defense, be-
7 tween the United States Government and other
8 international donors, and between the United
9 States Government and respective host govern-
10 ments; and

11 (D) the benchmarks for measuring the
12 strengths and weaknesses in implementing such
13 strategy.

14 (e) CRISIS RESPONSE.—Notwithstanding any other
15 provision of law, up to \$15,000,000 of the funds appro-
16 priated by this Act under the heading “Global Health Pro-
17 grams” for HIV/AIDS activities may be transferred to,
18 and merged with, funds appropriated under the headings
19 “Complex Crises Fund”, “International Disaster Assist-
20 ance”, “Economic Support Fund”, and “Migration and
21 Refugee Assistance” to respond to unanticipated crises in
22 Africa, except that funds shall not be transferred unless
23 the Secretary of State certifies to the Committees on Ap-
24 propriations that no individual currently on anti-retroviral
25 therapy supported by such funds shall be negatively im-

1 pacted by the transfer of such funds: *Provided*, That the
2 authority of this subsection shall be subject to prior con-
3 sultation with the Committees on Appropriations.

4 (d) EXPANDED INTERNATIONAL MILITARY EDU-
5 CATION AND TRAINING.—

6 (1) Funds appropriated under the heading
7 “International Military Education and Training”
8 (IMET) in this Act that are made available for as-
9 sistance for Angola, Cameroon, Central African Re-
10 public, Chad, Côte d’Ivoire, Guinea and Zimbabwe
11 may be made available only for expanded IMET.

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

16 (e) ETHIOPIA.—

17 (1) Funds appropriated by this Act under the
18 heading “Foreign Military Financing Program” that
19 are available for assistance for Ethiopia shall not be
20 made available unless the Secretary of State—

21 (A) certifies to the Committees on Appro-
22 priations that the Government of Ethiopia is
23 implementing policies to respect due process
24 and freedoms of expression and association, and
25 is permitting access to human rights and hu-

1 manitarian organizations to the Somalia region
2 of Ethiopia; and

3 (B) submits a report to such Committees
4 on the types and amounts of United States
5 training and equipment proposed to be provided
6 to the Ethiopian military including steps that
7 will be taken to ensure that such assistance is
8 not provided to military units or personnel that
9 have violated human rights, and steps taken by
10 the Government of Ethiopia to investigate and
11 prosecute members of the Ethiopian military
12 who have been credibly alleged to have violated
13 such rights.

14 (2) The restriction in paragraph (1) shall not
15 apply to assistance to Ethiopian military efforts in
16 support of international peacekeeping operations and
17 for assistance to the Ethiopian Defense Command
18 and Staff College.

19 (f) THE GAMBIA.—The Secretary of the Treasury
20 shall instruct the United States executive directors of the
21 international financial institutions to vote against any
22 loan, agreement, or other financial support for the Gam-
23 bia, except to meet basic human needs, unless the Sec-
24 retary of State certifies to the Committees on Appropria-

1 tions that the Government of the Gambia is taking effec-
2 tive steps to release and account for political prisoners.

3 (g) KENYA.—Funds appropriated by this Act under
4 the heading “Foreign Military Financing Program” that
5 are available for assistance for Kenya should not be made
6 available unless a thorough, credible investigation has
7 been conducted of alleged crimes by Kenyan soldiers at
8 Mount Elgon in March 2008, and the responsible individ-
9 uals are being brought to justice.

10 (h) SUDAN LIMITATION ON ASSISTANCE.—

11 (1) Subject to paragraph (2):

12 (A) Notwithstanding any other provision of
13 law, none of the funds appropriated by this Act
14 may be made available for assistance for the
15 Government of Sudan unless the Secretary of
16 State certifies to the Committees on Appropria-
17 tions that such government—

18 (i) has lifted the state of emergency in
19 Darfur;

20 (ii) is cooperating with and partici-
21 pating in good faith in an internationally
22 recognized peace process for Darfur;

23 (iii) is permitting access and freedom
24 of movement for the United Nations/Afri-
25 can Union Hybrid Mission in Darfur and

1 the delivery of humanitarian assistance in
2 Darfur, and is respecting international hu-
3 manitarian law;

4 (iv) is not engaging in provocative
5 military operations within Sudan or cross-
6 border destabilization; and

7 (v) has reached a mutually acceptable
8 agreement with the Republic of South
9 Sudan regarding the status of Abyei and
10 other outstanding issues related to imple-
11 mentation of the Comprehensive Peace
12 Agreement (CPA), including matters re-
13 lated to oil revenues and the transit of oil.

14 (B) None of the funds appropriated by this
15 Act may be made available for the cost, as de-
16 fined in section 502, of the Congressional
17 Budget Act of 1974, of modifying loans and
18 loan guarantees held by the Government of
19 Sudan, including the cost of selling, reducing,
20 or canceling amounts owed to the United
21 States, and modifying concessional loans, guar-
22 antees, and credit agreements.

23 (2) The limitations of paragraph (1) shall not
24 apply to—

25 (A) humanitarian assistance;

1 (B) assistance for the Darfur region,
2 Southern Kordofan, Blue Nile, White Nile,
3 Sennar, other marginalized areas in Sudan, and
4 the Abyei area; and

5 (C) assistance to support implementation
6 of the CPA, mutually agreed upon arrange-
7 ments related to post-referendum issues associ-
8 ated with the CPA, or to promote peace and
9 stability between Sudan and the Republic of
10 South Sudan, or any other internationally rec-
11 ognized viable peace agreement in Sudan.

12 (i) SOUTH SUDAN.—

13 (1) Funds appropriated by this Act should be
14 made available for assistance for South Sudan in-
15 cluding to increase agricultural productivity, expand
16 educational opportunities especially for girls,
17 strengthen democratic institutions and the rule of
18 law, and enhance the capacity of the Federal Legis-
19 lative Assembly to conduct oversight over govern-
20 ment revenues and expenditures.

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, the
4 establishment of democratic institutions includ-
5 ing an independent judiciary, parliament, and
6 security forces that are accountable to civilian
7 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 by providing technical
19 assistance to enhance the capacity of the National
20 Auditor Chamber to carry out its responsibilities,
21 and shall submit a report not later than 90 days
22 after enactment of this Act to the Committees on
23 Appropriations detailing the steps that will be taken
24 by the Government of South Sudan, which are addi-
25 tional to those taken in the previous fiscal year, to

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

3 (j) UGANDA.—Of the funds appropriated by this Act
4 under the headings “Development Assistance” and “Inter-
5 national Narcotics Control and Law Enforcement”, not
6 less than \$1,000,000 shall be made available to improve
7 physical access, telecommunications infrastructure, and
8 early-warning mechanisms in areas affected by the Lord’s
9 Resistance Army (LRA), and not less than \$1,000,000
10 shall be made available to support the disarmament, demo-
11 bilization and reintegration of former LRA combatants,
12 especially child soldiers.

13 (k) WAR CRIMES IN AFRICA.—

14 (1) The Congress reaffirms its support for the
15 efforts of the International Criminal Tribunal for
16 Rwanda (ICTR) and the Special Court for Sierra
17 Leone (SCSL) to bring to justice individuals respon-
18 sible for war crimes and crimes against humanity in
19 a timely manner.

20 (2) Funds appropriated by this Act, including
21 funds for debt restructuring, may be made available
22 for assistance for the central government of a coun-
23 try in which individuals indicted by the ICTR and
24 the SCSL are credibly alleged to be living, if the
25 Secretary of State determines and reports to the

1 Committees on Appropriations that such government
2 is cooperating with the ICTR and the SCSL, includ-
3 ing the apprehension, surrender, and transfer of
4 indictees in a timely manner: *Provided*, That this
5 subsection shall not apply to assistance provided
6 under section 551 of the Foreign Assistance Act of
7 1961 or to project assistance under title VI of this
8 Act: *Provided further*, That the United States shall
9 use its voice and vote in the United Nations Security
10 Council to fully support efforts by the ICTR and the
11 SCSL to bring to justice individuals indicted by such
12 tribunals in a timely manner.

13 (3) The prohibition in paragraph (2) may be
14 waived on a country-by-country basis if the Presi-
15 dent determines that doing so is in the national se-
16 curity interest of the United States: *Provided*, That
17 prior to exercising such waiver authority, the Presi-
18 dent shall submit a report to the Committees on Ap-
19 propriations, in classified form if necessary, on—

20 (A) the steps being taken to obtain the co-
21 operation of the government in apprehending
22 and surrendering the indictee in question to the
23 court of jurisdiction;

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

1 (C) the justification for exercising the
2 waiver authority.

3 (I) ZIMBABWE.—

4 (1) The Secretary of the Treasury shall instruct
5 the United States executive director of each inter-
6 national financial institution to vote against any ex-
7 tension by the respective institution of any loans or
8 grants to the Government of Zimbabwe, except to
9 meet basic human needs or to promote democracy,
10 unless the Secretary of State determines and reports
11 in writing to the Committees on Appropriations that
12 the rule of law has been restored in Zimbabwe, in-
13 cluding respect for ownership and title to property,
14 freedom of speech and association.

15 (2) None of the funds appropriated by this Act
16 shall be made available for assistance for the central
17 Government of Zimbabwe, except for health, edu-
18 cation, and macroeconomic growth assistance, unless
19 the Secretary of State makes the determination re-
20 quired in paragraph (1).

21 ASIA

22 SEC. 7062. (a) TIBET.—

23 (1) The Secretary of the Treasury should in-
24 struct the United States executive director of each
25 international financial institution to use the voice

1 and vote of the United States to support projects in
2 Tibet if such projects do not provide incentives for
3 the migration and settlement of non-Tibetans into
4 Tibet or facilitate the transfer of ownership of Ti-
5 betan land and natural resources to non-Tibetans;
6 are based on a thorough needs-assessment; foster
7 self-sufficiency of the Tibetan people and respect Ti-
8 betan culture and traditions; and are subject to ef-
9 fective monitoring.

10 (2) Notwithstanding any other provision of law,
11 not less than \$7,500,000 of the funds appropriated
12 by this Act under the heading “Economic Support
13 Fund” should be made available to nongovernmental
14 organizations to support activities which preserve
15 cultural traditions and promote sustainable develop-
16 ment and environmental conservation in Tibetan
17 communities in the Tibetan Autonomous Region and
18 in other Tibetan communities in China.

19 (b) BURMA.—

20 (1) The Secretary of the Treasury shall instruct
21 the United States executive directors of the inter-
22 national financial institutions to vote against any
23 loan, agreement, or other financial support for
24 Burma.

1 (2) Funds appropriated by this Act may be
2 made available for assistance for Burma notwith-
3 standing any other provision of law, except no such
4 funds shall be made available to the State Peace and
5 Development Council, or its successor, and its affili-
6 ated organizations: *Provided*, That such funds shall
7 be made available to support programs in Burma,
8 along Burma’s borders, and for Burmese groups and
9 organizations located outside Burma: *Provided fur-*
10 *ther*, That not less than \$5,000,000 shall be made
11 available for community-based organizations oper-
12 ating in Thailand to provide food, medical, and other
13 humanitarian assistance to internally displaced per-
14 sons in eastern Burma, in addition to assistance for
15 Burmese refugees appropriated under the heading
16 “Migration and Refugee Assistance” in this Act:
17 *Provided further*, That any new program or activity
18 initiated with funds made available by this Act shall
19 be subject to prior consultation with the Committees
20 on Appropriations, and all such funds shall be sub-
21 ject to the regular notification procedures of the
22 Committees on Appropriations.

23 (c) CAMBODIA.—Funds made available in this Act for
24 a United States contribution to a Khmer Rouge tribunal
25 may only be made available if the Secretary of State cer-

1 tifies to the Committees on Appropriations that the
2 United Nations and the Government of Cambodia are tak-
3 ing effective steps to address allegations of corruption and
4 mismanagement within the tribunal.

5 (d) INDONESIA.—

6 (1) Of the funds appropriated by this Act under
7 the heading “Foreign Military Financing Program”
8 that are available for assistance for Indonesia,
9 \$2,000,000 may not be obligated until the Secretary
10 of State submits to the Committees on Appropria-
11 tions the report on Indonesia required under such
12 heading in the report accompanying this Act.

13 (2) Of the funds appropriated by this Act under
14 the heading “Economic Support Fund” that are
15 available for assistance for Indonesia, not less than
16 \$400,000 should be made available for grants for ca-
17 pacity building of Indonesian human rights organi-
18 zations, including in Papua.

19 (e) PEOPLE’S REPUBLIC OF CHINA.—

20 (1) None of the funds appropriated under the
21 heading “Diplomatic and Consular Programs” in
22 this Act may be obligated or expended for processing
23 licenses for the export of satellites of United States
24 origin (including commercial satellites and satellite
25 components) to the People’s Republic of China un-

1 less, at least 15 days in advance, the Committees on
2 Appropriations are notified of such proposed action.

3 (2) The terms and requirements of section
4 620(h) of the Foreign Assistance Act of 1961 shall
5 apply to foreign assistance projects or activities of
6 the People's Liberation Army (PLA) of the People's
7 Republic of China, to include such projects or activi-
8 ties by any entity that is owned or controlled by, or
9 an affiliate of, the PLA: *Provided*, That none of the
10 funds appropriated or otherwise made available pur-
11 suant to this Act may be used to finance any grant,
12 contract, or cooperative agreement with the PLA, or
13 any entity that the Secretary of State has reason to
14 believe is owned or controlled by, or an affiliate of,
15 the PLA.

16 (3) Notwithstanding any other provision of law
17 and subject to prior consultation with, and the reg-
18 ular notification procedures of, the Committees on
19 Appropriations, of the funds appropriated under the
20 heading "Economic Support Fund", not less than
21 \$20,000,000 shall be made available to United
22 States institutions of higher education and non-
23 governmental organizations for programs and activi-
24 ties in the People's Republic of China relating to de-

1 mocracy, governance, rule of law, and the environ-
2 ment.

3 (f) 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 (g) TIMOR-LESTE.—Of the funds appropriated by
11 this Act under the heading “Economic Support Fund”,
12 not less than \$1,000,000 shall be made available for high-
13 er education scholarships in Timor-Leste.

14 (h) VIETNAM.—Of the funds appropriated under the
15 heading “Economic Support Fund”, not less than
16 \$15,000,000 shall be made available for remediation of
17 dioxin contaminated sites in Vietnam and may be made
18 available for assistance for the Government of Vietnam,
19 including the military, for such purposes, and not less
20 than \$5,000,000 under the heading “Development Assist-
21 ance” shall be made available for related health/disability
22 activities.

23 INDEPENDENT STATES OF THE FORMER SOVIET UNION

24 SEC. 7063. (a) None of the funds appropriated under
25 the heading “Assistance for Europe, Eurasia and Central

1 Asia” may be made available for assistance for a govern-
2 ment of an Independent State of the former Soviet Union
3 if that government directs any action in violation of the
4 territorial integrity or national sovereignty of any other
5 Independent State of the former Soviet Union, such as
6 those violations included in the Helsinki Final Act, unless
7 the Secretary of State determines that to do so is in the
8 national security interests of the United States.

9 (b) Funds appropriated under the heading “Assist-
10 ance for Europe, Eurasia and Central Asia” for the Rus-
11 sian Federation, Armenia, Azerbaijan, Kazakhstan, and
12 Uzbekistan shall be subject to the regular notification pro-
13 cedures of the Committees on Appropriations.

14 (c) Section 907 of the FREEDOM Support Act shall
15 not apply to—

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

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

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

1 on Appropriations not later than 180 days after enactment
2 of this Act and 12 months thereafter, on all United States
3 Government assistance provided to the Government of Uz-
4 bekistan and expenditures made in support of the North-
5 ern Distribution Network in Uzbekistan, including any
6 credible information that such assistance or expenditures
7 are being diverted for corrupt purposes: *Provided further*,
8 That information provided in the report required by the
9 previous proviso may be provided in a classified annex and
10 such annex shall indicate the basis for such classification:
11 *Provided further*, That for the purposes of the application
12 of section 7075(e) to this Act, the report shall be sub-
13 mitted not later than October 1, 2012 and for the pur-
14 poses of the application of section 7076(e) to this Act, the
15 term “assistance” shall not include expanded international
16 military education and training.

17 SOUTH ASIA

18 SEC. 7065. (a) AFGHANISTAN.—

19 (1) LIMITATION.—None of the funds appro-
20 priated or otherwise made available by this Act
21 under the headings “Economic Support Fund” and
22 “International Narcotics Control and Law Enforce-
23 ment” may be obligated for assistance for the Gov-
24 ernment of Afghanistan until the Secretary of State,
25 in consultation with the Administrator of the United

1 States Agency for International Development
2 (USAID), certifies and reports to the Committees on
3 Appropriations that—

4 (A) The funds will be used to support pro-
5 grams and activities that can be sustained by
6 Afghan national, provincial or local govern-
7 ments.

8 (B) The Government of Afghanistan is—

9 (i) reducing corruption and improving
10 governance, including by investigating,
11 prosecuting, sanctioning and/or removing
12 corrupt officials from office and imple-
13 menting financial transparency and ac-
14 countability measures for government insti-
15 tutions and officials (including the Central
16 Bank) as well as conducting oversight of
17 public resources; and

18 (ii) taking credible steps to protect the
19 human rights of Afghan women.

20 (C) Funds will be used to support and
21 strengthen the capacity of Afghan public and
22 private institutions and entities to reduce cor-
23 ruption and to improve transparency and ac-
24 countability of national, provincial and local
25 governments.

1 (D) Representatives of Afghan national,
2 provincial or local governments, and local com-
3 munities and civil society organizations, includ-
4 ing women-led organizations, will be consulted
5 and participate in the design of programs,
6 projects, and activities, including participation
7 in implementation and oversight, and the devel-
8 opment of specific benchmarks to measure
9 progress and outcomes.

10 (2) DIRECT GOVERNMENT-TO-GOVERNMENT AS-
11 SISTANCE.—

12 (A) Funds appropriated or otherwise made
13 available by this Act for assistance for Afghani-
14 stan may not be made available for direct gov-
15 ernment-to-government assistance unless the
16 Secretary of State certifies to the Committees
17 on Appropriations that the relevant Afghan im-
18 plementing agency has been assessed and con-
19 sidered qualified to manage such funds and the
20 Government of the United States and the Gov-
21 ernment of Afghanistan have agreed, in writing,
22 to achievable and sustainable goals, benchmarks
23 for measuring progress, and expected results
24 for the use of such funds, and have established
25 mechanisms within each implementing agency

1 to ensure that such funds are used for the pur-
2 poses for which they were intended: *Provided,*
3 That the assessment procedures of the Depart-
4 ment of State and USAID shall be standardized
5 and provide reasonable assurance of detecting
6 significant vulnerabilities that could result in
7 the waste or misuse of United States funds:
8 *Provided further,* That the Secretary of State
9 should suspend any direct government-to-gov-
10 ernment assistance to an implementing agency
11 if the Secretary has credible information of mis-
12 use of such funds by any such agency: *Provided*
13 *further,* That any such assistance shall be sub-
14 ject to prior consultation with, and the regular
15 notification procedures of, the Committees on
16 Appropriations.

17 (B) Funds appropriated or otherwise made
18 available by this Act for assistance for Afghani-
19 stan may be made available as a United States
20 contribution to the Afghanistan Reconstruction
21 Trust Fund (ARTF) unless the Secretary of
22 State determines and reports to the Committees
23 on Appropriations that the World Bank Moni-
24 toring Agent of the ARTF is unable to conduct
25 its financial control and audit responsibilities

1 due to restrictions on security personnel by the
2 Government of Afghanistan.

3 (3) ASSISTANCE AND OPERATIONS.—

4 (A) Funds appropriated under the head-
5 ings “Economic Support Fund” and “Inter-
6 national Narcotics Control and Law Enforce-
7 ment” in this Act that are available for assist-
8 ance for Afghanistan—

9 (i) shall be made available, to the
10 maximum extent practicable, in a manner
11 that emphasizes the participation of Af-
12 ghan women, and directly improves the se-
13 curity, economic and social well-being, and
14 political status, and protects the rights of,
15 Afghan women and girls and complies with
16 sections 7056 and 7057 of this Act, includ-
17 ing support for the Afghan Independent
18 Human Rights Commission, the Afghan
19 Ministry of Women’s Affairs, and women-
20 led organizations.

21 (ii) may be made available for a
22 United States contribution to an inter-
23 nationally managed fund to support the
24 reconciliation with and disarmament, de-
25 mobilization and reintegration into Afghan

1 society of former combatants who have re-
2 nounced violence against the Government
3 of Afghanistan: *Provided*, That funds may
4 be made available to support reconciliation
5 and reintegration activities only if:

6 (I) Afghan women are partici-
7 pating at national, provincial and local
8 levels of government in the design,
9 policy formulation and implementation
10 of the reconciliation or reintegration
11 process, and such process upholds
12 steps taken by the Government of Af-
13 ghanistan to protect the human rights
14 of Afghan women; and

15 (II) such funds will not be used
16 to support any pardon or immunity
17 from prosecution, or any position in
18 the Government of Afghanistan or se-
19 curity forces, for any leader of an
20 armed group responsible for crimes
21 against humanity, war crimes, or acts
22 of terrorism;

23 (iii) may be made available for a
24 United States contribution to the North
25 Atlantic Treaty Organization/International

1 Security Assistance Force Post-Operations
2 Humanitarian Relief Fund; and

3 (iv) may be made available, notwith-
4 standing any provision of law that restricts
5 assistance to foreign countries, for cross
6 border stabilization and development pro-
7 grams between Afghanistan and Pakistan
8 or between either country and the Central
9 Asian republics.

10 (B) The authority contained in section
11 1102(c) of Public Law 111–32 shall continue in
12 effect during fiscal year 2012 and shall apply
13 as if part of this Act.

14 (C)(i) Of the funds appropriated by this
15 Act that are made available for assistance for
16 Afghanistan, not less than \$75,000,000 shall be
17 made available for rule of law programs: *Pro-*
18 *vided*, That decisions on the uses of such funds
19 shall be the responsibility of the Coordinator for
20 Rule of Law, in consultation with the Inter-
21 agency Planning and Implementation Team, at
22 the United States Embassy in Kabul, Afghani-
23 stan: *Provided further*, That \$250,000 of such
24 funds shall be transferred to, and merged with,
25 funds appropriated under the heading “Office

1 of Inspector General” in title I of this Act for
2 oversight of such programs and activities.

3 (ii) The Coordinator for Rule of Law at
4 the United States Embassy in Kabul, Afghani-
5 stan shall be consulted on the use of all funds
6 appropriated by this Act for rule of law pro-
7 grams in Afghanistan.

8 (D) None of the funds made available by
9 this Act may be used by the United States Gov-
10 ernment to enter into a permanent basing
11 rights agreement between the United States
12 and Afghanistan.

13 (E) Any significant modification to the
14 scope, objectives or implementation mechanisms
15 of United States assistance programs in Af-
16 ghanistan shall be subject to prior consultation
17 with, and the regular notification procedures of,
18 the Committees on Appropriations, except that
19 the prior consultation requirement may be
20 waived in a manner consistent with section
21 7015(e) of this Act.

22 (F) None of the funds appropriated by this
23 Act under the heading “Economic Support
24 Fund” may be made available for transpor-
25 tation infrastructure in Afghanistan unless the

1 Secretary of State reports to the Committees on
2 Appropriations that the Government of Afghan-
3 istan has established a standardized rail gauge
4 consistent with that utilized by Central Asian
5 states, including Uzbekistan: *Provided*, That
6 the Secretary of State may waive the require-
7 ment of this paragraph if the Secretary of State
8 reports to the Committees on Appropriations
9 that to do so is important to the national secu-
10 rity interests of the United States.

11 (G) Not later than 90 days after enact-
12 ment of this Act, the Secretary of State shall
13 report to the Committees on Appropriations
14 whether an International Monetary Fund
15 (IMF) country program for Afghanistan has
16 been established: *Provided*, That if such pro-
17 gram has not been established by that date, the
18 report required by this paragraph shall include
19 specific actions requested by the IMF, and
20 taken by the Government of Afghanistan, to ad-
21 dress the Kabul Bank crisis and restore con-
22 fidence in Afghanistan's banking sector.

23 (4) OVERSIGHT.—

24 (A) The Special Inspector General for Af-
25 ghanistan Reconstruction, the Inspector Gen-

1 eral of the Department of State and the Inspec-
2 tor General of USAID, shall jointly develop and
3 submit to the Committees on Appropriations
4 within 45 days of enactment of this Act a co-
5 ordinated audit and inspection plan of United
6 States assistance for, and civilian operations in,
7 Afghanistan.

8 (B) The USAID Administrator should pro-
9 vide for independent, transparent evaluations of
10 assistance programs and activities in Afghani-
11 stan which exceed \$25,000,000.

12 (b) NEPAL.—

13 (1) Funds appropriated by this Act under the
14 headings “Foreign Military Financing Program”
15 and “Peacekeeping Operations” may be made avail-
16 able for assistance for Nepal only if the Secretary of
17 State certifies to the Committees on Appropriations
18 that the Nepal Army is—

19 (A) cooperating fully with investigations
20 and prosecutions by civilian judicial authorities
21 of violations of human rights; and

22 (B) working constructively to redefine the
23 Nepal Army’s mission and adjust its size ac-
24 cordingly, implement reforms including
25 strengthening the capacity of the civilian min-

1 istry of defense to improve budget transparency
2 and accountability, and facilitate the integration
3 of former rebel combatants into the security
4 forces including the Nepal Army, consistent
5 with the goals of reconciliation, peace and sta-
6 bility.

7 (2) The conditions in paragraph (1) shall not
8 apply to assistance for humanitarian relief and re-
9 construction activities in Nepal.

10 (c) PAKISTAN.—

11 (1) DIRECT GOVERNMENT-TO-GOVERNMENT AS-
12 SISTANCE.—Funds appropriated by this Act for as-
13 sistance for Pakistan may be made available for di-
14 rect government-to-government assistance only if the
15 Secretary of State certifies to the Committees on
16 Appropriations that the Government of the United
17 States and the Government of Pakistan have agreed,
18 in writing, to achievable and sustainable goals,
19 benchmarks for measuring progress, and expected
20 results for the use of such funds, and have estab-
21 lished mechanisms within each implementing agency
22 to ensure that such funds are used for the purposes
23 for which they were intended: *Provided*, That the
24 Secretary of State should suspend any direct govern-
25 ment-to-government assistance to an implementing

1 agency if the Secretary has credible information of
2 misuse of such funds by any such agency: *Provided*
3 *further*, That funds made available pursuant to this
4 subparagraph shall be subject to prior consultation
5 with, and the regular notification procedures of, the
6 Committees on Appropriations.

7 (2) INFRASTRUCTURE PROJECTS.—Funds ap-
8 propriated under the heading “Economic Support
9 Fund” in this Act that are made available for assist-
10 ance for infrastructure projects in Pakistan shall be
11 implemented in a manner consistent with section
12 507(6) of the Trade Act of 1974 (19 U.S.C.
13 2467(6)).

14 (3) MILITARY ASSISTANCE.—Funds appro-
15 priated by this Act under the headings “Foreign
16 Military Financing Program” and “Pakistan
17 Counter-insurgency Capability Fund” that are avail-
18 able for assistance for Pakistan may be made avail-
19 able only to support counter-terrorism and counter-
20 insurgency operations in Pakistan, and are subject
21 to section 620M of the Foreign Assistance Act of
22 1961, as amended by this Act.

23 (4) CERTIFICATION AND REPORT.—

24 (A) CERTIFICATION.—

1 (i) Prior to the obligation of funds in
2 titles III and IV and under the heading
3 “Pakistan Counter-Insurgency Capability
4 Fund” in this Act for assistance for the
5 Government of Pakistan, the Secretary of
6 State shall certify to the Committees on
7 Appropriations that the Government of
8 Pakistan is—

9 (I) cooperating with the United
10 States in efforts against the Haqqani
11 Network, the Quetta Shura Taliban,
12 Lashkar e-Tayyiba, Al Qaeda and
13 other domestic and foreign terrorist
14 organizations, including taking steps
15 to end support for such groups and
16 prevent them from operating in Paki-
17 stan and carrying out cross border at-
18 tacks into neighboring countries;

19 (II) not impeding the issuance of
20 visas for United States visitors en-
21 gaged in counterterrorism efforts and
22 assistance programs, in Pakistan; and

23 (III) providing humanitarian or-
24 ganizations access to detainees, inter-
25 nally displaced persons, and other

1 Pakistani civilians affected by the con-
2 flict.

3 (ii) The Secretary of State may waive
4 the requirements of paragraph (i) if to do
5 so is in the national security interests of
6 the United States.

7 (B) REPORT.—The spend plan required by
8 section 7083 of this Act for assistance for Paki-
9 stan shall include achievable and sustainable
10 goals, benchmarks for measuring progress, and
11 expected results regarding furthering the devel-
12 opment of Pakistan, countering extremism, and
13 establishing conditions conducive to the rule of
14 law and accountable governance: *Provided*, That
15 not later than 6 months after submission of
16 such spend plan, and each 6 months thereafter
17 until September 30, 2013, the Secretary of
18 State shall submit a report on the status of
19 achieving the goals and benchmarks in the
20 spend plan: *Provided further*, That the Sec-
21 retary of State should suspend assistance for
22 the Government of Pakistan if any such report
23 indicates that Pakistan is failing to make meas-
24 urable progress in meeting any such goal or
25 benchmark.

1 (5) PRECURSOR CHEMICALS.—Funds appro-
2 priated under the heading “Economic Support
3 Fund” that are available for assistance for Pakistan
4 should be made available to stop the flow of pre-
5 cursor materials used to manufacture Improvised
6 Explosive Devices, including calcium ammonium ni-
7 trate, from Pakistan to Afghanistan, including pro-
8 grams to train border and customs officials in Paki-
9 stan and Afghanistan as well as agricultural exten-
10 sion programs that encourage alternative fertilizers
11 among Pakistani farmers.

12 (6) HUMAN RIGHTS AND DEMOCRACY.—Of the
13 funds appropriated under the heading “Economic
14 Support Fund” in this Act for assistance for Paki-
15 stan \$5,000,000 shall be made available through the
16 Bureau of Democracy, Human Rights and Labor,
17 Department of State, for human rights and democ-
18 racy programs in Pakistan, including training of
19 government officials and security forces, and assist-
20 ance for human rights organizations and the devel-
21 opment of democratic political parties.

22 (7) CHIEF OF MISSION.—Of the funds appro-
23 priated under the heading “Economic Support
24 Fund” in this Act for assistance for Pakistan, up to
25 \$10,000,000 may be made available to the Chief of

1 Mission to address unanticipated humanitarian
2 needs: *Provided*, That such funds shall be subject to
3 prior consultation with, and the regular notification
4 procedures of, the Committees on Appropriations,
5 except that the prior consultation requirement may
6 be waived in a manner consistent with section
7 7015(e) of this Act.

8 (d) SRI LANKA.—

9 (1) None of the funds appropriated by this Act
10 under the headings “Foreign Military Financing
11 Program” and “Peacekeeping Operations” may be
12 made available for assistance for Sri Lanka, no de-
13 fense export license may be issued, and no military
14 equipment or technology shall be sold or transferred
15 to Sri Lanka pursuant to the authorities contained
16 in this Act or any other Act, unless the Secretary of
17 State certifies to the Committees on Appropriations
18 that the Government of Sri Lanka is—

19 (A) conducting credible, thorough inves-
20 tigations of alleged war crimes and violations of
21 international humanitarian law by government
22 forces and the Liberation Tigers of Tamil
23 Eelam;

1 (B) bringing to justice individuals who
2 have been credibly alleged to have committed
3 such violations;

4 (C) supporting and cooperating with any
5 United Nations investigation of alleged war
6 crimes and violations of international humani-
7 tarian law;

8 (D) respecting due process, the rights of
9 journalists, and the rights of citizens to peace-
10 ful expression and association, including ending
11 arrest and detention under emergency regula-
12 tions;

13 (E) providing access to detainees by hu-
14 manitarian organizations; and

15 (F) implementing policies to promote rec-
16 onciliation and justice including devolution of
17 power as provided for in the Constitution of Sri
18 Lanka.

19 (2) Paragraph (2) shall not apply to assistance
20 for humanitarian demining and aerial and maritime
21 surveillance.

22 (3) If the Secretary makes the certification re-
23 quired in paragraph (2), funds appropriated under
24 the heading “Foreign Military Financing Program”
25 that are made available for assistance for Sri Lanka

1 should be used to support the recruitment and train-
2 ing of Tamils into the Sri Lankan military, Tamil
3 language training for Sinhalese military personnel,
4 and human rights training for all military personnel.

5 (4) The Secretary of the Treasury shall instruct
6 the United States executive directors of the inter-
7 national financial institutions to vote against any
8 loan, agreement, or other financial support for Sri
9 Lanka except to meet basic human needs, unless the
10 Secretary of State certifies to the Committees on
11 Appropriations that the Government of Sri Lanka is
12 meeting the requirements in paragraph (2)(D), (E),
13 and (F) of this subsection.

14 ENTERPRISE FUNDS

15 SEC. 7066. (a) Prior to the distribution of any assets
16 resulting from any liquidation, dissolution, or winding up
17 of an Enterprise Fund, in whole or in part, the President
18 shall submit to the Committees on Appropriations, in ac-
19 cordance with the regular notification procedures of the
20 Committees on Appropriations, a plan for the distribution
21 of the assets of the Enterprise Fund.

22 (b) Funds made available under titles III through VI
23 of this Act for Enterprise Funds shall be expended at the
24 minimum rate necessary to make timely payment for
25 projects and activities and shall be subject to the regular

1 notification procedures of the Committees on Appropria-
2 tions.

3 OVERSEAS PRIVATE INVESTMENT CORPORATION

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 7067. (a) Whenever the President determines
6 that it is in furtherance of the purposes of the Foreign
7 Assistance Act of 1961, up to a total of \$20,000,000 of
8 the funds appropriated under title III of this Act may be
9 transferred to, and merged with, funds appropriated by
10 this Act for the Overseas Private Investment Corporation
11 Program Account, to be subject to the terms and condi-
12 tions of that account: *Provided*, That such funds shall not
13 be available for administrative expenses of the Overseas
14 Private Investment Corporation: *Provided further*, That
15 designated funding levels in this Act shall not be trans-
16 ferred pursuant to this section: *Provided further*, That the
17 exercise of such authority shall be subject to the regular
18 notification procedures of the Committees on Appropria-
19 tions.

20 (b) Notwithstanding section 235(a)(2) of the Foreign
21 Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the au-
22 thority of subsections (a) through (c) of section 234 of
23 such Act shall remain in effect.

EXTRADITION

1
2 SEC. 7068. (a) None of the funds appropriated in this
3 Act may be used to provide assistance (other than funds
4 provided under the headings “International Narcotics
5 Control and Law Enforcement”, “Migration and Refugee
6 Assistance”, “Emergency Migration and Refugee Assist-
7 ance”, and “Nonproliferation, Anti-terrorism, Demining
8 and Related Assistance”) for the central government of
9 a country which has notified the Department of State of
10 its refusal to extradite to the United States any individual
11 indicted for a criminal offense for which the maximum
12 penalty is life imprisonment without the possibility of pa-
13 role or for killing a law enforcement officer, as specified
14 in a United States extradition request.

15 (b) Subsection (a) shall only apply to the central gov-
16 ernment of a country with which the United States main-
17 tains diplomatic relations and with which the United
18 States has an extradition treaty and the government of
19 that country is in violation of the terms and conditions
20 of the treaty.

21 (c) The Secretary of State may waive the restriction
22 in subsection (a) on a case-by-case basis if the Secretary
23 certifies to the Committees on Appropriations that such
24 waiver is important to the national interests of the United
25 States.

1 CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

2 SEC. 7069. (a) IN GENERAL.—Of the funds appro-
3 priated by this Act, up to \$1,250,000,000 may be made
4 available for programs and activities to—

5 (1) reduce, mitigate, and sequester greenhouse
6 gases that contribute to global climate change;

7 (2) support climate change adaptation; and

8 (3) protect biodiversity, including wildlife, trop-
9 ical forests, and other critical landscapes.

10 (b) USES OF CLEAN ENERGY FUNDING.—Funds ap-
11 propriated by this Act under the headings “Development
12 Assistance”, “Economic Support Fund”, and “Assistance
13 for Europe, Eurasia and Central Asia” for clean energy
14 programs and activities, may be made available only to
15 support and promote the sustainable use of renewable en-
16 ergy technologies and end-use energy efficiency tech-
17 nologies, carbon sequestration, and carbon accounting.

18 (c) TROPICAL FOREST PROGRAMS.—Funds appro-
19 priated under title III of this Act for tropical forest pro-
20 grams shall be used to protect biodiversity, including not
21 less than \$2,000,000 to implement and enforce section
22 8204 of Public Law 110–246, shall not be used to support
23 or promote the expansion of industrial scale logging into
24 primary tropical forests, and shall be subject to prior con-
25 sultation with, and the regular notification procedures of,

1 the Committees on Appropriations: *Provided*, That of the
2 funds that are available for the Central African Regional
3 Program for the Environment (CARPE) and other trop-
4 ical forest programs in the Congo Basin, not less than
5 \$9,000,000 shall be apportioned directly to the United
6 States Fish and Wildlife Service to implement such pro-
7 grams: *Provided further*, That not less than \$10,000,000
8 shall be made available for biodiversity conservation pro-
9 grams in the Brazilian Amazon, not less than \$15,000,000
10 shall be made available for such programs in the Andean
11 Amazon, and not less than \$1,000,000 shall be appor-
12 tioned directly to the Department of the Interior for pro-
13 grams in the Guatemala Mayan Biosphere Reserve.

14 (d) AUTHORITY.—Funds appropriated by this Act to
15 carry out the provisions of sections 103 through 106, and
16 chapter 4 of part II, of the Foreign Assistance Act of 1961
17 may be used, notwithstanding any other provision of law
18 except for the provisions of this section and subject to the
19 regular notification procedures of the Committees on Ap-
20 propriations, to support climate change and environment
21 programs.

22 (e) CONSULTATION.—Funds made available pursuant
23 to this section are subject to prior consultation with, and
24 the regular notification procedures of, the Committees on
25 Appropriations.

1 (f) EXTRACTION OF NATURAL RESOURCES.—

2 (1) Funds appropriated by this Act shall be
3 made available to promote and support transparency
4 and accountability of expenditures and revenues re-
5 lated to the extraction of natural resources, includ-
6 ing by strengthening implementation and monitoring
7 of the Extractive Industries Transparency Initiative,
8 section 8204 of Public Law 110–246, and the Kim-
9 berley Process Certification Scheme, and by pro-
10 viding technical assistance to promote independent
11 audit mechanisms and support civil society partici-
12 pation in natural resource management.

13 (2)(A) The Secretary of the Treasury shall in-
14 form the managements of the international financial
15 institutions and post on the Department of the
16 Treasury’s Web site that it is the policy of the
17 United States to vote against any assistance by such
18 institutions (including but not limited to any loan,
19 credit, grant, or guarantee) for the extraction and
20 export of a natural resource if the government of the
21 country has in place laws or regulations to prevent
22 or limit the public disclosure of company payments
23 as required by section 1504 of Public Law 111–203,
24 and unless such government has in place functioning

1 systems in the sector in which assistance is being
2 considered for:

3 (i) accurately accounting for and public
4 disclosure of payments to the host government
5 by companies involved in the extraction and ex-
6 port of natural resources;

7 (ii) the independent auditing of accounts
8 receiving such payments and public disclosure
9 of the findings of such audits;

10 (iii) public disclosure of such documents as
11 Host Government Agreements, Concession
12 Agreements, and bidding documents, allowing
13 in any such dissemination or disclosure for the
14 redaction of, or exceptions for, information that
15 is commercially proprietary or that would create
16 competitive disadvantage.

17 (B) The requirements of subparagraph (A)
18 shall not apply to assistance for the purpose of
19 building the capacity of such government to meet
20 the requirements of this paragraph.

21 (C) Not later than 180 days after enactment of
22 this Act, the Secretary of the Treasury shall submit
23 a report to the Committees on Appropriations de-
24 scribing, for each international financial institution,
25 the amount and type of assistance provided, by

1 country, for the extraction and export of natural re-
2 sources in the preceding 12 months, whether each
3 institution considered, in providing such assistance,
4 the extent to which the country has functioning sys-
5 tems, laws or regulations in place to prevent or limit
6 disclosure of company payments as described in sub-
7 paragraph (A).

8 (3) The Secretary of the Treasury or the Sec-
9 retary of State, as appropriate, shall instruct the
10 United States executive director of each inter-
11 national financial institution and the United States
12 representatives to all forest-related multilateral fi-
13 nancing mechanisms and processes, that it is the
14 policy of the United States to vote against the ex-
15 pansion of industrial scale logging into primary trop-
16 ical forests.

17 (g) CLEAN TECHNOLOGY FUND.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—For
19 fiscal year 2011, up to \$350,000,000 is authorized
20 to be appropriated for a United States contribution
21 to the Clean Technology Fund (the Fund).

22 (2) LIMITS ON COUNTRY ACCESS.—The Sec-
23 retary of the Treasury shall use the voice and vote
24 of the United States to ensure that—

1 (A) the Fund does not provide more than
2 15 percent of Fund resources to any one coun-
3 try;

4 (B) prior to the obligation of funds from
5 the Fund to a recipient country, recipient coun-
6 tries shall submit to the governing body of the
7 Fund, and the governing body of the Fund ap-
8 propriately reviews and considers, an invest-
9 ment plan that will achieve significant net re-
10 ductions in national-level greenhouse gas emis-
11 sions;

12 (C) the investment plan for a recipient
13 country, whose borrowing status is classified by
14 the World Bank as “International Development
15 Association blend”, shall have at least 15 per-
16 cent of its total cost for public sector activities
17 contributed from the public funds of the recipi-
18 ent country, and any recipient country whose
19 borrowing status is classified by the World
20 Bank as “International Bank for Reconstruc-
21 tion and Development Only” status, shall have
22 at least 25 percent of its total cost for public
23 sector activities contributed from public funds
24 of the recipient country; and

1 (D) assistance made available by the Fund
2 is used exclusively to support the deployment of
3 clean energy technologies in developing coun-
4 tries (including, where appropriate, through the
5 provision of technical support or support for
6 policy or institutional reforms) in a manner
7 that achieves substantial net reductions in
8 greenhouse gas emissions.

9 (3) DEFINITIONS.—For purposes of this sub-
10 section the definitions contained in section
11 7081(g)(4) of division F of Public Law 111–117
12 shall apply to this Act, except that “Public Sector
13 Activities” shall mean “Public Funds”.

14 PROHIBITION ON PROMOTION OF TOBACCO

15 SEC. 7070. None of the funds provided by this Act
16 shall be available to promote the sale or export of tobacco
17 or tobacco products, or to seek the reduction or removal
18 by any foreign country of restrictions on the marketing
19 of tobacco or tobacco products, except for restrictions
20 which are not applied equally to all tobacco or tobacco
21 products of the same type.

22 COMMERCIAL LEASING OF DEFENSE ARTICLES

23 SEC. 7071. The second sentence of section 23(a) of
24 the Arms Export Control Act, as amended, (Public Law
25 96–29) is further amended by striking “and Egypt” and

1 inserting “, Egypt, and NATO and major non-NATO al-
2 lies”.

3 INTERNATIONAL PRISON CONDITIONS

4 SEC. 7072. (a) Not later than 180 days after enact-
5 ment of this Act, the Secretary of State shall submit to
6 the Committees on Appropriations a report, which shall
7 also be made publicly available including on the Depart-
8 ment of State’s Web site, describing the conditions in pris-
9 ons and other detention facilities in at least 30 countries
10 receiving United States assistance, of which 15 countries
11 shall be selected based on the Secretary’s determination
12 that such conditions raise the most serious human rights
13 or humanitarian concerns, and 15 countries shall be se-
14 lected at random.

15 (b) For purposes of each determination made pursu-
16 ant to subsection (a), the Secretary shall consider the cri-
17 teria listed in section 7085(b)(1 through 10) of division
18 F of Public Law 111–117.

19 (c) Funds appropriated by this Act to carry out the
20 provisions of chapters 1 and 11 of part I and chapter 4
21 of part II of the Foreign Assistance Act of 1961, and the
22 Support for East European Democracy (SEED) Act of
23 1989, shall be made available, notwithstanding section
24 660 of the Foreign Assistance Act of 1961, for assistance

1 (B) ensure that the OIG has the necessary
2 staff, budget, independence, and authority to
3 perform functions consistent with its mandate,
4 Charter and Terms of Reference, such as pro-
5 grammatic audits and evaluations, financial au-
6 dits, and investigations of alleged misuse, mis-
7 appropriation and fraud involving any Global
8 Fund grant resources; and

9 (C) ensure that the Inspector General re-
10 ports directly to the Global Fund Board with-
11 out interference.

12 (3) Of the funds appropriated under the head-
13 ing “Contributions for International Peacekeeping
14 Activities” in this Act, 10 percent should not be obli-
15 gated until the Secretary of State reports to the
16 Committees on Appropriations that the United Na-
17 tions Secretariat and the governments of countries
18 providing troops for peacekeeping missions have pro-
19 cedures and agreements to ensure that allegations of
20 sexual abuse or other serious crimes by peacekeeping
21 troops will be credibly and thoroughly investigated
22 and the perpetrators brought to justice, and that in-
23 formation about such cases will be made publicly
24 available and regularly updated in the country where

1 the alleged crime occurred and on the United Na-
2 tions' Web site.

3 (4) Of the funds appropriated under title I of
4 this Act that are available for payments to the reg-
5 ular budgets of the United Nations and the Organi-
6 zation of American States, and of the funds appro-
7 priated under the heading "International Organiza-
8 tions and Programs" in this Act that are available
9 for contributions to United Nations agencies, 10
10 percent should not be obligated for any such organi-
11 zation until the Secretary of State reports to the
12 Committees on Appropriations that the organization
13 is implementing effective practices to protect whistle-
14 blowers (including the organization's employees and
15 others affected by the organization's operations)
16 from retaliation for internal and lawful public disclo-
17 sures, including—

18 (A) best practices for legal burdens of
19 proof;

20 (B) access to independent adjudicative
21 bodies, including external arbitration based on
22 consensus selection and shared costs;

23 (C) results that eliminate the effects of
24 proven retaliation;

1 (D) a minimum of a 6-month statute of
2 limitations for reporting retaliation; and

3 (E) the option of making external dislo-
4 sures in certain instances, in accordance with
5 standards adopted by the United Nations Sec-
6 retariat on December 19, 2005.

7 (5) Of the funds appropriated under the head-
8 ing “International Organizations and Programs” in
9 this Act that are available for a contribution to the
10 United Nations Development Program (UNDP), 10
11 percent should not be obligated until the Secretary
12 of State reports to the Committees on Appropria-
13 tions that the UNDP’s management is taking the
14 necessary steps to demonstrate UNDP’s commit-
15 ment to make all audit, oversight, and financial in-
16 formation publicly available as soon as possible, and
17 to put in place procedures for publicly reporting on
18 the results of UNDP programs worldwide.

19 (6) Notwithstanding any other provision of law,
20 the Secretary of State should suspend United States
21 participation in the United Nations Human Rights
22 Council (the Council) unless the Secretary deter-
23 mines and reports to the Committees on Appropria-
24 tions that continued participation in the Council is
25 in the national interests of the United States.

1 (b) INTERNATIONAL MONETARY FUND.—

2 (1) The terms and conditions of section
3 7086(b)(1) and (2) of division F of Public Law 111–
4 117 shall apply to this Act.

5 (2) The Secretary of the Treasury shall instruct
6 the United States Executive Director of the Inter-
7 national Monetary Fund (IMF) to seek to ensure
8 that any loan will be repaid to the IMF before other
9 private creditors.

10 (3) The Secretary of the Treasury shall seek to
11 ensure that the IMF has adopted and is imple-
12 menting effective practices to protect whistleblowers
13 (including the IMF’s employees, contract employees,
14 consultants, staff of the Board of Executive Direc-
15 tors, and others affected by the IMF’s operations)
16 from retaliation for internal and lawful public disclo-
17 sures, including—

18 (A) best practices for legal burdens of
19 proof;

20 (B) access to independent adjudicative
21 bodies, including external arbitration based on
22 consensus selection and shared costs;

23 (C) results that eliminate the effects of
24 proven retaliation; and

1 (D) a minimum of a 6-month statute of
2 limitations for reporting retaliation.

3 (c) NATIONAL BUDGET AND CONTRACT TRANS-
4 PARENCY.—

5 (1) LIMITATION ON FUNDING.—None of the
6 funds appropriated under titles III and IV of this
7 Act may be made available to the central govern-
8 ment of any country that does not meet minimum
9 standards of fiscal transparency: *Provided*, That the
10 Secretary of State shall develop “minimum stand-
11 ards of fiscal transparency” to be updated and
12 strengthened, as appropriate, to reflect best prac-
13 tices: *Provided further*, That the Secretary shall
14 make an annual determination of “progress” or “no
15 progress” for countries that do not meet minimum
16 standards of fiscal transparency and make those de-
17 terminations publicly available on an annual “Fiscal
18 Transparency Report”.

19 (2) MINIMUM STANDARDS OF FISCAL TRANS-
20 PARENCY.—For the purposes of paragraph (1),
21 “minimum standards of fiscal transparency” shall
22 include standards for the public disclosure of budget
23 documentation, including receipts and expenditures
24 by ministry, and government contracts and licenses

1 for natural resource extraction, to include bidding
2 and concession allocation practices.

3 (3) WAIVER.—The Secretary of State may
4 waive the limitation on funding in paragraph (1) on
5 a country-by-country basis if the Secretary reports
6 to the Committees on Appropriations that the waiver
7 is important to the national interests of the United
8 States: *Provided*, That such waiver shall identify any
9 steps taken by the government of the country to
10 publicly disclose its national budget and contracts
11 which are additional to those which were undertaken
12 in previous fiscal years, include specific rec-
13 ommendations of short and long-term steps such
14 government can take to improve budget trans-
15 parency, and identify benchmarks for measuring
16 progress.

17 (4) ASSISTANCE.—Of the funds appropriated
18 under title III of this Act, not less than \$5,000,000
19 should be made available for programs and activities
20 to assist the central governments of countries named
21 in the list required by paragraph (1) to improve
22 budget transparency or to support civil society orga-
23 nizations in such countries that promote budget
24 transparency: *Provided*, That such sums shall be in

1 addition to funds otherwise made available for such
2 purposes.

3 (d) ANTI-KLEPTOCRACY.—

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

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

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

24 (4) Not later than 90 days after enactment of
25 this Act and 180 days thereafter, the Secretary of

1 State shall submit a report, in classified form if nec-
2 essary, to the Committees on Appropriations describ-
3 ing the information regarding corruption concerning
4 each of the individuals found ineligible pursuant to
5 paragraph (1), a list of any waivers provided under
6 subsection (3), and the justification for each waiver.

7 DISABILITY PROGRAMS

8 SEC. 7074. (a) Of the funds appropriated by this Act
9 under the heading “Economic Support Fund”, not less
10 than \$5,000,000 shall be made available for programs and
11 activities administered by the United States Agency for
12 International Development (USAID) to address the needs
13 and protect and promote the rights of people with disabil-
14 ities in developing countries, including initiatives that
15 focus on independent living, economic self-sufficiency, ad-
16 vocacy, education, employment, transportation, sports,
17 and integration of individuals with disabilities, including
18 for the cost of translation, of which up to \$1,000,000 shall
19 be made available to support disability advocacy organiza-
20 tions to provide training and technical assistance for dis-
21 abled persons organizations in such countries.

22 (b) Funds appropriated under the heading “Oper-
23 ating Expenses” in title II of this Act shall be made avail-
24 able to develop and implement training for staff in over-
25 seas USAID missions to promote the full inclusion and

1 equal participation of people with disabilities in developing
2 countries.

3 (c) The Secretary of State, the Secretary of the
4 Treasury, and the USAID Administrator shall seek to en-
5 sure that, where practicable, construction projects funded
6 by this Act are accessible to people with disabilities and
7 in compliance with the USAID Policy on Standards for
8 Accessibility for the Disabled, or other similar accessibility
9 standards.

10 (d) Of the funds made available pursuant to sub-
11 section (a), not more than 7 percent may be for manage-
12 ment, oversight, and technical support.

13 BUYING POWER MAINTENANCE, INTERNATIONAL
14 ORGANIZATIONS

15 SEC. 7075. (a) There may be established in the
16 Treasury of the United States a “Buying Power Mainte-
17 nance, International Organizations” account.

18 (b) At the end of each fiscal year, the Secretary of
19 State may transfer to, and merge with, “Buying Power
20 Maintenance, International Organizations” such amounts
21 from “Contributions to International Organizations” as
22 the Secretary determines are in excess of the needs of ac-
23 tivities funded from “Contributions to International Orga-
24 nizations” because of fluctuations in foreign currency ex-
25 change rates.

1 (c) In order to offset adverse fluctuations in foreign
2 currency exchange rates, the Secretary of State may
3 transfer to, and merge with, “Contributions to Inter-
4 national Organizations” such amounts from “Buying
5 Power Maintenance, International Organizations” as the
6 Secretary determines are necessary to provide for the ac-
7 tivities funded from “Contributions to International Orga-
8 nizations”.

9 (d)(1) Subject to the limitations contained in this sec-
10 tion, not later than the end of the fifth fiscal year after
11 the fiscal year for which funds are appropriated or other-
12 wise made available for “Contributions to International
13 Organizations”, the Secretary of State may transfer any
14 unobligated balance of such funds to the “Buying Power
15 Maintenance, International Organizations” account.

16 (2) The balance of the Buying Power Maintenance,
17 International Organizations account may not exceed
18 \$50,000,000 as a result of any transfer under this sub-
19 section.

20 (3) Any transfer pursuant to this subsection shall be
21 treated as a reprogramming of funds under section 34 of
22 the State Department Basic Authorities Act of 1956 (22
23 U.S.C. 2706) and shall be available for obligation or ex-
24 penditure only in accordance with the procedures under
25 such section.

1 (e)(1) Funds transferred to the “Buying Power
2 Maintenance, International Organizations” account pur-
3 suant to this section shall remain available until expended.

4 (2) The transfer authorities in this section shall be
5 available for funds appropriated for fiscal year 2012 and
6 for each fiscal year thereafter, and are in addition to any
7 transfer authority otherwise available to the Department
8 of State under other provisions of law.

9 PROHIBITION ON FIRST-CLASS TRAVEL

10 SEC. 7076. None of the funds made available in this
11 Act may be used for first-class travel by employees of
12 agencies funded by this Act in contravention of sections
13 301–10.122 through 301–10.124 of title 41, Code of Fed-
14 eral Regulations.

15 MILLENNIUM CHALLENGE CORPORATION COMPACTS

16 SEC. 7077. (a) EXTENSION OF COMPACTS.—Section
17 609(j) of the Millennium Challenge Act of 2003 (22
18 U.S.C. 7708(j)) is amended to read as follows:

19 “(j) EXTENSION OF COMPACT.—

20 “(1) IN GENERAL.—Except as provided under
21 paragraph (2), the duration of a Compact shall not
22 exceed 5 years.

23 “(2) EXCEPTION.—The duration of a Compact
24 may be extended beyond 5 years if the Board—

1 “(A) determines that a project included in
2 the Compact cannot be completed within 5
3 years; and

4 “(B) approves an extension of the Compact
5 that does not extend the total duration of the
6 Compact beyond 7 years.

7 “(3) CONGRESSIONAL NOTIFICATION.—Not
8 later than 15 days before the date on which the
9 Board is scheduled to vote on the extension of a
10 Compact beyond 5 years pursuant to paragraph (2),
11 the Board, acting through the Chief Executive Offi-
12 cer, shall—

13 “(A) notify the Committees on Appropria-
14 tions, the Committee on Foreign Relations of
15 the Senate and the Committee on Foreign Af-
16 fairs of the House of Representatives, of its in-
17 tent to approve such extension; and

18 “(B) provide such committees with a de-
19 tailed explanation for the determination and ap-
20 proval described in paragraph (2).”.

21 (b) CONCURRENT AND SUBSEQUENT COMPACTS.—
22 Section 609(k) of such Act (22 U.S.C. 7708(k)) is amend-
23 ed to read as follows:

24 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 and in accordance with the requirements of this
3 title, an eligible country and the United States may
4 enter into and have in effect concurrent and/or sub-
5 sequent Compacts.

6 “(2) REQUIREMENTS.—An eligible country and
7 the United States may enter into concurrent or sub-
8 sequent Compacts if the Board determines that such
9 country—

10 “(A) is making significant, consistent
11 progress in implementing the terms of its exist-
12 ing Compact(s) and supplementary agreements
13 to such Compact(s); and

14 “(B) will contribute, in the case of a Low
15 Income Country as defined in section 606(a),
16 not less than a 7.5 percent contribution of the
17 total amount agreed upon for a subsequent
18 Compact, or in the case of a Lower Middle In-
19 come Country (LMIC) as defined in section
20 606(b), a 15 percent contribution for a subse-
21 quent Compact.

22 “(3) FUNDING.—Millennium Challenge Cor-
23 poration (MCC) shall commit any funding for a con-
24 current Compact at the time it funds the Compact.

1 “(4) TIMING.—A concurrent Compact shall be
2 signed not later than 2 years after the signing of the
3 earlier compact.

4 “(5) LIMITATION ON COMPACTS.—The MCC
5 shall provide no more than 15 years of compact
6 funding to any country.”.

7 (c) APPLICABILITY.—The amendments made by sub-
8 section (a) shall apply with respect to Compacts entered
9 into between the United States and an eligible country
10 under the Millennium Challenge Act of 2003 (22 U.S.C.
11 7701 et seq.) before, on or after enactment of this Act,
12 and those made by subsection (b) shall apply prospectively
13 to new compacts.

14 (d) MAINTAINING CANDIDATE STATUS FOR PUR-
15 POSES OF INCOME CATEGORY.—Section 606 of the Mil-
16 lennium Challenge Act of 2003 (22 U.S.C. 7705) is
17 amended as follows:

18 (1) Section (a)(1) is amended by striking the
19 words “**Fiscal year 2004**” and inserting “**In**
20 **general**”, and by striking the words “for fiscal
21 year 2004” and inserting “for a fiscal year”.

22 (2) Section (a)(1)(A) is stricken and replaced
23 with the following: “The country has a per capita in-
24 come equal to or below the World Bank’s lower mid-
25 dle income country threshold for the fiscal year in-

1 involved and is among the 75 lowest per capita income
2 countries as identified by the World Bank; and”;

3 (3) Section (a)(2) is stricken.

4 (4) Section (b)(1)(A) is stricken and replaced
5 with the following: “has a per capita income equal
6 to or below the World Bank’s lower middle income
7 country threshold for the fiscal year involved and is
8 not among the 75 lowest per capita income countries
9 as identified by the World Bank; and”.

10 (e) Section 606 is amended by inserting the fol-
11 lowing—

12 “(d) INCOME CLASSIFICATION TRANSITION.—Any
13 country with a per capita income that changes in a given
14 fiscal year such that the country would be reclassified in
15 that fiscal year from a low income country to a lower mid-
16 dle income country or from a lower middle income country
17 to a low income country shall retain its candidacy status
18 in its former income classification for the fiscal year of
19 the country’s transition and the two subsequent fiscal
20 years.”.

21 INSPECTORS GENERAL PERSONNEL

22 SEC. 7078. (a)(1) The provisions in this section shall
23 apply to the Inspector General of the Department of State
24 and the Inspector General of the United States Agency
25 for International Development (USAID).

1 (2) The term “Government Employee” has the mean-
2 ing given the term employee in section 2105 of title 5,
3 United States Code.

4 (3) The Inspector General may waive any of the fol-
5 lowing provisions to employ annuitants (individuals who
6 are entitled to benefits under a retirement system for Gov-
7 ernment employees): subsections (a) through (d) of section
8 8344 of title 5, United States Code; subsections (a), (b)
9 and (e) of section 8468 of title 5, United States Code;
10 subsections (a) through (d) of section 824 of the Foreign
11 Service Act of 1980 (22 U.S.C. 4064); and any other simi-
12 lar provision of law, as identified by the Inspector General
13 in regulations: *Provided*, That the Inspector General may
14 exercise this authority: only on a case-by-case basis and
15 only for so long as is necessary; when necessary due to
16 exceptional difficulty in the recruitment or retention of a
17 qualified employee for the position involved or a temporary
18 emergency hiring need; as long as it does not cause the
19 number of employees within the Office of Inspector Gen-
20 eral (OIG) employed under this or other similar authority
21 to exceed, as of any given date, 15 percent of the total
22 OIG workforce, determined on a full-time equivalent basis;
23 and this authority is repealed on October 1, 2014, except
24 that an annuitant re-employed pursuant to the waiver in

1 this section before October 1, 2014, may continue such
2 employment until not later than September 30, 2015.

3 (4) Nothing in this section may be construed to per-
4 mit or require that any re-employed annuitant benefitting
5 from a waiver of a provision of law set forth in this section
6 be treated as a Government employee for purposes of the
7 retirement system to which such provision relates.

8 (5) The Inspector General is authorized to obtain
9 services under section 3109 of title 5, United States Code,
10 without regard to subsections (d)(1) of such section, and
11 is considered the head of the agency under subsection (b)
12 of such section for purposes of exercising this authority.

13 (A) Services may be obtained by the Inspector
14 General for a period of up to 1 year, with an option
15 to extend such services for an additional 2 years,
16 and that the total number of individuals employed
17 under this section shall not exceed 15 percent of the
18 total Department of State OIG workforce or 5 per-
19 cent of the total USAID OIG workforce, determined
20 on a full-time equivalent basis.

21 (B) The authority to obtain such services shall
22 expire on September 30, 2014 except that an indi-
23 vidual whose service under this subsection is pro-
24 cured before October 1, 2014, may continue to pro-

1 vide such service until not later than September 30,
2 2015.

3 (b) Section 209 of the Foreign Service Act of 1980
4 (22 U.S.C. 3929) is amended by:

5 (1) striking paragraph (5) in subsection (c);
6 and

7 (2) in subsection (d)(2)—

8 (A) adding “and” at the end of subpara-
9 graph (D)

10 (B) striking “; and” and inserting a period
11 at the end of subparagraph (E); and

12 (C) striking subparagraph (F).

13 CONSULAR AFFAIRS PILOT PROGRAMS

14 SEC. 7079. (a) TOURIST VISA SERVICES PILOT PRO-
15 GRAM.—

16 (1)(A) The Secretary of State shall implement
17 the necessary steps, including hiring a sufficient
18 number of consular officers which may include lim-
19 ited non-career appointment officers, in the People’s
20 Republic of China, Brazil, and India to meet the De-
21 partment of State’s standard of interviewing all
22 tourist visa applicants within 30 days of the date of
23 submitting their application.

24 (B) The Secretary of State shall also conduct a
25 risk and benefit analysis regarding the extension of

1 the expiration period for B–1 or B–2 visas for citi-
2 zens of the People’s Republic of China from 1 year
3 to 2 years before requiring consular officers to re-
4 interview a visa applicant.

5 (2) Not later than 90 days after enactment of
6 this Act, the Secretary shall submit a report to the
7 Committees on Appropriations on Consular Affairs
8 programs in the People’s Republic of China, Brazil,
9 and India including steps the Department of State
10 has taken in these countries to meet the State De-
11 partment’s visa processing standards; a 5-year fore-
12 cast of non-immigrant visas for each of these coun-
13 tries and the number of consular officers necessary
14 to meet the State Department’s standards; a com-
15 parison of the Department of State’s 5-year forecast
16 with the Commerce Department’s 5-year visitor ar-
17 rival projections; and the impact of the different pro-
18 jections on visa process times and required number
19 of consular officers.

20 (b) VIDEO CONFERENCE PILOT PROGRAM.—

21 (1) The Secretary of State may develop and
22 conduct a pilot program for the processing of B–1
23 and B–2 visas using secure remote videoconferencing
24 technology as a method for conducting visa inter-
25 views of applicants, and in consultation with other

1 Federal agencies that use such secure communica-
2 tions to help ensure security of the videoconferencing
3 transmission and encryption.

4 (2) Not later than 90 days after the end of
5 such a pilot program, the Secretary shall submit a
6 report to the Committees on Appropriations detail-
7 ing the results of such program including an assess-
8 ment of the efficacy, efficiency, and security of the
9 remote videoconferencing technology as a method for
10 conducting visa interviews of applicants and rec-
11 ommendations for whether it should be continued,
12 broadened, or modified.

13 (3) No pilot program should be conducted if the
14 Secretary determines and reports to the Committees
15 on Appropriations that such program poses an
16 undue security risk and that it cannot be conducted
17 in a manner consistent with maintaining security
18 controls.

19 WORKING CAPITAL FUND

20 SEC. 7080. (a) The Administrator of the United
21 States Agency for International Development (the Admin-
22 istrator) is authorized to establish a Working Capital
23 Fund (in this section referred to as the “Fund”).

24 (b) Funds deposited in the Fund during any fiscal
25 year shall be available without fiscal year limitation and

1 used, in addition to other funds available for such pur-
2 poses, for agency procurement reform efforts and related
3 administrative costs: *Provided*, That such expenses may
4 include—

- 5 (1) personal and non-personal services;
- 6 (2) training;
- 7 (3) supplies; and
- 8 (4) other administrative costs related to the im-
9 plementation of procurement reform and manage-
10 ment of the Fund.

11 (c) There may be deposited during any fiscal year in
12 the Fund up to 1 percent of the total value of obligations
13 entered into by the United States Agency for International
14 Development (USAID) from appropriations available to
15 USAID and any appropriation made available for the pur-
16 pose of providing capital: *Provided*, That receipts from the
17 disposal of, or repayments for the loss or damage to, prop-
18 erty held in the Fund, rebates, reimbursements, refunds
19 and other credits applicable to the operation of the Fund
20 may be deposited into the Fund.

21 (d) Not later than 45 days after enactment of this
22 Act and any subsequent Act making appropriations for the
23 Department of State, foreign operations, and related pro-
24 grams, the Administrator shall submit to the Committees
25 on Appropriations an operating plan for funds deposited

1 in the Fund, which shall include the percentage to be
2 charged for the current fiscal year.

3 (e) At the close of fiscal year 2013 and at the close
4 of each fiscal year thereafter, the Administrator shall de-
5 termine the amounts in excess of the needs of the Fund
6 for that fiscal year and shall transfer out of the Fund any
7 excess amounts to any of the original appropriation ac-
8 counts from which deposits were made: *Provided*, That
9 such transferred funds shall remain available without fis-
10 cal year limitation: *Provided further*, That the Adminis-
11 trator shall report to the Committees on Appropriation the
12 excess amounts and to which appropriation accounts the
13 excess funds will be transferred: *Provided further*, That
14 such transfers shall be subject to the regular notification
15 procedures of the Committees on Appropriations.

16 PROCUREMENT REFORM

17 SEC. 7081. (a) LOCAL COMPETITION.—Notwith-
18 standing any other provision of law, the Administrator of
19 the United States Agency for International Development
20 (the Administrator) may, with funds made available in
21 this Act and prior Acts making appropriations for the De-
22 partment of State, foreign operations, and related pro-
23 grams, award contracts and other instruments in which
24 competition is limited to local entities if doing so would
25 result in cost savings, develop local capacity, or enable the

1 Administrator to initiate a program or activity in appre-
2 ciably less time than if competition were not so limited:
3 *Provided*, That the authority provided in this section may
4 not be used to make awards in excess of \$5,000,000.

5 (b) For the purposes of this section, local entity
6 means an individual, a corporation, or another body of
7 persons located in or having as its principal place of busi-
8 ness or operations in a country receiving assistance from
9 funds appropriated in title III of this Act.

10 OPERATING AND SPEND PLANS

11 SEC. 7082. (a) OPERATING PLANS.—Not later than
12 45 days after the date of enactment of this Act, each de-
13 partment, agency or organization funded in titles I and
14 II, and the Department of the Treasury and Independent
15 Agencies funded in title III of this Act shall submit to
16 the Committees on Appropriations an operating plan for
17 funds appropriated to such department, agency, or organi-
18 zation in such titles of this Act, or funds otherwise avail-
19 able for obligation in fiscal year 2012, that provides de-
20 tails of the use of such funds at the program, project, and
21 activity level.

22 (b) SPEND PLANS.—Prior to the initial obligation of
23 funds, the Secretary of State, in consultation with the Ad-
24 ministrator of the United States Agency for International
25 Development, shall submit to the Committees on Appro-

1 priations a detailed spend plan, which shall include achiev-
2 able and sustainable goals, benchmarks for measuring
3 progress, and expected results, for the following—

4 (1) funds appropriated under the heading “De-
5 mocracy Fund”;

6 (2) funds made available in titles III and IV of
7 this Act for assistance for Afghanistan, Pakistan,
8 Iraq, Haiti, Colombia, and Mexico, for the Carib-
9 bean Basin Security Initiative, and the Central
10 American Regional Security Initiative; and

11 (3) funds appropriated in title III for food secu-
12 rity and agriculture development programs and for
13 climate change and environment programs.

14 (c) NOTIFICATIONS.—The spend plans referenced in
15 subsection (b) shall not be considered as meeting the noti-
16 fication requirements under section 7015 of this Act or
17 under section 634A of the Foreign Assistance Act of 1961.

18 AUTHORITY FOR CAPITAL INCREASES

19 SEC. 7083. (a) INTERNATIONAL BANK FOR RECON-
20 STRUCTION AND DEVELOPMENT.—The Bretton Woods
21 Agreements Act, as amended (22 U.S.C. 286 et seq.), is
22 further amended by adding at the end thereof the fol-
23 lowing new sections:

1 **“SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTI-**
2 **CLES OF AGREEMENT OF THE BANK TO IN-**
3 **CREASE BASIC VOTES.**

4 “The United States Governor of the Bank may accept
5 on behalf of the United States the amendment to the Arti-
6 cles of Agreement of the Bank as proposed in resolution
7 No. 596, entitled ‘Enhancing Voice and Participation of
8 Developing and Transition Countries,’ of the Board of
9 Governors of the Bank that was approved by such Board
10 on January 30, 2009.

11 **“SEC. 70. CAPITAL STOCK INCREASES.**

12 “(a) INCREASES AUTHORIZED.—The United States
13 Governor of the Bank is authorized—

14 “(1)(A) to vote in favor of a resolution to in-
15 crease the capital stock of the Bank on a selective
16 basis by 230,374 shares; and

17 “(B) to subscribe on behalf of the United
18 States to 38,459 additional shares of the capital
19 stock of the Bank, as part of the selective increase
20 in the capital stock of the Bank, except that any
21 subscription to such additional shares shall be effec-
22 tive only to such extent or in such amounts as are
23 provided in advance in appropriations Acts;

24 “(2)(A) to vote in favor of a resolution to in-
25 crease the capital stock of the Bank on a general
26 basis by 484,102 shares; and

1 “(B) to subscribe on behalf of the United
2 States to 81,074 additional shares of the capital
3 stock of the Bank, as part of the general increase
4 in the capital stock of the Bank, except that any
5 subscription to such additional shares shall be effec-
6 tive only to such extent or in such amounts as are
7 provided in advance in appropriations Acts.

8 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
9 PRIATIONS.—

10 “(1) In order to pay for the increase in the
11 United States subscription to the Bank under sub-
12 section (a)(2)(B), there are authorized to be appro-
13 priated, without fiscal year limitation,
14 \$9,780,361,991 for payment by the Secretary of the
15 Treasury.

16 “(2) Of the amount authorized to be appro-
17 priated under paragraph (2)(A)—

18 “(A) \$586,821,720 shall be for paid in
19 shares of the Bank; and

20 “(B) \$9,193,540,271 shall be for callable
21 shares of the Bank.”.

22 (b) INTERNATIONAL FINANCE CORPORATION.—The
23 International Finance Corporation Act, Public Law 84-
24 350, as amended (22 U.S.C. 282 et seq.), is further

1 amended by adding at the end thereof the following new
2 section:

3 **“SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT**
4 **OF THE ARTICLES OF AGREEMENT.**

5 “(a) VOTE AUTHORIZED.—The United States Gov-
6 ernor of the Corporation is authorized to vote in favor of
7 a resolution to increase the capital stock of the Corpora-
8 tion by \$130,000,000.

9 “(b) AMENDMENT OF THE ARTICLES OF AGREE-
10 MENT.—The United States Governor of the Corporation
11 is authorized to agree to and accept an amendment to Ar-
12 ticle IV, Section 3(a) of the Articles of Agreement of the
13 Corporation that achieves an increase in basic votes to
14 5.55 percent of total votes.”

15 (c) INTER-AMERICAN DEVELOPMENT BANK.—The
16 Inter-American Development Bank Act, Public Law 86-
17 147, as amended (22 U.S.C. 283 et seq.), is further
18 amended by adding at the end thereof the following new
19 section:

20 **“SEC. 41. NINTH CAPITAL INCREASE.**

21 “(a) VOTE AUTHORIZED.—The United States Gov-
22 ernor of the Bank is authorized to vote in favor of a reso-
23 lution to increase the capital stock of the Bank by
24 \$70,000,000,000 as described in Resolution AG-7/10,
25 ‘Report on the Ninth General Capital Increase in the re-

1 sources of the Inter-American Development Bank' as ap-
2 proved by Governors on July 21, 2010.

3 “(b) SUBSCRIPTION AUTHORIZED.—

4 “(1) The United States Governor of the Bank
5 may subscribe on behalf of the United States to
6 1,741,135 additional shares of the capital stock of
7 the Bank.

8 “(2) Any subscription by the United States to
9 the capital stock of the Bank shall be effective only
10 to such extent and in such amounts as are provided
11 in advance in appropriations Acts.

12 “(c) LIMITATIONS ON AUTHORIZATION OF APPRO-
13 PRIATIONS.—

14 “(1) In order to pay for the increase in the
15 United States subscription to the Bank under sub-
16 section (b), there are authorized to be appropriated,
17 without fiscal year limitation, \$21,004,064,337 for
18 payment by the Secretary of the Treasury.

19 “(2) Of the amount authorized to be appro-
20 priated under paragraph (1)—

21 “(A) \$510,090,175 shall be for paid in
22 shares of the Bank; and

23 “(B) \$20,493,974,162 shall be for callable
24 shares of the Bank.”

1 (d) AFRICAN DEVELOPMENT BANK.—The African
2 Development Bank Act, Public Law 97–35, as amended
3 (22 U.S.C. 290i et seq.), is further amended by adding
4 at the end thereof the following new section:

5 **“SEC. 1344. SIXTH CAPITAL INCREASE.**

6 “(a) SUBSCRIPTION AUTHORIZED.—

7 “(1) The United States Governor of the Bank
8 may subscribe on behalf of the United States to
9 289,391 additional shares of the capital stock of the
10 Bank.

11 “(2) Any subscription by the United States to
12 the capital stock of the Bank shall be effective only
13 to such extent and in such amounts as are provided
14 in advance in appropriations Acts.

15 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
16 PRIATIONS.—

17 “(1) In order to pay for the increase in the
18 United States subscription to the Bank under sub-
19 section (a), there are authorized to be appropriated,
20 without fiscal year limitation, \$4,322,228,221 for
21 payment by the Secretary of the Treasury.

22 “(2) Of the amount authorized to be appro-
23 priated under paragraph (1)—

24 “(A) \$259,341,759 shall be for paid in
25 shares of the Bank; and

1 “(B) \$4,062,886,462 shall be for callable
2 shares of the Bank.”.

3 (e) EUROPEAN BANK FOR RECONSTRUCTION AND
4 DEVELOPMENT.—The European Bank for Reconstruction
5 and Development Act, Section 562(e) of Public Law 101–
6 513, as amended (22 U.S.C. 2901 et seq.), is further
7 amended by adding at the end thereof the following new
8 paragraph:

9 “(12) CAPITAL INCREASE.—

10 “(A) SUBSCRIPTION AUTHORIZED.—

11 “(i) The United States Governor of
12 the Bank may subscribe on behalf of the
13 United States up to 90,044 additional call-
14 able shares of the capital stock of the
15 Bank in accordance with Resolution No.
16 128 as adopted by the Board of Governors
17 of the Bank on May 14, 2010.

18 “(ii) Any subscription by the United
19 States to additional capital stock of the
20 Bank shall be effective only to such extent
21 and in such amounts as are provided in
22 advance in appropriations Acts.

23 “(B) LIMITATIONS ON AUTHORIZATION OF
24 APPROPRIATIONS.—In order to pay for the in-
25 crease in the United States subscription to the

1 Bank under subsection (A), there are author-
2 ized to be appropriated, without fiscal year limi-
3 tation, up to \$1,252,331,952 for payment by
4 the Secretary of the Treasury.”.

5 AUTHORITY FOR REPLENISHMENTS

6 SEC. 7084. (a) INTERNATIONAL DEVELOPMENT AS-
7 SOCIATION.—The International Development Association
8 Act, Public Law 86–565, as amended (22 U.S.C. 284 et
9 seq.), is further amended by adding at the end thereof the
10 following new sections:

11 **“SEC. 26. SIXTEENTH REPLENISHMENT.**

12 “(a) The United States Governor of the International
13 Development Association is authorized to contribute on
14 behalf of the United States \$4,075,500,000 to the six-
15 teenth replenishment of the resources of the Association,
16 subject to obtaining the necessary appropriations.

17 “(b) In order to pay for the United States contribu-
18 tion provided for in subsection (a), there are authorized
19 to be appropriated, without fiscal year limitation,
20 \$4,075,500,000 for payment by the Secretary of the
21 Treasury.

22 **“SEC. 27. MULTILATERAL DEBT RELIEF.**

23 “(a) The Secretary of the Treasury is authorized to
24 contribute, on behalf of the United States, not more than
25 \$474,000,000 to the International Development Associa-

1 tion for the purpose of funding debt relief cost under the
2 Multilateral Debt Relief Initiative incurred in the period
3 governed by the sixteenth replenishment of resources of
4 the International Development Association, subject to ob-
5 taining the necessary appropriations and without preju-
6 dice to any funding arrangements in existence on the date
7 of the enactment of this section.

8 “(b) In order to pay for the United States contribu-
9 tion provided for in subsection (a), there are authorized
10 to be appropriated, without fiscal year limitation, not more
11 than \$474,000,000 for payment by the Secretary of the
12 Treasury.

13 “(c) In this section, the term ‘Multilateral Debt Re-
14 lief Initiative’ means the proposal set out in the G8 Fi-
15 nance Ministers’ Communiqué entitled ‘Conclusions on
16 Development’, done at London, June 11, 2005, and re-
17 affirmed by G8 Heads of State at the Gleneagles Summit
18 on July 8, 2005.”.

19 (b) AFRICAN DEVELOPMENT BANK.—The African
20 Development Fund Act, Public Law 94–302, as amended
21 (22 U.S.C. 290g et seq.), is further amended by adding
22 at the end thereof the following new sections:

23 **“SEC. 221. TWELFTH REPLENISHMENT.**

24 “(a) The United States Governor of the Fund is au-
25 thorized to contribute on behalf of the United States

1 \$585,000,000 to the twelfth replenishment of the re-
2 sources of the Fund, subject to obtaining the necessary
3 appropriations.

4 “(b) In order to pay for the United States contribu-
5 tion provided for in subsection (a), there are authorized
6 to be appropriated, without fiscal year limitation,
7 \$585,000,000 for payment by the Secretary of the Treas-
8 ury.

9 **“SEC. 222. MULTILATERAL DEBT RELIEF.**

10 “(a) The Secretary of the Treasury is authorized to
11 contribute, on behalf of the United States, not more than
12 \$60,000,000 to the African Development Fund for the
13 purpose of funding debt relief costs under the Multilateral
14 Debt Relief Initiative incurred in the period governed by
15 the twelfth replenishment of resources of the African De-
16 velopment Fund, subject to obtaining the necessary appro-
17 priations and without prejudice to any funding arrange-
18 ments in existence on the date of the enactment of this
19 section.

20 “(b) In order to pay for the United States contribu-
21 tion provided for in subsection (a), there are authorized
22 to be appropriated, without fiscal year limitation, not more
23 than \$60,000,000 for payment by the Secretary of the
24 Treasury.

1 ant to a concurrent resolution on the budget or the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 (b) Of the unexpended balances available under the
4 heading “Export and Investment Assistance, Export-Im-
5 port Bank of the United States, Subsidy Appropriation”
6 from prior Acts making appropriations for the Depart-
7 ment of State, foreign operations, and related programs,
8 \$300,000,000 are rescinded.

9 (c) Of the unexpended balances available to the Presi-
10 dent for bilateral economic assistance under the heading
11 “Economic Support Fund” from prior Acts making appro-
12 priations for the Department of State, foreign operations,
13 and related programs, \$150,000,000 are rescinded: *Pro-*
14 *vided*, That no amounts may be rescinded from amounts
15 that were designated by Congress as an emergency re-
16 quirement pursuant to a concurrent resolution on the
17 budget or the Balanced Budget and Emergency Deficit
18 Control Act of 1985.

19 (d) The Secretary of State, as appropriate, shall con-
20 sult with the Committees on Appropriations prior to im-
21 plementing the rescissions made in this section.

1 TITLE VIII
2 OVERSEAS CONTINGENCY OPERATIONS
3 DEPARTMENT OF STATE
4 ADMINISTRATION OF FOREIGN AFFAIRS
5 DIPLOMATIC AND CONSULAR PROGRAMS
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Diplomatic and Con-
8 sular Programs”, \$3,773,701,000, to remain available
9 until September 30, 2013, of which \$236,201,000 is for
10 Worldwide Security Protection and shall remain available
11 until expended: *Provided*, That the Secretary of State may
12 transfer up to \$230,000,000 of the total funds made avail-
13 able under this heading to any other appropriation of any
14 department or agency of the United States, upon the con-
15 currence of the head of such department or agency, to sup-
16 port operations in and assistance for Afghanistan and to
17 carry out the provisions of the Foreign Assistance Act of
18 1961: *Provided further*, That funds appropriated under
19 this heading may be made available pursuant to the au-
20 thority of section 7032(u) of this Act: *Provided further*,
21 That each amount in this paragraph is designated by Con-
22 gress as being for overseas contingency operations pursu-
23 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
24 and Emergency Deficit Control Act of 1985 (Public Law
25 99–177), as amended.

1 OFFICE OF INSPECTOR GENERAL

2 For an additional amount for “Office of Inspector
3 General”, \$63,954,000, to remain available until Sep-
4 tember 30, 2013, of which \$16,317,000 shall be for the
5 Special Inspector General for Iraq Reconstruction for re-
6 construction oversight, and \$44,387,000 shall be for the
7 Special Inspector General for Afghanistan Reconstruction
8 for reconstruction oversight: *Provided*, That each amount
9 in this paragraph is designated by Congress as being for
10 overseas contingency operations pursuant to section
11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985 (Public Law 99–177), as
13 amended.

14 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
15 ACTIVITIES

16 For an additional amount for “Contributions for
17 International Peacekeeping Activities”, \$17,900,000, to
18 remain available until September 30, 2013: *Provided*,
19 That this amount is designated by Congress as being for
20 overseas contingency operations pursuant to section
21 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985 (Public Law 99–177), as
23 amended.

1 UNITED STATES INSTITUTE FOR PEACE

2 For an additional amount for “United States Insti-
3 tute for Peace”, \$8,411,000, to remain available until
4 September 30, 2013: *Provided*, That this amount is des-
5 ignated by Congress as being for overseas contingency op-
6 erations pursuant to section 251(b)(2)(A)(ii) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (Public Law 99–177), as amended.

9 UNITED STATES AGENCY FOR INTERNATIONAL
10 DEVELOPMENT

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 OPERATING EXPENSES

13 For an additional amount for “Operating Expenses”,
14 \$106,000,000, to remain available until September 30,
15 2013: *Provided*, That this amount is designated by Con-
16 gress as being for overseas contingency operations pursu-
17 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985 (Public Law
19 99–177), as amended.

20 OFFICE OF INSPECTOR GENERAL

21 For an additional amount for “Office of Inspector
22 General”, \$2,000,000, to remain available until September
23 30, 2013: *Provided*, That this amount is designated by
24 Congress as being for overseas contingency operations
25 pursuant to section 251(b)(2)(A)(ii) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985 (Pub-
2 lic Law 99–177), as amended.

3 BILATERAL ECONOMIC ASSISTANCE
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 INTERNATIONAL DISASTER ASSISTANCE

6 For an additional amount for “International Disaster
7 Assistance”, \$150,000,000, to remain available until Sep-
8 tember 30, 2013: *Provided*, That this amount is des-
9 ignated by Congress as being for overseas contingency op-
10 erations pursuant to section 251(b)(2)(A)(ii) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985
12 (Public Law 99–177), as amended.

13 TRANSITION INITIATIVES

14 For an additional amount for “Transition Initia-
15 tives”, \$3,500,000, to remain available until September
16 30, 2013: *Provided*, That this amount is designated by
17 Congress as being for overseas contingency operations
18 pursuant to section 251(b)(2)(A)(ii) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985 (Pub-
20 lic Law 99–177), as amended.

21 COMPLEX CRISES FUND

22 For an additional amount for “Complex Crises
23 Fund”, \$45,000,000, to remain available until September
24 30, 2013: *Provided*, That this amount is designated by
25 Congress as being for overseas contingency operations

1 pursuant to section 251(b)(2)(A)(ii) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985 (Pub-
3 lic Law 99–177), as amended.

4 ECONOMIC SUPPORT FUND

5 For an additional amount for “Economic Support
6 Fund”, \$1,172,821,000, to remain available until Sep-
7 tember 30, 2013: *Provided*, That this amount is des-
8 ignated by Congress as being for overseas contingency op-
9 erations pursuant to section 251(b)(2)(A)(ii) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985
11 (Public Law 99–177), as amended.

12 MIGRATION AND REFUGEE ASSISTANCE

13 For an additional amount for “Migration and Ref-
14 ugee Assistance”, \$100,000,000, to remain available until
15 September 30, 2013: *Provided*, That this amount is des-
16 ignated by Congress as being for overseas contingency op-
17 erations pursuant to section 251(b)(2)(A)(ii) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985
19 (Public Law 99–177), as amended.

20 INTERNATIONAL SECURITY ASSISTANCE

21 DEPARTMENT OF STATE

22 INTERNATIONAL NARCOTICS CONTROL AND LAW

23 ENFORCEMENT

24 For an additional amount for “International Nar-
25 cotics Control and Law Enforcement”, \$1,163,000,000, to

1 remain available until September 30, 2013: *Provided*,
2 That this amount is designated by Congress as being for
3 overseas contingency operations pursuant to section
4 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985 (Public Law 99–177), as
6 amended.

7 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
8 RELATED PROGRAMS

9 For an additional amount for “Nonproliferation,
10 Anti-terrorism, Demining and Related Programs”,
11 \$27,500,000, to remain available until September 30,
12 2013: *Provided*, That this amount is designated by Con-
13 gress as being for overseas contingency operations pursu-
14 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
15 and Emergency Deficit Control Act of 1985 (Public Law
16 99–177), as amended.

17 PEACEKEEPING OPERATIONS

18 For an additional amount for “Peacekeeping Oper-
19 ations”, \$30,000,000, to remain available until September
20 30, 2013: *Provided*, That this amount is designated by
21 Congress as being for overseas contingency operations
22 pursuant to section 251(b)(2)(A)(ii) of the Balanced
23 Budget and Emergency Deficit Control Act of 1985 (Pub-
24 lic Law 99–177), as amended.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 FOREIGN MILITARY FINANCING PROGRAM

3 For an additional amount for “Foreign Military Fi-
4 nancing Program”, \$989,000,000, to remain available
5 until September 30, 2013: *Provided*, That this amount is
6 designated by Congress as being for overseas contingency
7 operations pursuant to section 251(b)(2)(A)(ii) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985
9 (Public Law 99–177), as amended.

10 PAKISTAN COUNTER-INSURGENCY CAPABILITY FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to carry out the provisions
13 of chapter 8 of part I and chapters 2, 5, 6, and 8 of part
14 II of the Foreign Assistance Act of 1961 and section 23
15 of the Arms Export Control Act, \$1,000,000,000, to re-
16 main available until September 30, 2012, for the purpose
17 of providing assistance for Pakistan to build and maintain
18 the counter-insurgency capability of Pakistani security
19 forces (including the Frontier Corps), to include program
20 management, training in civil-military humanitarian as-
21 sistance, human rights training, and the provision of
22 equipment, supplies, services, training, and facility and in-
23 frastructure repair, renovation, and construction: *Pro-*
24 *vided*, That notwithstanding any other provision of law ex-
25 cept section 620M of the Foreign Assistance Act of 1961,

1 as amended by this Act, such funds shall be available to
2 the Secretary of State, with the concurrence of the Sec-
3 retary of Defense: *Provided further*, That such funds may
4 be transferred by the Secretary of State to the Depart-
5 ment of Defense or other Federal departments or agencies
6 to support counter-insurgency operations and may be
7 merged with, and be available, for the same purposes and
8 for the same time period as the appropriation or fund to
9 which transferred or may be transferred pursuant to the
10 authorities contained in the Foreign Assistance Act of
11 1961: *Provided further*, That the Secretary of State shall,
12 not fewer than 15 days prior to making transfers from
13 this appropriation, notify the Committees on Appropria-
14 tions, in writing, of the details of any such transfer: *Pro-*
15 *vided further*, That the Secretary of State shall submit not
16 later than 30 days after the end of each fiscal quarter
17 to the Committees on Appropriations a report in writing
18 summarizing, on a project-by-project basis, the uses of
19 funds under this heading: *Provided further*, That upon de-
20 termination by the Secretary of State, with the concur-
21 rence of the Secretary of Defense, that all or part of the
22 funds so transferred from this appropriation are not nec-
23 essary for the purposes herein, such amounts may be
24 transferred by the head of the relevant Federal depart-
25 ment or agency back to this appropriation and shall be

1 available for the same purposes and for the same time pe-
2 riod as originally appropriated: *Provided further*, That any
3 required notification or report may be submitted in classi-
4 fied form: *Provided further*, That the amount in this para-
5 graph is designated by Congress as being for overseas con-
6 tingency operations pursuant to section 251(b)(2)(A)(ii)
7 of the Balanced Budget and Emergency Deficit Control
8 Act of 1985 (Public Law 99–177), as amended.

9 GLOBAL SECURITY CONTINGENCY FUND

10 (INCLUDING TRANSFER OF FUNDS)

11 There is hereby established in the Treasury of the
12 United States the “Global Security Contingency Fund”.

13 For necessary expenses to carry out the provisions
14 of the Foreign Assistance Act of 1961 and the Arms Ex-
15 port Control Act to provide assistance, notwithstanding
16 any other provision of law except sections 620A and 620M
17 of the Foreign Assistance Act of 1961, as amended by this
18 Act, for countries designated by the Secretary of State to
19 enhance the capabilities of military and police forces, and
20 other security forces that conduct border and maritime se-
21 curity, internal security, and counter-terrorism operations,
22 as well as government agencies responsible for such forces,
23 and to strengthen democratic institutions including the
24 justice sector (including corrections) and respect for
25 human rights and the rule of law, where the Secretary

1 of State, in consultation with the Secretary of Defense,
2 determines that conflict or instability in a country or re-
3 gion significantly challenges the local capacity to deliver
4 such assistance, \$50,000,000, to remain available until
5 September 30, 2013: *Provided*, That such assistance pro-
6 grams shall be formulated by the Secretary of State in
7 consultation with the Secretary of Defense: *Provided fur-*
8 *ther*, That programs carried out under this heading shall
9 be approved by the Secretary of State, in consultation with
10 the Secretary of Defense, prior to implementation: *Pro-*
11 *vided further*, That the authorities and requirements of the
12 Foreign Assistance Act of 1961 shall apply to funds made
13 available under this heading: *Provided further*, That funds
14 made available to the Department of Defense in fiscal year
15 2012 may be transferred to, and merged with, funds ap-
16 propriated under this heading by the Secretary of Defense:
17 *Provided further*, That funds made available under this
18 heading may be transferred to the most appropriate agen-
19 cy or account to facilitate the provision of such assistance:
20 *Provided further*, That the transfer authorities under this
21 paragraph are in addition to any other transfer authority
22 available to the Department of Defense: *Provided further*,
23 That the amounts in this account may be used for nec-
24 essary administrative expenses of the agencies planning
25 and carrying out programs: *Provided further*, That the

1 head of any agency may detail personnel to the Depart-
2 ment of State to carry out activities funded under this
3 heading with or without reimbursement for all or part of
4 the costs of salaries and other expenses associated with
5 such personnel: *Provided further*, that no obligation or
6 transfer of funds may be made unless the Secretary of
7 State and the Secretary of Defense have notified the Com-
8 mittees on Appropriations at least 15 days prior to any
9 such obligation or transfer: *Provided further*, That the
10 amount in this paragraph is designated by Congress as
11 being for overseas contingency operations pursuant to sec-
12 tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985 (Public Law 99–177),
14 as amended.

15 GENERAL PROVISIONS

16 SEC. 8001. Notwithstanding any other provision of
17 law, funds made available under the heading “Overseas
18 Contingency Operations” are in addition to amounts ap-
19 propriated or otherwise made available for the Depart-
20 ment of State for fiscal year 2012.

21 SEC. 8002. Unless otherwise provided for in this Act,
22 additional amounts appropriated under the heading
23 “Overseas Contingency Operations” to appropriation ac-
24 counts in this Act shall be available under the authorities
25 and conditions applicable to such appropriations accounts.

1 SEC. 8003. Notwithstanding any other provision of
2 law except section 620M of the Foreign Assistance Act,
3 as amended by this Act, funds appropriated by this title
4 may be transferred to, and merged with, funds appro-
5 priated by this title under the headings “Diplomatic and
6 Consular Programs”, “Worldwide Security Protection”,
7 “Office of Inspector General”, “Contributions for Inter-
8 national Peacekeeping Activities”, “United States Insti-
9 tute for Peace”, “United States Agency for International
10 Development, Funds Appropriated to the President, Oper-
11 ating Expenses”, “United States Agency for International
12 Development, Funds Appropriated to the President, Office
13 of Inspector General”, “International Disaster Assist-
14 ance”, “Transition Initiatives”, “Complex Crises Fund”,
15 “Economic Support Fund”, “Migration and Refugee As-
16 sistance”, “International Narcotics Control and Law En-
17 forcement”, “Nonproliferation, Anti-terrorism, Demining,
18 and Related Programs”, “Peacekeeping Operations”,
19 “Foreign Military Financing Program”, “Pakistan
20 Counter-insurgency Capability Fund”, and “Global Sta-
21 bility Contingency Fund”: *Provided*, That such transfers
22 shall be subject to the regular notification procedures of
23 the Committees on Appropriations: *Provided further*, That
24 the transfer authority in this section is in addition to any
25 transfer authority otherwise available under any other pro-

1 vision of law, including section 610 of the Foreign Assist-
2 ance Act which may be exercised by the Secretary of State
3 for the purposes of this title.

4 This Act may be cited as the “Department of State,
5 Foreign Operations, and Related Programs Appropria-
6 tions Act, 2012”.

Calendar No. 179

112TH CONGRESS
1ST Session

S. 1601

[Report No. 112-85]

A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

SEPTEMBER 22, 2011

Read twice and placed on the calendar