

[FULL COMMITTEE PRINT]

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Union Calendar No. ____

112TH CONGRESS
1ST SESSION

H. R. _____

[Report No. 112-__]

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 HOUSE OF REPRESENTATIVES

____, 2008

Ms. GRANGER, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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 mation and Educational Exchange Act of 1948,
2 \$2,034,209,000 to remain available until September
3 30, 2013, of which not less than \$211,815,000 is for
4 Worldwide Security Protection and shall remain
5 available until expended.

6 (2) OVERSEAS PROGRAMS.—For necessary ex-
7 penses for the regional bureaus of the Department
8 of State and overseas activities as authorized by law,
9 \$1,638,273,000, to remain available until September
10 30, 2013.

11 (3) DIPLOMATIC POLICY AND SUPPORT.—For
12 necessary expenses for the functional bureaus of the
13 Department of State including representation to cer-
14 tain international organizations in which the United
15 States participates pursuant to treaties ratified pur-
16 suant to the advice and consent of the Senate or
17 specific Acts of Congress, general administration,
18 and arms control, nonproliferation and disarmament
19 activities as authorized, \$641,314,000, to remain
20 available until September 30, 2013.

21 (4) SECURITY PROGRAMS.—For necessary ex-
22 penses for security activities, \$1,350,540,000, to re-
23 main available until September 30, 2013, of which
24 \$1,098,340,000 is for Worldwide Security Protection
25 and shall remain available until expended.

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

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

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

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

1 (6) TRANSFER, REPROGRAMMING, AND OTHER
2 MATTERS.—

3 (A) Notwithstanding any provision of this
4 Act, funds may be reprogrammed within and
5 between subsections under this heading subject
6 to section 7015 of this Act.

7 (B) Of the amount made available under
8 this heading, not to exceed \$10,000,000 may be
9 transferred to, and merged with, funds made
10 available by this Act under the heading “Emer-
11 gencies in the Diplomatic and Consular Serv-
12 ice”, to be available only for emergency evacu-
13 ations and rewards, as authorized.

14 (C) Funds appropriated under this heading
15 are available for acquisition by exchange or pur-
16 chase of passenger motor vehicles as authorized
17 by law and, pursuant to 31 U.S.C. 1108(g), for
18 the field examination of programs and activities
19 in the United States funded from any account
20 contained in this title.

21 CONFLICT STABILIZATION OPERATIONS

22 For necessary expenses to support, maintain, mobi-
23 lize, and deploy a civilian response corps, and for related
24 reconstruction and stabilization assistance to prevent or
25 respond to conflict or civil strife in foreign countries or

1 regions, or to enable transition from such strife,
2 \$34,930,000, to remain available until expended: *Pro-*
3 *vided*, That funds made available under this heading may
4 be made available in fiscal year 2012 to provide adminis-
5 trative expenses for the coordination of reconstruction and
6 stabilization activities: *Provided further*, That following
7 consultation with the Committees on Appropriations the
8 President may exercise transfer authorities contained in
9 the Foreign Assistance Act of 1961 for reconstruction and
10 stabilization operations and assistance to support an ac-
11 tively deployed Civilian Response Corps, subject to the
12 regular notification procedures of the Committees on Ap-
13 propriations.

14 CAPITAL INVESTMENT FUND

15 For necessary expenses of the Capital Investment
16 Fund, \$59,380,000, to remain available until expended,
17 as authorized: *Provided*, That section 135(e) of Public
18 Law 103-236 shall not apply to funds available under this
19 heading.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses of the Office of Inspector
22 General, \$65,154,000.

23 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

24 For expenses of educational and cultural exchange
25 programs, as authorized, \$538,000,000, to remain avail-

1 able until expended: *Provided*, That not to exceed
2 \$5,000,000, to remain available until expended, may be
3 credited to this appropriation from fees or other payments
4 received from or in connection with English teaching, edu-
5 cational advising and counseling programs, and exchange
6 visitor programs as authorized.

7 REPRESENTATION ALLOWANCES

8 For representation allowances as authorized,
9 \$7,484,000.

10 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

11 For expenses, not otherwise provided, to enable the
12 Secretary of State to provide for extraordinary protective
13 services, as authorized, \$22,814,000, to remain available
14 until September 30, 2013.

15 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

16 For necessary expenses for carrying out the Foreign
17 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
18 serving, maintaining, repairing, and planning for buildings
19 that are owned or directly leased by the Department of
20 State, renovating, in addition to funds otherwise available,
21 the Harry S Truman Building, and carrying out the Dip-
22 lomatic Security Construction Program as authorized,
23 \$755,050,000, to remain available until expended as au-
24 thorized, of which not to exceed \$25,000 may be used for
25 domestic and overseas representation as authorized: *Pro-*

1 *vided*, That none of the funds appropriated in this para-
2 graph shall be available for acquisition of furniture, fur-
3 nishings, or generators for other departments and agen-
4 cies.

5 In addition, for the costs of worldwide security up-
6 grades, acquisition, and construction as authorized,
7 \$670,524,000, to remain available until expended: *Pro-*
8 *vided*, That not later than 45 days after enactment of this
9 Act, the Secretary of State shall submit to the Committees
10 on Appropriations the proposed allocation of funds made
11 available under this heading and the actual and antici-
12 pated proceeds of sales for all projects in fiscal year 2012.

13 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR

14 SERVICE

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses to enable the Secretary of
17 State to meet unforeseen emergencies arising in the Diplo-
18 matic and Consular Service, \$8,927,000, to remain avail-
19 able until expended as authorized, of which not to exceed
20 \$1,000,000 may be transferred to, and merged with, funds
21 appropriated by this Act under the heading “Repatriation
22 Loans Program Account”, subject to the same terms and
23 conditions.

1 REPATRIATION LOANS PROGRAM ACCOUNT
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans, \$1,275,000, as author-
4 ized, of which \$602,000 may be made available for admin-
5 istrative expenses necessary to carry out the direct loan
6 program and may be paid to “Diplomatic and Consular
7 Programs”: *Provided*, That such costs, including the cost
8 of modifying such loans, shall be as defined in section 502
9 of the Congressional Budget Act of 1974.

10 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

11 For necessary expenses to carry out the Taiwan Rela-
12 tions Act (Public Law 96–8), \$16,219,000.

13 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
14 DISABILITY FUND

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

17 INTERNATIONAL ORGANIZATIONS

18 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

19 For necessary expenses, not otherwise provided for,
20 to meet annual obligations of membership in international
21 multilateral organizations, pursuant to treaties ratified
22 pursuant to the advice and consent of the Senate, conven-
23 tions or specific Acts of Congress, \$1,343,429,000: *Pro-*
24 *vided*, That the Secretary of State shall, at the time of
25 the submission of the President’s budget to Congress

1 under section 1105(a) of title 31, United States Code,
2 transmit to the Committees on Appropriations the most
3 recent biennial budget prepared by the United Nations for
4 the operations of the United Nations: *Provided further*,
5 That the Secretary of State shall notify the Committees
6 on Appropriations at least 15 days in advance (or in an
7 emergency, as far in advance as is practicable) of any
8 United Nations action to increase funding for any United
9 Nations program without identifying an offsetting de-
10 crease elsewhere in the United Nations budget: *Provided*
11 *further*, That any payment of arrearages under this head-
12 ing shall be directed toward activities that are mutually
13 agreed upon by the United States and the respective inter-
14 national organization: *Provided further*, That none of the
15 funds appropriated under this heading shall be available
16 for a United States contribution to an international orga-
17 nization for the United States share of interest costs made
18 known to the United States Government by such organiza-
19 tion for loans incurred on or after October 1, 1984,
20 through external borrowings.

21 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

22 ACTIVITIES

23 For necessary expenses to pay assessed and other ex-
24 penses of international peacekeeping activities directed to
25 the maintenance or restoration of international peace and

1 security, \$1,690,517,000, of which 15 percent shall re-
2 main available until September 30, 2013: *Provided*, That
3 none of the funds made available by this Act shall be obli-
4 gated or expended for any new or expanded United Na-
5 tions peacekeeping mission unless, at least 15 days in ad-
6 vance of voting for the new or expanded mission in the
7 United Nations Security Council (or in an emergency as
8 far in advance as is practicable): (1) the Committees on
9 Appropriations are notified of the estimated cost and
10 length of the mission, the national interest that will be
11 served, the planned exit strategy, and that the United Na-
12 tions has taken appropriate measures to prevent United
13 Nations employees, contractor personnel, and peace-
14 keeping forces serving in the mission from trafficking in
15 persons, exploiting victims of trafficking, or committing
16 acts of illegal sexual exploitation, and to hold accountable
17 individuals who engage in such acts while participating in
18 the peacekeeping mission, including the prosecution in
19 their home countries of such individuals in connection with
20 such acts; and (2) notification pursuant to section 7015
21 of this Act is submitted, and the procedures therein fol-
22 lowed, setting forth the source of funds that will be used
23 to pay for the cost of the new or expanded mission: *Pro-*
24 *vided further*, That funds shall be available for peace-
25 keeping expenses unless the Secretary of State determines

1 that American manufacturers and suppliers are not being
2 given opportunities to provide equipment, services, and
3 material for United Nations peacekeeping activities equal
4 to those being given to foreign manufacturers and sup-
5 pliers.

6 INTERNATIONAL COMMISSIONS

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

10 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

11 UNITED STATES AND MEXICO

12 For necessary expenses for the United States Section
13 of the International Boundary and Water Commission,
14 United States and Mexico, and to comply with laws appli-
15 cable to the United States Section, including not to exceed
16 \$6,000 for representation; as follows:

17 SALARIES AND EXPENSES

18 For salaries and expenses, not otherwise provided for,
19 \$43,213,000.

20 CONSTRUCTION

21 For detailed plan preparation and construction of au-
22 thorized projects, \$26,447,000, to remain available until
23 expended, as authorized.

1 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

2 For necessary expenses, not otherwise provided, for
3 the International Joint Commission and the International
4 Boundary Commission, United States and Canada, as au-
5 thorized by treaties between the United States and Can-
6 ada or Great Britain, and the Border Environment Co-
7 operation Commission as authorized by Public Law 103-
8 182, \$10,851,000: *Provided*, That of the amount provided
9 under this heading for the International Joint Commis-
10 sion, \$9,000 may be made available for representation ex-
11 penses.

12 INTERNATIONAL FISHERIES COMMISSIONS

13 For necessary expenses for international fisheries
14 commissions, not otherwise provided for, as authorized by
15 law, \$31,291,000: *Provided*, That the United States share
16 of such expenses may be advanced to the respective com-
17 missions pursuant to 31 U.S.C. 3324.

18 RELATED AGENCY

19 BROADCASTING BOARD OF GOVERNORS

20 INTERNATIONAL BROADCASTING OPERATIONS

21 For necessary expenses to enable the Broadcasting
22 Board of Governors (BBG), as authorized, to carry out
23 international communication activities, including the pur-
24 chase, rent, construction, and improvement of facilities for
25 radio and television transmission and reception and pur-

1 chase, lease, and installation of necessary equipment for
2 radio and television transmission and reception to Cuba,
3 and to make and supervise grants for radio and television
4 broadcasting to the Middle East, \$730,037,000: *Provided*,
5 That of the total amount in this heading, not to exceed
6 \$16,000 may be used for official receptions within the
7 United States as authorized, not to exceed \$35,000 may
8 be used for representation abroad as authorized, and not
9 to exceed \$39,000 may be used for official reception and
10 representation expenses of Radio Free Europe/Radio Lib-
11 erty: *Provided further*, That not later than 45 days after
12 enactment of this Act, the BBG shall report to the Com-
13 mittees on Appropriations that all BBG language services
14 and grantees, including the broadcasters to the Middle
15 East, Afghanistan, and Pakistan, have processes and poli-
16 cies, including appropriate management and editorial con-
17 trols, to require that programming abide by the standards
18 and principles set forth in the United States International
19 Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b))
20 and the relevant journalistic code of ethics, and not pro-
21 vide an open platform for terrorists or those who support
22 terrorists: *Provided further*, That the BBG shall notify the
23 Committees on Appropriations within 15 days of any de-
24 termination by the Board that any of its broadcast enti-
25 ties, including its grantee organizations, was found to be

1 in violation of the principles, standards, or journalistic
2 code of ethics referenced in the previous proviso: *Provided*
3 *further*, That in addition to funds made available under
4 this heading, and notwithstanding any other provision of
5 law, up to \$2,000,000 in receipts from advertising and
6 revenue from business ventures, up to \$500,000 in re-
7 ceipts from cooperating international organizations, and
8 up to \$1,000,000 in receipts from privatization efforts of
9 the Voice of America and the International Broadcasting
10 Bureau, to remain available until expended for carrying
11 out authorized purposes.

12 BROADCASTING CAPITAL IMPROVEMENTS

13 For the purchase, rent, construction, and improve-
14 ment of facilities for radio and television transmission and
15 reception, and purchase and installation of necessary
16 equipment for radio and television transmission and recep-
17 tion as authorized, \$6,861,000, to remain available until
18 expended, as authorized.

19 RELATED PROGRAMS

20 THE ASIA FOUNDATION

21 For a grant to The Asia Foundation, as authorized
22 by The Asia Foundation Act (22 U.S.C. 4402),
23 \$15,374,000, to remain available until expended, as au-
24 thorized.

1 UNITED STATES INSTITUTE OF PEACE

2 For necessary expenses of the United States Institute
3 of Peace, as authorized by the United States Institute of
4 Peace Act, \$24,797,000, to remain available until Sep-
5 tember 30, 2013, which shall not be used for construction
6 activities: *Provided*, That if the underlying statutory au-
7 thority of the United States Institute of Peace is repealed,
8 funds appropriated under this heading that remain avail-
9 able for obligation may only be used for necessary shut-
10 down and termination costs.

11 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

12 TRUST FUND

13 For necessary expenses of the Center for Middle
14 Eastern-Western Dialogue Trust Fund, the total amount
15 of the interest and earnings accruing to such Fund on or
16 before September 30, 2012, to remain available until ex-
17 pended.

18 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

19 For necessary expenses of Eisenhower Exchange Fel-
20 lowships, Incorporated, as authorized by sections 4 and
21 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
22 U.S.C. 5204–5205), all interest and earnings accruing to
23 the Eisenhower Exchange Fellowship Program Trust
24 Fund on or before September 30, 2012, to remain avail-
25 able until expended: *Provided*, That none of the funds ap-

1 appropriated herein shall be used to pay any salary or other
2 compensation, or to enter into any contract providing for
3 the payment thereof, in excess of the rate authorized by
4 5 U.S.C. 5376; or for purposes which are not in accord-
5 ance with OMB Circulars A-110 (Uniform Administrative
6 Requirements) and A-122 (Cost Principles for Nonprofit
7 Organizations), including the restrictions on compensation
8 for personal services.

9 ISRAELI ARAB SCHOLARSHIP PROGRAM

10 For necessary expenses of the Israeli Arab Scholar-
11 ship Program, as authorized by section 214 of the Foreign
12 Relations Authorization Act, Fiscal Years 1992 and 1993
13 (22 U.S.C. 2452), all interest and earnings accruing to
14 the Israeli Arab Scholarship Fund on or before September
15 30, 2012, to remain available until expended.

16 NATIONAL ENDOWMENT FOR DEMOCRACY

17 For grants made by the Department of State to the
18 National Endowment for Democracy, as authorized by the
19 National Endowment for Democracy Act, \$117,764,000,
20 to remain available until expended, of which \$100,000,000
21 shall be allocated in the traditional and customary man-
22 ner, including for the core institutes, and \$17,764,000
23 shall be for democracy, human rights, and rule of law pro-
24 grams: *Provided*, That the President of the National En-
25 dowment for Democracy shall provide to the Committees

1 on Appropriations not later than 45 days after the date
2 of enactment of this Act a report on the proposed uses
3 of funds under this heading on a regional and country
4 basis.

5 OTHER COMMISSIONS

6 COMMISSION FOR THE PRESERVATION OF AMERICA'S

7 HERITAGE ABROAD

8 SALARIES AND EXPENSES

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

12 UNITED STATES COMMISSION ON INTERNATIONAL

13 RELIGIOUS FREEDOM

14 SALARIES AND EXPENSES

15 For necessary expenses for the United States Com-
16 mission on International Religious Freedom, as authorized
17 by title II of the International Religious Freedom Act of
18 1998 (Public Law 105-292), \$4,291,000, to remain avail-
19 able until September 30, 2013: *Provided*, That notwith-
20 standing the expenditure limitation specified in section
21 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Com-
22 mission may expend up to \$250,000 of the funds made
23 available under this heading to procure temporary and
24 intermittent services under the authority of section
25 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, \$2,605,000, 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, \$1,996,000, including not more than \$3,000 for
12 the purpose of official representation, to remain available
13 until September 30, 2013.

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

19 For necessary expenses of the United States-China
20 Economic and Security Review Commission, \$3,493,000,
21 including not more than \$4,000 for the purpose of official
22 representation, to remain available until September 30,
23 2013: *Provided*, That the authorities, requirements, limitations, and conditions contained in the second through
24 sixth provisos under this heading in division F of Public
25

1 Law 111-117 shall continue in effect during fiscal year
2 2012 and shall apply to funds appropriated under this
3 heading as if included in this Act.

4 TITLE II
5 UNITED STATES AGENCY FOR INTERNATIONAL
6 DEVELOPMENT

7 FUNDS APPROPRIATED TO THE PRESIDENT

8 OPERATING EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses to carry out the provisions
11 of section 667 of the Foreign Assistance Act of 1961,
12 \$900,000,000: *Provided*, That none of the funds appro-
13 priated under this heading and under the heading “Cap-
14 ital Investment Fund” in this Act may be made available
15 to finance the construction (including architect and engi-
16 neering services), purchase, or long-term lease of offices
17 for use by the United States Agency for International De-
18 velopment (USAID), unless the USAID Administrator has
19 identified such proposed construction (including architect
20 and engineering services), purchase, or long-term lease of
21 offices in a report submitted to the Committees on Appro-
22 priations at least 15 days prior to the obligation of funds
23 for such purposes: *Provided further*, That contracts or
24 agreements entered into with funds appropriated under
25 this heading may entail commitments for the expenditure

1 of such funds through the following fiscal year: *Provided*
2 *further*, That any decision to open a new USAID or reor-
3 ganized mission, bureau, center, or office or, except where
4 there is a substantial security risk to mission personnel,
5 to close or significantly reduce the number of personnel
6 of any mission or office, shall be subject to the regular
7 notification procedures of the Committees on Appropria-
8 tions: *Provided further*, That the authority of sections 610
9 and 109 of the Foreign Assistance Act of 1961 may be
10 exercised by the Secretary of State to transfer funds ap-
11 propriated to carry out chapter 1 of part I of such Act
12 to “Operating Expenses” in accordance with the provi-
13 sions of those sections: *Provided further*, That of the funds
14 appropriated or made available under this heading, not to
15 exceed \$250,000 may be available for representation and
16 entertainment allowances, of which not to exceed \$5,000
17 may be available for entertainment allowances, for USAID
18 during the current fiscal year: *Provided further*, That no
19 such entertainment funds may be used for the purposes
20 listed in section 7020 of this Act: *Provided further*, That
21 appropriate steps shall be taken to assure that, to the
22 maximum extent possible, United States-owned foreign
23 currencies are utilized in lieu of dollars.

1 CAPITAL INVESTMENT FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for overseas construction and
4 related costs, and for the procurement and enhancement
5 of information technology and related capital investments,
6 pursuant to section 667 of the Foreign Assistance Act of
7 1961, \$87,287,000, to remain available until expended:
8 *Provided*, That this amount is in addition to funds other-
9 wise available for such purposes: *Provided further*, That
10 funds may be made available for the purpose of imple-
11 menting the Capital Security Cost-Sharing Program: *Pro-*
12 *vided further*, That funds appropriated by this Act under
13 the heading “Operating Expenses” may be transferred to,
14 and merged with, funds appropriated under this heading
15 for the purpose of implementing the Capital Security Cost-
16 Sharing Program: *Provided further*, That funds appro-
17 priated under this heading shall be available for obligation
18 only pursuant to the regular notification procedures of the
19 Committees on Appropriations.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses to carry out the provisions
22 of section 667 of the Foreign Assistance Act of 1961,
23 \$51,500,000, to remain available until September 30,
24 2013, which sum shall be available for the Office of In-

1 spector General of the United States Agency for Inter-
2 national Development.

3 TITLE III
4 BILATERAL ECONOMIC ASSISTANCE
5 FUNDS APPROPRIATED TO THE PRESIDENT

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

9 GLOBAL HEALTH INITIATIVE
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 and for the preven-
14 tion, treatment, and control of, and research on, HIV/
15 AIDS, in addition to funds otherwise available for such
16 purposes, \$7,114,000,000, to remain available until Sep-
17 tember 30, 2013: *Provided*, That funds appropriated
18 under this heading shall be made available to the Adminis-
19 trator of the United States Agency for International De-
20 velopment (USAID), with the concurrence of the Sec-
21 retary of State: *Provided further*, That funds appropriated
22 under this heading may not be obligated until at least 15
23 days after the Administrator notifies the Committees on
24 Appropriations of each foreign country and international
25 organization, by category of assistance and by Federal

1 agency, to which the Administrator intends to provide any
2 portion of such funds: *Provided further*, That this amount
3 shall be made available for such activities as: (1) child sur-
4 vival and maternal health programs; (2) immunization and
5 oral rehydration programs; (3) other health, nutrition,
6 water and sanitation programs which directly address the
7 needs of mothers and children, and related education pro-
8 grams; (4) assistance for children displaced or orphaned
9 by causes other than AIDS; (5) programs for the preven-
10 tion, treatment, control of, and research on HIV/AIDS,
11 tuberculosis, polio, malaria, and other infectious diseases
12 including neglected tropical diseases, and for assistance to
13 communities severely affected by HIV/AIDS, including
14 children infected or affected by AIDS; and (6) family plan-
15 ning/reproductive health: *Provided further*, That none of
16 the funds appropriated under this heading may be made
17 available for nonproject assistance unless the Committees
18 on Appropriations are notified at least 15 days in advance
19 of obligation: *Provided further*, That funds appropriated
20 under this heading may be made available for a United
21 States contribution to the Global Fund to Fight AIDS,
22 Tuberculosis and Malaria, notwithstanding any other pro-
23 vision of law except Public Law 108-25, as amended, and
24 shall be expended at the minimum rate necessary to make
25 timely payment for projects and activities: *Provided fur-*

1 *ther*, That up to 5 percent of the aggregate amount of
2 funds made available to the Global Fund in fiscal year
3 2012 may be made available to USAID for technical as-
4 sistance related to the activities of the Global Fund: *Pro-*
5 *vided further*, That of the funds appropriated under this
6 heading, up to \$14,000,000 may be made available, in ad-
7 dition to amounts otherwise available for such purposes,
8 for administrative expenses of the Office of the United
9 States Global AIDS Coordinator: *Provided further*, That
10 funds appropriated under this heading may be made avail-
11 able for a United States contribution to the GAVI Alli-
12 ance: *Provided further*, That none of the funds made avail-
13 able in this Act nor any unobligated balances from prior
14 appropriations Acts may be made available to any organi-
15 zation or program which, as determined by the President
16 of the United States, supports or participates in the man-
17 agement of a program of coercive abortion or involuntary
18 sterilization: *Provided further*, That any determination
19 made under the previous proviso must be made no later
20 than 6 months after the date of enactment of this Act,
21 and must be accompanied by the evidence and criteria uti-
22 lized to make the determination: *Provided further*, That
23 none of the funds made available under this Act may be
24 used to pay for the performance of abortion as a method
25 of family planning or to motivate or coerce any person

1 to practice abortions: *Provided further*, That nothing in
2 this paragraph shall be construed to alter any existing
3 statutory prohibitions against abortion under section 104
4 of the Foreign Assistance Act of 1961: *Provided further*,
5 That none of the funds made available under this Act may
6 be used to lobby for or against abortion: *Provided further*,
7 That in order to reduce reliance on abortion in developing
8 nations, funds shall be available only to voluntary family
9 planning projects which offer, either directly or through
10 referral to, or information about access to, a broad range
11 of family planning methods and services, and that any
12 such voluntary family planning project shall meet the fol-
13 lowing requirements: (1) service providers or referral
14 agents in the project shall not implement or be subject
15 to quotas, or other numerical targets, of total number of
16 births, number of family planning acceptors, or acceptors
17 of a particular method of family planning (this provision
18 shall not be construed to include the use of quantitative
19 estimates or indicators for budgeting and planning pur-
20 poses); (2) the project shall not include payment of incen-
21 tives, bribes, gratuities, or financial reward to: (A) an indi-
22 vidual in exchange for becoming a family planning accep-
23 tor; or (B) program personnel for achieving a numerical
24 target or quota of total number of births, number of fam-
25 ily planning acceptors, or acceptors of a particular method

1 of family planning; (3) the project shall not deny any right
2 or benefit, including the right of access to participate in
3 any program of general welfare or the right of access to
4 health care, as a consequence of any individual's decision
5 not to accept family planning services; (4) the project shall
6 provide family planning acceptors comprehensible infor-
7 mation on the health benefits and risks of the method cho-
8 sen, including those conditions that might render the use
9 of the method inadvisable and those adverse side effects
10 known to be consequent to the use of the method; and
11 (5) the project shall ensure that experimental contracep-
12 tive drugs and devices and medical procedures are pro-
13 vided only in the context of a scientific study in which
14 participants are advised of potential risks and benefits;
15 and, not less than 60 days after the date on which the
16 USAID Administrator determines that there has been a
17 violation of the requirements contained in paragraph (1),
18 (2), (3), or (5) of this proviso, or a pattern or practice
19 of violations of the requirements contained in paragraph
20 (4) of this proviso, the Administrator shall submit to the
21 Committees on Appropriations a report containing a de-
22 scription of such violation and the corrective action taken
23 by the Agency: *Provided further*, That in awarding grants
24 for natural family planning under section 104 of the For-
25 eign Assistance Act of 1961 no applicant shall be discrimi-

1 nated against because of such applicant's religious or con-
2 scientious commitment to offer only natural family plan-
3 ning; and, additionally, all such applicants shall comply
4 with the requirements of the previous proviso: *Provided*
5 *further*, That for purposes of this or any other Act author-
6 izing or appropriating funds for the Department of State,
7 foreign operations, and related programs, the term "moti-
8 vate", as it relates to family planning assistance, shall not
9 be construed to prohibit the provision, consistent with
10 local law, of information or counseling about all pregnancy
11 options: *Provided further*, That information provided
12 about the use of condoms as part of projects or activities
13 that are funded from amounts appropriated by this Act
14 shall be medically accurate and shall include the public
15 health benefits and failure rates of such use.

16 DEVELOPMENT ASSISTANCE

17 For necessary expenses to carry out the provisions
18 of sections 103, 105, 106, and sections 251 through 255,
19 and chapter 10 of part I of the Foreign Assistance Act
20 of 1961, \$2,068,000,000, to remain available until Sep-
21 tember 30, 2013: *Provided*, That of the funds appro-
22 priated by this Act, not less than \$265,000,000 shall be
23 made available for microenterprise and microfinance devel-
24 opment programs for the poor, especially women: *Provided*
25 *further*, That of the funds appropriated under this head-

1 ing, not less than \$23,500,000 shall be made available for
2 the American Schools and Hospitals Abroad program:
3 *Provided further*, That of the funds appropriated by this
4 Act, not less than \$315,000,000 shall be made available
5 for water and sanitation supply projects pursuant to the
6 Senator Paul Simon Water for the Poor Act of 2005 (Pub-
7 lic Law 109–121): *Provided further*, That funds appro-
8 priated by title III of this Act should be made available
9 for food security and agricultural development programs,
10 which may be made available notwithstanding any other
11 provision of law only to address critical food shortages,
12 of which \$31,500,000 shall be made available for Collabo-
13 rative Research Support Programs: *Provided further*, That
14 of the funds appropriated by this title, not less than
15 \$20,000,000 shall be made available for programs to im-
16 prove women’s leadership capacity 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, \$757,652,000, 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 \$54,890,000, 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.

1 DEVELOPMENT CREDIT AUTHORITY
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans and loan guarantees pro-
4 vided by the United States Agency for International De-
5 velopment, as authorized by sections 256 and 635 of the
6 Foreign Assistance Act of 1961, up to \$30,000,000 may
7 be derived by transfer from funds appropriated by this Act
8 to carry out part I of such Act and under the heading
9 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*
10 *vided*, That funds provided under this paragraph and
11 funds provided as a gift pursuant to section 635(d) of the
12 Foreign Assistance Act of 1961 shall be made available
13 only for micro and small enterprise programs, urban pro-
14 grams, and other programs which further the purposes of
15 part I of such Act: *Provided further*, That such costs, in-
16 cluding the cost of modifying such direct and guaranteed
17 loans, shall be as defined in section 502 of the Congres-
18 sional Budget Act of 1974, as amended: *Provided further*,
19 That funds made available by this paragraph may be used
20 for the cost of modifying any such guaranteed loans under
21 this Act or prior Acts, and funds used for such costs shall
22 be subject to the regular notification procedures of the
23 Committees on Appropriations: *Provided further*, That the
24 provisions of section 107A(d) (relating to general provi-
25 sions applicable to the Development Credit Authority) of

1 the Foreign Assistance Act of 1961, as contained in sec-
2 tion 306 of H.R. 1486 as reported by the House Com-
3 mittee on International Relations on May 9, 1997, shall
4 be applicable to direct loans and loan guarantees provided
5 under this heading: *Provided further*, That these funds are
6 available to subsidize total loan principal, any portion of
7 which is to be guaranteed, of up to \$700,000,000.

8 In addition, for administrative expenses to carry out
9 credit programs administered by the United States Agency
10 for International Development, \$8,283,000, which may be
11 transferred to, and merged with, funds made available
12 under the heading “Operating Expenses” in title II of this
13 Act: *Provided*, That funds made available under this head-
14 ing shall remain available until September 30, 2014.

15 ECONOMIC SUPPORT FUNDS

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to carry out the provisions
18 of chapter 4 of part II of the Foreign Assistance Act of
19 1961, \$4,068,300,000, to remain available until Sep-
20 tember 30, 2013: *Provided*, That \$3,500,000 of the funds
21 appropriated under this heading should be made available
22 for assistance for Cyprus to be used only for scholarships,
23 administrative support of the scholarship program,
24 bicommunal projects, and measures aimed at reunification
25 of the island and designed to reduce tensions and promote

1 peace and cooperation between the two communities on
2 Cyprus: *Provided further*, That of the funds made avail-
3 able for assistance for Lebanon under this heading,
4 \$12,000,000 shall be made available for educational schol-
5 arships for students in Lebanon with high financial need:
6 *Provided further*, That none of the funds appropriated for
7 Lebanon under this heading shall be made available for
8 direct government-to-government assistance unless the
9 Secretary of State certifies and reports to the Committees
10 on Appropriations that such assistance is not provided to
11 any ministry, agency, or instrumentality of the Govern-
12 ment of Lebanon that is headed or effectively controlled
13 by Hezbollah or any other foreign terrorist organization:
14 *Provided further*, That of the funds appropriated under
15 this heading, not less than \$360,000,000 shall be made
16 available only for assistance for Jordan: *Provided further*,
17 That none of the funds appropriated under this heading
18 may be made available for the Palestinian Authority un-
19 less the Secretary of State certifies to the Committees on
20 Appropriations that the Palestinian Authority is not at-
21 tempting to establish or seek recognition at the United
22 Nations of a Palestinian state outside of an agreement ne-
23 gotiated between Israel and the Palestinians: *Provided fur-*
24 *ther*, That of the funds appropriated under this heading
25 for assistance for Afghanistan and Pakistan, assistance

1 may be provided notwithstanding any provision of law that
2 restricts assistance to foreign countries for cross border
3 stabilization and development programs between Afghani-
4 stan and Pakistan or between either country and the Cen-
5 tral Asian republics: *Provided further*, That none of the
6 funds appropriated for assistance for Pakistan under this
7 heading may be obligated for assistance until the Sec-
8 retary of State reports to the Committees on Appropria-
9 tions that funds will only be provided for programs in the
10 United States national security interest that decrease ex-
11 tremism through economic development: *Provided further*,
12 That of the funds appropriated under this heading,
13 \$189,000,000 shall be apportioned directly to the United
14 States Agency for International Development for alter-
15 native development/institution building programs in Co-
16 lombia: *Provided further*, That of the funds appropriated
17 under this heading that are available for assistance for
18 Colombia, up to \$8,000,000 shall be transferred to, and
19 merged with, funds appropriated under the heading “Mi-
20 gration and Refugee Assistance” and shall be made avail-
21 able only for assistance to nongovernmental and inter-
22 national organizations that provide assistance to Colom-
23 bian refugees in neighboring countries: *Provided further*,
24 That none of the funds appropriated under this heading
25 may be made available for direct government-to-govern-

1 ment assistance for cash assistance to individuals: *Pro-*
2 *vided further*, That of the funds made available under this
3 heading \$15,000,000 shall be transferred to, and merged
4 with, funds available under the heading “Broadcasting
5 Board of Governors–International Broadcasting Oper-
6 ations” to expand unrestricted access to information on
7 the Internet and support broadcasting to the border region
8 of Afghanistan and Pakistan.

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 \$66,910,000 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 \$47,860,000 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 notwithstanding any provision of this
11 or any other Act, funds appropriated in prior years under
12 the headings “Independent States of the Former Soviet
13 Union” and similar headings and “Assistance for Eastern
14 Europe and the Baltic States” and similar headings, and
15 currencies generated by or converted from such funds,
16 shall be available for use in any country for which funds
17 are made available under this heading without regard to
18 the geographic limitations of the heading under which
19 such funds were originally appropriated: *Provided further*,
20 That funds made available for the Southern Caucasus re-
21 gion may be used for confidence-building measures and
22 other activities in furtherance of the peaceful resolution
23 of conflicts, including in Nagorno-Karabakh.

1 DEPARTMENT OF STATE
2 MIGRATION AND REFUGEE ASSISTANCE

3 For necessary expenses, not otherwise provided for,
4 to enable the Secretary of State to carry out the provisions
5 of section 2(a) and (b) of the Migration and Refugee As-
6 sistance Act of 1962, and other activities to meet refugee
7 and migration needs; salaries and expenses of personnel
8 and dependents as authorized by the Foreign Service Act
9 of 1980; allowances as authorized by sections 5921
10 through 5925 of title 5, United States Code; purchase and
11 hire of passenger motor vehicles; and services as author-
12 ized by section 3109 of title 5, United States Code,
13 \$1,496,873,000, to remain available until expended, of
14 which not less than \$20,000,000 shall be made available
15 for refugees resettling in Israel.

16 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
17 ASSISTANCE FUND

18 For necessary expenses to carry out the provisions
19 of section 2(c) of the Migration and Refugee Assistance
20 Act of 1962, as amended (22 U.S.C. 2601(c)),
21 \$32,000,000, to remain available until expended.

1 INDEPENDENT AGENCIES

2 PEACE CORPS

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out the provisions
5 of the Peace Corps Act (22 U.S.C. 2501–2523), including
6 the purchase of not to exceed five passenger motor vehicles
7 for administrative purposes for use outside of the United
8 States, \$374,250,000, of which \$5,308,000 is for the Of-
9 fice of the Inspector General, to remain available until
10 September 30, 2013: *Provided*, That none of the funds
11 appropriated under this heading shall be used to pay for
12 abortions: *Provided further*, That the Director of the Peace
13 Corps may transfer to the Foreign Currency Fluctuations
14 Account, as authorized by 22 U.S.C. 2515, an amount not
15 to exceed \$5,000,000: *Provided further*, That funds trans-
16 ferred pursuant to the previous proviso may not be derived
17 from amounts made available for Peace Corps overseas op-
18 erations: *Provided further*, That of the funds appropriated
19 under this heading, not to exceed \$4,000 may be made
20 available for entertainment expenses: *Provided further*,
21 That any decision to open, close, significantly reduce, or
22 suspend a domestic or overseas office or country program
23 shall be subject to prior consultation with, and the regular
24 notification procedures of, the Committees on Appropria-
25 tions, except that prior consultation and regular notifica-

1 tion procedures may be waived when there is a substantial
2 security risk to volunteers or other Peace Corps personnel,
3 pursuant to section 7015(e) of this Act: *Provided further*,
4 That not later than 60 days after enactment of this Act,
5 the Director shall submit a report to the Committees on
6 Appropriations that includes a strategy and implementa-
7 tion plan to improve the safety and security of volunteers,
8 including the prevention of, and response to, sexual as-
9 sault.

10 MILLENNIUM CHALLENGE CORPORATION

11 For necessary expenses to carry out the provisions
12 of the Millennium Challenge Act of 2003, \$898,200,000
13 to remain available until expended: *Provided*, That of the
14 funds appropriated under this heading, up to \$98,000,000
15 may be available for administrative expenses of the Millen-
16 nium Challenge Corporation (the Corporation): *Provided*
17 *further*, That subsections 605(e)(1) through (e)(4) of the
18 Millennium Challenge Act of 2003 shall apply to funds
19 appropriated under this heading: *Provided further*, That
20 funds appropriated under this heading may be made avail-
21 able for a Millennium Challenge Compact entered into
22 pursuant to section 609 of the Millennium Challenge Act
23 of 2003 only if such Compact obligates, or contains a com-
24 mitment to obligate subject to the availability of funds and
25 the mutual agreement of the parties to the Compact to

1 proceed, the entire amount of the United States Govern-
2 ment funding anticipated for the duration of the Compact:
3 *Provided further*, That the Chief Executive Officer of the
4 Millennium Challenge Corporation shall notify the Com-
5 mittees on Appropriations not later than 15 days prior to
6 signing any new country compact or new threshold coun-
7 try program; terminating or suspending any country com-
8 pact or threshold country program; or commencing nego-
9 tiations for any new compact or threshold country pro-
10 gram: *Provided further*, That funds appropriated by this
11 Act or any prior Act appropriating funds for the Depart-
12 ment of State, foreign operations, and related programs
13 that are made available for a Millennium Challenge Com-
14 pact and that are suspended or terminated by the Chief
15 Executive Officer of the Corporation shall be subject to
16 the regular notification procedures of the Committees on
17 Appropriations prior to re-obligation: *Provided further*,
18 That none of the funds provided in this Act for Millen-
19 nium Challenge Corporation compacts may be made avail-
20 able for government-owned enterprises: *Provided further*,
21 That of the funds appropriated under this heading, not
22 to exceed \$100,000 may be available for representation
23 and entertainment allowances, of which not to exceed
24 \$5,000 may be available for entertainment allowances.

1 INTER-AMERICAN FOUNDATION

2 For necessary expenses to carry out the functions of
3 the Inter-American Foundation in accordance with the
4 provisions of section 401 of the Foreign Assistance Act
5 of 1969, \$19,100,000, to remain available until September
6 30, 2013: *Provided*, That of the funds appropriated under
7 this heading, not to exceed \$2,000 may be available for
8 entertainment and representation allowances.

9 AFRICAN DEVELOPMENT FOUNDATION

10 For necessary expenses to carry out title V of the
11 International Security and Development Cooperation Act
12 of 1980 (Public Law 96-533), \$24,000,000, to remain
13 available until September 30, 2013: *Provided*, That funds
14 made available to grantees may be invested pending ex-
15 penditure for project purposes when authorized by the
16 Board of Directors of the Foundation: *Provided further*,
17 That interest earned shall be used only for the purposes
18 for which the grant was made: *Provided further*, That not-
19 withstanding section 505(a)(2) of the African Develop-
20 ment Foundation Act, in exceptional circumstances the
21 Board of Directors of the Foundation may waive the
22 \$250,000 limitation contained in that section with respect
23 to a project and a project may exceed the limitation by
24 up to \$10,000 if the increase is due solely to foreign cur-
25 rency fluctuation: *Provided further*, That the Foundation

1 shall provide a report to the Committees on Appropria-
2 tions after each time such waiver authority is exercised.

3 DEPARTMENT OF THE TREASURY

4 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

5 For necessary expenses to carry out the provisions
6 of section 129 of the Foreign Assistance Act of 1961,
7 \$25,448,000, to remain available until September 30,
8 2014, which shall be available notwithstanding any other
9 provision of law.

10 TITLE IV

11 INTERNATIONAL SECURITY ASSISTANCE

12 DEPARTMENT OF STATE

13 INTERNATIONAL NARCOTICS CONTROL AND LAW

14 ENFORCEMENT

15 For necessary expenses to carry out section 481 of
16 the Foreign Assistance Act of 1961, \$1,562,438,000, to
17 remain available until September 30, 2013: *Provided*,
18 That during fiscal year 2012, the Department of State
19 may also use the authority of section 608 of the Foreign
20 Assistance Act of 1961, without regard to its restrictions,
21 to receive excess property from an agency of the United
22 States Government for the purpose of providing it to a
23 foreign country or international organization under chap-
24 ter 8 of part I of that Act subject to the regular notifica-
25 tion procedures of the Committees on Appropriations: *Pro-*

1 *vided further*, That the Secretary of State shall provide
2 to the Committees on Appropriations not later than 45
3 days after the date of the enactment of this Act and prior
4 to the initial obligation of funds appropriated under this
5 heading, a report on the proposed uses of all funds under
6 this heading on a country-by-country basis for each pro-
7 posed program, project, or activity: *Provided further*, That
8 section 482(b) of the Foreign Assistance Act of 1961 shall
9 not apply to funds appropriated under this heading: *Pro-*
10 *vided further*, That assistance provided with funds appro-
11 priated under this heading that is made available notwith-
12 standing section 482(b) of the Foreign Assistance Act of
13 1961 shall be made available subject to the regular notifi-
14 cation procedures of the Committees on Appropriations:
15 *Provided further*, That none of the funds appropriated
16 under this heading shall be made available for assistance
17 for the Bolivian military and police unless the Secretary
18 of State determines and reports to the Committees on Ap-
19 propriations that such funds to be provided are in the na-
20 tional security interest of the United States.

21 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND

22 RELATED PROGRAMS

23 For necessary expenses for nonproliferation, anti-ter-
24 rorism, demining and related programs and activities,
25 \$708,540,000, to carry out the provisions of chapter 8 of

1 part II of the Foreign Assistance Act of 1961 for anti-
2 terrorism assistance, chapter 9 of part II of the Foreign
3 Assistance Act of 1961, section 504 of the FREEDOM
4 Support Act, section 23 of the Arms Export Control Act
5 or the Foreign Assistance Act of 1961 for demining activi-
6 ties, the clearance of unexploded ordnance, the destruction
7 of small arms, and related activities, notwithstanding any
8 other provision of law, including activities implemented
9 through nongovernmental and international organizations,
10 and section 301 of the Foreign Assistance Act of 1961
11 for a voluntary contribution to the International Atomic
12 Energy Agency (IAEA), and for a United States contribu-
13 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
14 paratory Commission: *Provided*, That of this amount not
15 to exceed \$30,000,000, to remain available until expended,
16 may be made available for the Nonproliferation and Disar-
17 mament Fund, notwithstanding any other provision of
18 law, to promote bilateral and multilateral activities relat-
19 ing to nonproliferation, disarmament and weapons de-
20 struction: *Provided further*, That such funds may also be
21 used for such countries other than the Independent States
22 of the former Soviet Union and international organiza-
23 tions when it is in the national security interest of the
24 United States to do so: *Provided further*, That funds made
25 available for the Nonproliferation and Disarmament Fund

1 shall be subject to prior consultation with, and the regular
2 notification procedures of, the Committees on Appropria-
3 tions: *Provided further*, That funds appropriated under
4 this heading may be made available for the IAEA only
5 if the Secretary of State determines and so reports to the
6 Congress that Israel is not being denied its right to par-
7 ticipate in the activities of that Agency: *Provided further*,
8 That of the funds appropriated under this heading, not
9 more than \$500,000 may be made available for public-
10 private partnerships for conventional weapons and mine
11 action by grant, cooperative agreement or contract: *Pro-*
12 *vided further*, That of the funds made available for
13 demining and related activities, not to exceed \$700,000,
14 in addition to funds otherwise available for such purposes,
15 may be used for administrative expenses related to the op-
16 eration and management of the demining program: *Pro-*
17 *vided further*, That funds appropriated under this heading
18 that are available for “Anti-terrorism Assistance” and
19 “Export Control and Border Security” shall remain avail-
20 able until September 30, 2013.

21 PEACEKEEPING OPERATIONS

22 For necessary expenses to carry out the provisions
23 of section 551 of the Foreign Assistance Act of 1961,
24 \$304,390,000: *Provided*, That funds may be used to pay
25 assessed expenses of international peacekeeping activities

1 in Somalia: *Provided further*, That of the funds appro-
2 priated under this heading, not less than \$26,000,000
3 shall be made available for a United States contribution
4 to the Multinational Force and Observers mission in the
5 Sinai: *Provided further*, That none of the funds appro-
6 priated under this heading shall be obligated or expended
7 except as provided through the regular notification proce-
8 dures of the Committees on Appropriations.

9 FUNDS APPROPRIATED TO THE PRESIDENT

10 INTERNATIONAL MILITARY EDUCATION AND TRAINING

11 For necessary expenses to carry out the provisions
12 of section 541 of the Foreign Assistance Act of 1961,
13 \$105,788,000, of which up to \$4,000,000 may remain
14 available until expended and may only be provided through
15 the regular notification procedures of the Committees on
16 Appropriations: *Provided*, That the civilian personnel for
17 whom military education and training may be provided
18 under this heading may include civilians who are not mem-
19 bers of a government whose participation would contribute
20 to improved civil-military relations, civilian control of the
21 military, or respect for human rights: *Provided further*,
22 That the Secretary of State shall provide to the Commit-
23 tees on Appropriations, not later than 45 days after enact-
24 ment of this Act, a report on the proposed uses of all pro-
25 gram funds under this heading on a country-by-country

1 basis, including a detailed description of proposed activi-
2 ties: *Provided further*, That of the funds appropriated
3 under this heading, not to exceed \$55,000 may be avail-
4 able for entertainment allowances.

5 FOREIGN MILITARY FINANCING PROGRAM

6 For necessary expenses for grants to enable the
7 President to carry out the provisions of section 23 of the
8 Arms Export Control Act, \$5,374,230,000: *Provided*,
9 That to expedite the provision of assistance to foreign
10 countries and international organizations, the Secretary of
11 State, following consultation with the Committees on Ap-
12 propriations and subject to the regular notification proce-
13 dures of such Committees, may use the funds appro-
14 priated under this heading to procure defense articles and
15 services to enhance the capacity of foreign security forces:
16 *Provided further*, That of the funds appropriated under
17 this heading, not less than \$3,075,000,000 shall be avail-
18 able for grants only for Israel, and not less than
19 \$1,300,000,000 shall be made available for grants only for
20 Egypt, including for border security programs and activi-
21 ties in the Sinai, with the expectation that the Egyptian
22 military will continue to adhere to and implement its inter-
23 national obligations, particularly the Egypt-Israel Peace
24 Treaty: *Provided further*, That the funds appropriated
25 under this heading for assistance for Israel shall be dis-

1 bursed within 30 days of the enactment of this Act: *Pro-*
2 *vided further*, That to the extent that the Government of
3 Israel requests that funds be used for such purposes,
4 grants made available for Israel under this heading shall,
5 as agreed by the United States and Israel, be available
6 for advanced weapons systems, of which not less than
7 \$808,725,000 shall be available for the procurement in
8 Israel of defense articles and defense services, including
9 research and development: *Provided further*, That funds
10 appropriated under this heading estimated to be outlayed
11 for Egypt during fiscal year 2012 shall be transferred to
12 an interest bearing account for Egypt in the Federal Re-
13 serve Bank of New York within 30 days of enactment of
14 this Act: *Provided further*, That of the funds appropriated
15 under this heading, \$300,000,000 shall be made available
16 for assistance for Jordan: *Provided further*, That of the
17 funds appropriated under this heading, not more than
18 \$44,000,000 shall be available for assistance for Colombia,
19 including to support maritime interdiction and riverine op-
20 erations: *Provided further*, That none of the funds made
21 available under this heading shall be made available to
22 support or continue any program initially funded under
23 the authority of section 1206 of the National Defense Au-
24 thorization Act for Fiscal Year 2006 (Public Law 109-
25 163; 119 Stat. 3456) unless the Secretary of State, in co-

1 ordination with the Secretary of Defense, has justified
2 such program to the Committees on Appropriations: *Pro-*
3 *vided further*, That funds appropriated or otherwise made
4 available under this heading shall be nonrepayable not-
5 withstanding any requirement in section 23 of the Arms
6 Export Control Act: *Provided further*, That funds made
7 available under this heading shall be obligated upon appor-
8 tionment in accordance with paragraph (5)(C) of title 31,
9 United States Code, section 1501(a).

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

1 and international organizations: *Provided further*, That
2 only those countries for which assistance was justified for
3 the “Foreign Military Sales Financing Program” in the
4 fiscal year 1989 congressional presentation for security as-
5 sistance programs may utilize funds made available under
6 this heading for procurement of defense articles, defense
7 services or design and construction services that are not
8 sold by the United States Government under the Arms
9 Export Control Act: *Provided further*, That funds appro-
10 priated under this heading shall be expended at the min-
11 imum rate necessary to make timely payment for defense
12 articles and services: *Provided further*, That not more than
13 \$62,800,000 of the funds appropriated under this heading
14 may be obligated for necessary expenses, including the
15 purchase of passenger motor vehicles for replacement only
16 for use outside of the United States, for the general costs
17 of administering military assistance and sales, except that
18 this limitation may be exceeded only through the regular
19 notification procedures of the Committees on Appropria-
20 tions: *Provided further*, That of the funds appropriated
21 under this heading for general costs of administering mili-
22 tary assistance and sales, not to exceed \$4,000 may be
23 available for entertainment expenses and not to exceed
24 \$130,000 may be available for representation allowances:
25 *Provided further*, That not more than \$836,900,000 of

1 funds realized pursuant to section 21(e)(1)(A) of the Arms
2 Export Control Act may be obligated for expenses incurred
3 by the Department of Defense during fiscal year 2012
4 pursuant to section 43(b) of the Arms Export Control Act,
5 except that this limitation may be exceeded only through
6 the regular notification procedures of the Committees on
7 Appropriations.

8 TITLE V

9 MULTILATERAL ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

12 For necessary expenses to carry out the provisions
13 of section 301 of the Foreign Assistance Act of 1961, and
14 of section 2 of the United Nations Environment Program
15 Participation Act of 1973, \$309,897,000: *Provided*, That
16 none of the funds in this Act may be made available for
17 the Intergovernmental Panel on Climate Change/United
18 Nations Framework Convention on Climate Change: *Pro-*
19 *vided further*, That section 307(a) of the Foreign Assist-
20 ance Act of 1961 shall not apply to contributions to the
21 United Nations Democracy Fund.

22 INTERNATIONAL FINANCIAL INSTITUTIONS

23 GLOBAL ENVIRONMENT FACILITY

24 For the United States contribution for the Global En-
25 vironment Facility, \$70,000,000, to the International

1 Bank for Reconstruction and Development as trustee for
2 the Global Environment Facility, by the Secretary of the
3 Treasury, to remain available until expended.

4 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
5 ASSOCIATION

6 For the United States contribution to the Inter-
7 national Development Association by the Secretary of the
8 Treasury, \$940,500,000, to remain available until ex-
9 pended.

10 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT
11 BANK

12 For the United States contribution to the Inter-
13 American Investment Corporation by the Secretary of the
14 Treasury, \$4,670,000, to remain available until expended.

15 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
16 MULTILATERAL INVESTMENT FUND

17 For the United States contribution to the Enterprise
18 for the Americas Multilateral Investment Fund by the
19 Secretary of the Treasury, \$20,127,000, to remain avail-
20 able until expended.

21 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

22 For the United States contribution by the Secretary
23 of the Treasury to the Asian Development Fund, as au-
24 thorized by the Asian Development Bank Act,
25 \$99,000,000, to remain available until expended.

1 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

2 For the United States contribution by the Secretary
3 of the Treasury to the African Development Fund,
4 \$109,780,000, to remain available until expended.

5 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
6 AGRICULTURAL DEVELOPMENT

7 For the United States contribution by the Secretary
8 of the Treasury to the International Fund for Agricultural
9 Development, \$19,850,000, to remain available until ex-
10 pended.

11 TITLE VI

12 EXPORT AND INVESTMENT ASSISTANCE

13 EXPORT-IMPORT BANK OF THE UNITED STATES

14 INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, as amended, \$4,000,000, to remain
18 available until September 30, 2013.

19 PROGRAM ACCOUNT

20 The Export-Import Bank of the United States is au-
21 thorized to make such expenditures within the limits of
22 funds and borrowing authority available to such corpora-
23 tion, and in accordance with law, and to make such con-
24 tracts and commitments without regard to fiscal year limi-
25 tations, as provided by section 104 of the Government

1 Corporation Control Act, as may be necessary in carrying
2 out the program for the current fiscal year for such cor-
3 poration: *Provided*, That none of the funds available dur-
4 ing the current fiscal year may be used to make expendi-
5 tures, contracts, or commitments for the export of nuclear
6 equipment, fuel, or technology to any country, other than
7 a nuclear-weapon state as defined in Article IX of the
8 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
9 ble to receive economic or military assistance under this
10 Act, that has detonated a nuclear explosive after the date
11 of the enactment of this Act: *Provided further*, That not-
12 withstanding section 1(c) of Public Law 103-428, as
13 amended, sections 1(a) and (b) of Public Law 103-428
14 shall remain in effect through October 1, 2012.

15 SUBSIDY APPROPRIATION

16 For the cost of direct loans, loan guarantees, insur-
17 ance, and tied-aid grants as authorized by section 10 of
18 the Export-Import Bank Act of 1945, as amended, not
19 to exceed \$57,884,000: *Provided*, That such costs, includ-
20 ing the cost of modifying such loans, shall be as defined
21 in section 502 of the Congressional Budget Act of 1974:
22 *Provided further*, That such funds shall remain available
23 until September 30, 2027, for the disbursement of direct
24 loans, loan guarantees, insurance and tied-aid grants obli-
25 gated in fiscal years 2012, 2013, 2014, and 2015: *Pro-*

1 *vided further*, That none of the funds appropriated by this
2 Act or any prior Acts appropriating funds for the Depart-
3 ment of State, foreign operations, and related programs
4 for tied-aid credits or grants may be used for any other
5 purpose except through the regular notification procedures
6 of the Committees on Appropriations.

7 ADMINISTRATIVE EXPENSES

8 For administrative expenses to carry out the direct
9 and guaranteed loan and insurance programs, including
10 hire of passenger motor vehicles and services as authorized
11 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
12 reception and representation expenses for members of the
13 Board of Directors, not to exceed \$83,712,000: *Provided*,
14 That the Export-Import Bank may accept, and use, pay-
15 ment or services provided by transaction participants for
16 legal, financial, or technical services in connection with
17 any transaction for which an application for a loan, guar-
18 antee or insurance commitment has been made: *Provided*
19 *further*, That notwithstanding subsection (b) of section
20 117 of the Export Enhancement Act of 1992, subsection
21 (a) thereof shall remain in effect until October 1, 2012:
22 *Provided further*, That the Export-Import Bank shall
23 charge fees for necessary expenses (including special serv-
24 ices performed on a contract or fee basis, but not including
25 other personal services) in connection with the collection

1 of moneys owed the Export-Import Bank, repossession or
2 sale of pledged collateral or other assets acquired by the
3 Export-Import Bank in satisfaction of moneys owed the
4 Export-Import Bank, or the investigation or appraisal of
5 any property, or the evaluation of the legal, financial, or
6 technical aspects of any transaction for which an applica-
7 tion for a loan, guarantee or insurance commitment has
8 been made, or systems infrastructure directly supporting
9 transactions: *Provided further*, That, in addition to other
10 funds appropriated for administrative expenses, such fees
11 shall be credited to this account, to remain available until
12 expended.

13 RECEIPTS COLLECTED

14 Receipts collected pursuant to the Export-Import
15 Bank Act of 1945, as amended, and the Federal Credit
16 Reform Act of 1990, as amended, in an amount not to
17 exceed the amount appropriated herein, shall be credited
18 as offsetting collections to this account: *Provided*, That the
19 sums herein appropriated from the General Fund shall be
20 reduced on a dollar-for-dollar basis by such offsetting col-
21 lections so as to result in a final fiscal year appropriation
22 from the General Fund estimated at \$0: *Provided further*,
23 That amounts collected in fiscal year 2012 in excess of
24 obligations, up to \$50,000,000 shall become available on

1 September 1, 2012 and shall remain available until Sep-
2 tember 30, 2015.

3 OVERSEAS PRIVATE INVESTMENT CORPORATION

4 NONCREDIT ACCOUNT

5 The Overseas Private Investment Corporation is au-
6 thorized to make, without regard to fiscal year limitations,
7 as provided by 31 U.S.C. 9104, such expenditures and
8 commitments within the limits of funds available to it and
9 in accordance with law as may be necessary: *Provided*,
10 That the amount available for administrative expenses to
11 carry out the credit and insurance programs (including an
12 amount for official reception and representation expenses
13 which shall not exceed \$35,000) shall not exceed
14 \$52,205,000: *Provided further*, That project-specific trans-
15 action costs, including direct and indirect costs incurred
16 in claims settlements, and other direct costs associated
17 with services provided to specific investors or potential in-
18 vestors pursuant to section 234 of the Foreign Assistance
19 Act of 1961, shall not be considered administrative ex-
20 penses for the purposes of this heading.

21 PROGRAM ACCOUNT

22 For the cost of direct and guaranteed loans,
23 \$18,079,000, as authorized by section 234 of the Foreign
24 Assistance Act of 1961, to be derived by transfer from
25 the Overseas Private Investment Corporation Noncredit

1 Account: *Provided*, That such costs, including the cost of
2 modifying such loans, shall be as defined in section 502
3 of the Congressional Budget Act of 1974: *Provided fur-*
4 *ther*, That such sums shall be available for direct loan obli-
5 gations and loan guaranty commitments incurred or made
6 during fiscal years 2012, 2013, and 2014: *Provided fur-*
7 *ther*, That funds so obligated in fiscal year 2012 remain
8 available for disbursement through 2020; funds obligated
9 in fiscal year 2013 remain available for disbursement
10 through 2021; and funds obligated in fiscal year 2014 re-
11 main available for disbursement through 2022: *Provided*
12 *further*, That notwithstanding any other provision of law,
13 the Overseas Private Investment Corporation is authorized
14 to undertake any program authorized by title IV of chap-
15 ter 2 of Part I of the Foreign Assistance Act of 1961 in
16 Iraq: *Provided further*, That funds made available pursu-
17 ant to the authority of the previous proviso shall be subject
18 to the regular notification procedures of the Committees
19 on Appropriations: *Provided further*, That the President
20 of the Overseas Private Investment Corporation shall pro-
21 vide quarterly reports to the Committees on Appropria-
22 tions on the use of funds provided to the Overseas Private
23 Investment Corporation in this Act by transaction, includ-
24 ing transactions that result in a negative subsidy.

1 In addition, such sums as may be necessary for ad-
2 ministrative expenses to carry out the credit program may
3 be derived from amounts available for administrative ex-
4 penses to carry out the credit and insurance programs in
5 the Overseas Private Investment Corporation Noncredit
6 Account and merged with said account.

7 FUNDS APPROPRIATED TO THE PRESIDENT

8 TRADE AND DEVELOPMENT AGENCY

9 For necessary expenses to carry out the provisions
10 of section 661 of the Foreign Assistance Act of 1961,
11 \$49,900,000, to remain available until September 30,
12 2013: *Provided*, That of the funds appropriated under this
13 heading, not more than \$4,000 may be available for rep-
14 resentation and entertainment allowances.

15

16 TITLE VII

17 GENERAL PROVISIONS

18 ALLOWANCES AND DIFFERENTIALS

19 SEC. 7001. Funds appropriated under title I of this
20 Act shall be available, except as otherwise provided, for
21 allowances and differentials as authorized by subchapter
22 59 of title 5, United States Code; for services as author-
23 ized by 5 U.S.C. 3109; and for hire of passenger transpor-
24 tation pursuant to 31 U.S.C. 1343(b).

1 UNOBLIGATED BALANCES REPORT

2 SEC. 7002. Any department or agency of the United
3 States Government to which funds are appropriated or
4 otherwise made available by this Act shall provide to the
5 Committees on Appropriations a quarterly accounting of
6 cumulative unobligated balances and obligated, but unex-
7 pended, balances by program, project, activity, and Treas-
8 ury Account Fund Symbol of all expired and unexpired
9 funds received by such department or agency in fiscal year
10 2012 or any previous fiscal year: *Provided*, That for the
11 purposes of this section, obligated balances shall not in-
12 clude obligations made through bilateral agreements un-
13 less further sub-obligated.

14 CONSULTING SERVICES

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

23 EMBASSY CONSTRUCTION

24 SEC. 7004. (a) Of funds provided under title I of this
25 Act, except as provided in subsection (b), a project to con-

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

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

18 (c) For the purposes of calculating the fiscal year
19 2012 costs of providing new United States diplomatic fa-
20 cilities in accordance with section 604(e) of the Secure
21 Embassy Construction and Counterterrorism Act of 1999
22 (22 U.S.C. 4865 note), the Secretary of State, in consulta-
23 tion with the Director of the Office of Management and
24 Budget, shall determine the annual program level and

1 agency shares in a manner that is proportional to the De-
2 partment of State's contribution for this purpose.

3 (d) Funds appropriated by this Act, and any prior
4 Act making appropriations for the Department of State,
5 foreign operations, and related programs, which may be
6 made available for the acquisition of property for diplo-
7 matic facilities in Kabul, Afghanistan, shall be subject to
8 prior consultation with, and the regular notification proce-
9 dures of, the Committees on Appropriations.

10 (e) None of the funds appropriated under the heading
11 "Embassy Security, Construction, and Maintenance" in
12 title I of this Act may be made available for construction
13 of the New London Embassy.

14 PERSONNEL ACTIONS

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

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

4 OPERATING AND SPEND PLANS

5 SEC. 7006. (a) OPERATING PLANS.—Not later than
6 30 days after the date of enactment of this Act, each de-
7 partment, agency or organization funded by titles I and
8 II, and the Department of the Treasury and Independent
9 Agencies funded in title III of this Act shall submit to
10 the Committees on Appropriations an operating plan for
11 funds appropriated to such department, agency, or organi-
12 zation in such titles in this Act, or funds otherwise avail-
13 able for obligation in fiscal year 2012, that provides de-
14 tails of the use of such funds at the program, project, and
15 activity level.

16 (b) SPEND PLANS.—Prior to the initial obligation of
17 funds, the Secretary of State, in consultation with the Ad-
18 ministrator of the United States Agency for International
19 Development, shall submit to the Committees on Appro-
20 priations a detailed spend plan for the following—

21 (1) funds appropriated under the heading “De-
22 mocracy Fund”;

23 (2) funds made available in titles III and IV of
24 this Act for assistance for Iraq, Haiti, Colombia,
25 and Mexico, for the Caribbean Basin Security Initia-

1 COUPS D'ÉTAT

2 SEC. 7008. None of the funds appropriated or other-
3 wise made available pursuant to titles III through VI of
4 this Act shall be obligated or expended to finance directly
5 any assistance to the government of any country whose
6 duly elected head of government is deposed by military
7 coup or decree: *Provided*, That assistance may be resumed
8 to such government if the President determines and cer-
9 tifies to the Committees on Appropriations that subse-
10 quent to the termination of assistance a democratically
11 elected government has taken office: *Provided further*,
12 That the provisions of this section shall not apply to as-
13 sistance to promote democratic elections or public partici-
14 pation in democratic processes: *Provided further*, That
15 funds made available pursuant to the previous provisos
16 shall be subject to the regular notification procedures of
17 the Committees on Appropriations.

18 TRANSFER AUTHORITY

19 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-
20 CASTING BOARD OF GOVERNORS.—Not to exceed 5 per-
21 cent of any appropriation made available for the current
22 fiscal year for the Department of State under title I of
23 this Act may be transferred between such appropriations,
24 but no such appropriation, except as otherwise specifically
25 provided, shall be increased by more than 10 percent by

1 any such transfers: *Provided*, That not to exceed 5 percent
2 of any appropriation made available for the current fiscal
3 year for the Broadcasting Board of Governors under title
4 I of this Act may be transferred between such appropria-
5 tions, but no such appropriation, except as otherwise spe-
6 cifically provided, shall be increased by more than 10 per-
7 cent by any such transfers: *Provided further*, That any
8 transfer pursuant to this section shall be treated as a re-
9 programming of funds under section 7015(a) and (b) of
10 this Act and shall not be available for obligation or ex-
11 penditure except in compliance with the procedures set
12 forth in that section.

13 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—
14 Not to exceed 5 percent of any appropriation other than
15 for administrative expenses made available for fiscal year
16 2012, for programs under title VI of this Act may be
17 transferred between such appropriations for use for any
18 of the purposes, programs, and activities for which the
19 funds in such receiving account may be used, but no such
20 appropriation, except as otherwise specifically provided,
21 shall be increased by more than 25 percent by any such
22 transfer: *Provided*, That the exercise of such authority
23 shall be subject to the regular notification procedures of
24 the Committees on Appropriations.

1 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
2 CIES.—

3 (1) None of the funds made available under ti-
4 tles II through V of this Act may be transferred to
5 any department, agency, or instrumentality of the
6 United States Government, except pursuant to a
7 transfer made by, or transfer authority provided in,
8 this Act or any other appropriation Act.

9 (2) Notwithstanding paragraph (1), in addition
10 to transfers made by, or authorized elsewhere in,
11 this Act, funds appropriated by this Act to carry out
12 the purposes of the Foreign Assistance Act of 1961
13 may be allocated or transferred to agencies of the
14 United States Government pursuant to the provi-
15 sions of sections 109, 610, and 632 of the Foreign
16 Assistance Act of 1961.

17 (3) Any agreement entered into by the United
18 States Agency for International Development
19 (USAID) or the Department of State with any de-
20 partment, agency, or instrumentality of the United
21 States Government pursuant to section 632(b) of the
22 Foreign Assistance Act of 1961 valued in excess of
23 \$1,000,000 and any agreement made pursuant to
24 section 632(a) of such Act, with funds appropriated
25 by this Act and prior Acts making appropriations

1 for the Department of State, foreign operations, and
2 related programs under the headings “Global Health
3 Initiative”, “Development Assistance”, and “Eco-
4 nomic Support Fund” shall be subject to the regular
5 notification procedures of the Committees on Appro-
6 priations: *Provided*, That the requirement in the pre-
7 vious sentence shall not apply to agreements entered
8 into between USAID and the Department of State.

9 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the
10 funds made available under titles II through V of this Act
11 may be obligated under an appropriation account to which
12 they were not appropriated, except for transfers specifi-
13 cally provided for in this Act, unless the President, not
14 less than 5 days prior to the exercise of any authority con-
15 tained in the Foreign Assistance Act of 1961 to transfer
16 funds, consults with and provides a written policy jus-
17 tification to the Committees on Appropriations.

18 (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any
19 agreement for the transfer or allocation of funds appro-
20 priated by this Act, or prior Acts, entered into between
21 the Department of State or USAID and another agency
22 of the United States Government under the authority of
23 section 632(a) of the Foreign Assistance Act of 1961 or
24 any comparable provision of law, shall expressly provide
25 that the Inspector General for the agency receiving the

1 transfer or allocation of such funds shall perform periodic
2 program and financial audits of the use of such funds:
3 *Provided*, That such audit plans shall be transmitted to
4 the Committees on Appropriations quarterly: *Provided fur-*
5 *ther*, That funds transferred under such authority may be
6 made available for the cost of such audits.

7 REPORTING REQUIREMENT

8 SEC. 7010. The Secretary of State shall provide the
9 Committees on Appropriations, not later than April 1,
10 2012, and for each fiscal quarter, a report in writing on
11 the uses of funds made available under the headings “For-
12 eign Military Financing Program”, “International Mili-
13 tary Education and Training”, and “Peacekeeping Oper-
14 ations”: *Provided*, That such report shall include a de-
15 scription of the obligation and expenditure of funds, and
16 the specific country in receipt of, and the use or purpose
17 of the assistance provided by such funds.

18 AVAILABILITY OF FUNDS

19 SEC. 7011. No part of any appropriation contained
20 in this Act shall remain available for obligation after the
21 expiration of the current fiscal year unless expressly so
22 provided in this Act: *Provided*, That funds appropriated
23 for the purposes of chapters 1 and 8 of part I, section
24 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign
25 Assistance Act of 1961, section 23 of the Arms Export

1 Control Act, and funds provided under the headings “As-
2 sistance for Europe, Eurasia and Central Asia” and “De-
3 velopment Credit Authority”, shall remain available for an
4 additional 2 years from the date on which the availability
5 of such funds would otherwise have expired, if such funds
6 are initially obligated before the expiration of their respec-
7 tive periods of availability contained in this Act: *Provided*
8 *further*, That the Secretary of State shall provide a report
9 to the Committees on Appropriations at the beginning of
10 each fiscal year, detailing by account and source year, the
11 use of this authority during the previous fiscal year.

12 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

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

1 PROHIBITION ON TAXATION OF UNITED STATES

2 ASSISTANCE

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

15 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
16 amount equivalent to 200 percent of the total taxes as-
17 sessed during fiscal year 2012 on funds appropriated by
18 this Act by a foreign government or entity against com-
19 modities financed under United States assistance pro-
20 grams for which funds are appropriated by this Act, either
21 directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2013 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Sec-

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

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

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

13 (e) DETERMINATIONS.—

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

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

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

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

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

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

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

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

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

6 RESERVATION OF FUNDS

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

18 (b) In addition to the authority contained in sub-
19 section (a), the original period of availability of funds ap-
20 propriated by this Act and administered by the United
21 States Agency for International Development (USAID)
22 that are specifically designated for particular programs or
23 activities by this or any other Act shall be extended for
24 an additional fiscal year if the USAID Administrator de-
25 termines and reports promptly to the Committees on Ap-

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

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

16 REPROGRAMMING NOTIFICATION REQUIREMENTS

17 SEC. 7015. (a) None of the funds made available in
18 title I of this Act, or in prior appropriations Acts to the
19 agencies and departments funded by this Act that remain
20 available for obligation or expenditure in fiscal year 2012,
21 or provided from any accounts in the Treasury of the
22 United States derived by the collection of fees or of cur-
23 rency refloes or other offsetting collections, or made avail-
24 able by transfer, to the agencies and departments funded
25 by this Act, shall be available for obligation or expenditure

1 that: (1) creates new programs; (2) eliminates a program,
2 project, or activity; (3) increases funds or personnel by
3 any means for any project or activity for which funds have
4 been denied or restricted; (4) relocates an office or employ-
5 ees; (5) closes or opens a mission or post; (6) creates, reor-
6 ganizes or renames bureaus, centers or offices; (7) reorga-
7 nizes programs or activities; or (8) contracts out or
8 privatizes any functions or activities presently performed
9 by Federal employees; unless the Committees on Appro-
10 priations are notified 15 days in advance.

11 (b) None of the funds provided under title I of this
12 Act, or provided under previous appropriations Acts to the
13 agency or department funded under title I of this Act that
14 remain available for obligation or expenditure in fiscal
15 year 2012, or provided from any accounts in the Treasury
16 of the United States derived by the collection of fees avail-
17 able to the agency or department funded by title I of this
18 Act, shall be available for obligation or expenditure for ac-
19 tivities, programs, or projects through a reprogramming
20 of funds in excess of \$1,000,000 or 10 percent, whichever
21 is less, that: (1) augments existing programs, projects, or
22 activities; (2) reduces by 10 percent funding for any exist-
23 ing program, project, or activity, or numbers of personnel
24 by 10 percent as approved by Congress; or (3) results from
25 any general savings, including savings from a reduction

1 in personnel, which would result in a change in existing
2 programs, activities, or projects as approved by Congress;
3 unless the Committees on Appropriations are notified 15
4 days in advance of such reprogramming of funds.

5 (c) None of the funds made available under titles II
6 through V in this Act under the headings “Global Health
7 Initiative”, “Development Assistance”, “International Or-
8 ganizations and Programs”, “Trade and Development
9 Agency”, “International Narcotics Control and Law En-
10 forcement”, “Assistance for Europe, Eurasia and Central
11 Asia”, “Economic Support Fund”, “Democracy Fund”,
12 “Peacekeeping Operations”, “Capital Investment Fund”,
13 “Operating Expenses”, “Office of Inspector General”,
14 “Nonproliferation, Anti-terrorism, Demining and Related
15 Programs”, “Millennium Challenge Corporation”, “For-
16 eign Military Financing Program”, “International Mili-
17 tary Education and Training”, “Peace Corps”, shall be
18 available for obligation for activities, programs, projects,
19 type of materiel assistance, countries, or other operations
20 not justified or in excess of the amount justified to the
21 Committees on Appropriations for obligation under any of
22 these specific headings unless the Committees on Appro-
23 priations are previously notified 15 days in advance: *Pro-*
24 *vided*, That the President shall not enter into any commit-
25 ment of funds appropriated for the purposes of section 23

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

15 (d) Notwithstanding any other provision of law, with
16 the exception of funds transferred to, and merged with,
17 funds appropriated under title I of this Act, funds trans-
18 ferred by the Department of Defense to the Department
19 of State and the United States Agency for International
20 Development for assistance for foreign countries and
21 international organizations, and funds made available for
22 programs authorized by section 1206 of the National De-
23 fense Authorization Act for Fiscal Year 2006 (Public Law
24 109–163), shall be subject to the regular notification pro-
25 cedures of the Committees on Appropriations.

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

15 (f) None of the funds appropriated under titles III
16 through VI of this Act shall be obligated or expended for
17 assistance for Serbia, Sudan, Zimbabwe, Pakistan, Do-
18 minican Republic, Cuba, Iran, Haiti, Libya, Ethiopia,
19 Nepal, Kazakhstan, Somalia, Sri Lanka, Burma, Yemen
20 or Cambodia except as provided through the regular notifi-
21 cation procedures of the Committees on Appropriations.

22 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

23 SEC. 7016. Prior to providing excess Department of
24 Defense articles in accordance with section 516(a) of the
25 Foreign Assistance Act of 1961, the Department of De-

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

17 LIMITATION ON AVAILABILITY OF FUNDS FOR
18 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

19 SEC. 7017. Subject to the regular notification proce-
20 dures of the Committees on Appropriations, funds appro-
21 priated under titles III through VI of this Act or any pre-
22 viously enacted Act making appropriations for the Depart-
23 ment of State, foreign operations, and related programs,
24 which are returned or not made available for organizations
25 and programs because of the implementation of section

1 307(a) of the Foreign Assistance Act of 1961, shall re-
2 main available for obligation until September 30, 2013.

3 PROHIBITION ON FUNDING FOR ABORTIONS AND
4 INVOLUNTARY STERILIZATION

5 SEC. 7018. None of the funds made available to carry
6 out part I of the Foreign Assistance Act of 1961, as
7 amended, may be used to pay for the performance of abor-
8 tions as a method of family planning or to motivate or
9 coerce any person to practice abortions. None of the funds
10 made available to carry out part I of the Foreign Assist-
11 ance Act of 1961, as amended, may be used to pay for
12 the performance of involuntary sterilization as a method
13 of family planning or to coerce or provide any financial
14 incentive to any person to undergo sterilizations. None of
15 the funds made available to carry out part I of the Foreign
16 Assistance Act of 1961, as amended, may be used to pay
17 for any biomedical research which relates in whole or in
18 part, to methods of, or the performance of, abortions or
19 involuntary sterilization as a means of family planning.
20 None of the funds made available to carry out part I of
21 the Foreign Assistance Act of 1961, as amended, may be
22 obligated or expended for any country or organization if
23 the President certifies that the use of these funds by any
24 such country or organization would violate any of the

1 above provisions related to abortions and involuntary steri-
2 lizations.

3 ALLOCATIONS

4 SEC. 7019. (a) Funds provided in this Act under the
5 heading “Related Agency, Broadcasting Board of Gov-
6 ernors, International Broadcasting Operations” shall be
7 made available for programs and countries in the amounts
8 contained in table included in the report accompanying
9 this Act.

10 (b) For the purposes of implementing this section and
11 only with respect to the table included in the report accom-
12 panying this Act, the Broadcasting Board of Governors,
13 as appropriate, may propose deviations to the amounts
14 referenced in subsection (a), subject to the regular notifi-
15 cation procedures of the Committees on Appropriations.

16 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

17 SEC. 7020. None of the funds appropriated or other-
18 wise made available by this Act under the headings “Inter-
19 national Military Education and Training” or “Foreign
20 Military Financing Program” for Informational Program
21 activities or under the headings “Global Health Initia-
22 tive”, “Development Assistance”, and “Economic Support
23 Fund” may be obligated or expended to pay for—

24 (1) alcoholic beverages; or

1 (2) entertainment expenses for activities that
2 are substantially of a recreational character, includ-
3 ing but not limited to entrance fees at sporting
4 events, theatrical and musical productions, and
5 amusement parks.

6 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-
7 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
8 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
9 TERRORISM

10 SEC. 7021. (a) None of the funds appropriated or
11 otherwise made available by titles III through VI of this
12 Act may be available to any foreign government which pro-
13 vides lethal military equipment to a country the govern-
14 ment of which the Secretary of State has determined is
15 a government that supports international terrorism for
16 purposes of section 6(j) of the Export Administration Act
17 of 1979: *Provided*, That the prohibition under this section
18 with respect to a foreign government shall terminate 12
19 months after that government ceases to provide such mili-
20 tary equipment: *Provided further*, That this section applies
21 with respect to lethal military equipment provided under
22 a contract entered into after October 1, 1997.

23 (b) Assistance restricted by subsection (a) or any
24 other similar provision of law, may be furnished if the

1 President determines that to do so is important to the na-
2 tional interests of the United States.

3 (c) Whenever the President makes a determination
4 pursuant to subsection (b), the President shall submit to
5 the Committees on Appropriations a report with respect
6 to the furnishing of such assistance, including a detailed
7 explanation of the assistance to be provided, the estimated
8 dollar amount of such assistance, and an explanation of
9 how the assistance furthers United States national inter-
10 ests.

11 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
12 COUNTRIES

13 SEC. 7022. (a) Funds appropriated for bilateral as-
14 sistance in titles III through VI of this Act and funds ap-
15 propriated under any such heading in a provision of law
16 enacted prior to the enactment of this Act, shall not be
17 made available to any country which the President deter-
18 mines—

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

22 (2) otherwise supports international terrorism.

23 (b) The President may waive the application of sub-
24 section (a) to a country if the President determines that
25 national security or humanitarian reasons justify such

1 waiver: *Provided*, That the President shall publish each
2 such waiver in the Federal Register and, at least 15 days
3 before the waiver takes effect, shall notify the Committees
4 on Appropriations of the waiver (including the justifica-
5 tion for the waiver) in accordance with the regular notifi-
6 cation procedures of the Committees on Appropriations.

7 AUTHORIZATION REQUIREMENTS

8 SEC. 7023. Funds appropriated by this Act, except
9 funds appropriated under the heading “Trade and Devel-
10 opment Agency”, may be obligated and expended notwith-
11 standing section 10 of Public Law 91–672, section 15 of
12 the State Department Basic Authorities Act of 1956, sec-
13 tion 313 of the Foreign Relations Authorization Act, Fis-
14 cal Years 1994 and 1995 (Public Law 103–236), and sec-
15 tion 504(a)(1) of the National Security Act of 1947 (50
16 U.S.C. 414(a)(1)).

17 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

18 SEC. 7024. For the purpose of titles II through VI
19 of this Act “program, project, and activity” shall be de-
20 fined at the appropriations Act account level and shall in-
21 clude all appropriations and authorizations Acts funding
22 directives, ceilings, and limitations with the exception that
23 for the following accounts: “Economic Support Fund” and
24 “Foreign Military Financing Program”, “program,
25 project, and activity” shall also be considered to include

1 country, regional, and central program level funding with-
2 in each such account; for the development assistance ac-
3 counts of the United States Agency for International De-
4 velopment “program, project, and activity” shall also be
5 considered to include central, country, regional, and pro-
6 gram level funding, either as: (1) justified to the Congress;
7 or (2) allocated by the executive branch in accordance with
8 a report, to be provided to the Committees on Appropria-
9 tions within 30 days of the enactment of this Act, as re-
10 quired by section 653(a) of the Foreign Assistance Act
11 of 1961.

12 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
13 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION
14 SEC. 7025. Unless expressly provided to the contrary,
15 provisions of this or any other Act, including provisions
16 contained in prior Acts authorizing or making appropria-
17 tions for the Department of State, foreign operations, and
18 related programs, shall not be construed to prohibit activi-
19 ties authorized by or conducted under the Peace Corps
20 Act, the Inter-American Foundation Act or the African
21 Development Foundation Act: *Provided*, That the agency
22 shall promptly report to the Committees on Appropria-
23 tions whenever it is conducting activities or is proposing
24 to conduct activities in a country for which assistance is
25 prohibited.

1 COMMERCE, TRADE AND SURPLUS COMMODITIES

2 SEC. 7026. (a) None of the funds appropriated or
3 made available pursuant to titles III through VI of this
4 Act for direct assistance and none of the funds otherwise
5 made available to the Export- Import Bank and the Over-
6 seas Private Investment Corporation shall be obligated or
7 expended to finance any loan, any assistance or any other
8 financial commitments for establishing or expanding pro-
9 duction of any commodity for export by any country other
10 than the United States, if the commodity is likely to be
11 in surplus on world markets at the time the resulting pro-
12 ductive capacity is expected to become operative and if the
13 assistance will cause substantial injury to United States
14 producers of the same, similar, or competing commodity:
15 *Provided*, That such prohibition shall not apply to the Ex-
16 port-Import Bank if in the judgment of its Board of Direc-
17 tors the benefits to industry and employment in the
18 United States are likely to outweigh the injury to United
19 States producers of the same, similar, or competing com-
20 modity, and the Chairman of the Board so notifies the
21 Committees on Appropriations.

22 (b) None of the funds appropriated by this or any
23 other Act to carry out chapter 1 of part I of the Foreign
24 Assistance Act of 1961 shall be available for any testing
25 or breeding feasibility study, variety improvement or intro-

1 duction, consultancy, publication, conference, or training
2 in connection with the growth or production in a foreign
3 country of an agricultural commodity for export which
4 would compete with a similar commodity grown or pro-
5 duced in the United States: *Provided*, That this subsection
6 shall not prohibit—

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

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

13 (c) The Secretary of the Treasury shall instruct the
14 United States Executive Directors of the International
15 Bank for Reconstruction and Development, the Inter-
16 national Development Association, the International Fi-
17 nance Corporation, the Inter-American Development
18 Bank, the International Monetary Fund, the Asian Devel-
19 opment Bank, the Inter-American Investment Corpora-
20 tion, the North American Development Bank, the Euro-
21 pean Bank for Reconstruction and Development, the Afri-
22 can Development Bank, and the African Development
23 Fund to use the voice and vote of the United States to
24 oppose any assistance by these institutions, using funds
25 appropriated or made available pursuant to titles III

1 through VI of this Act, for the production or extraction
2 of any commodity or mineral for export, if it is in surplus
3 on world markets and if the assistance will cause substan-
4 tial injury to United States producers of the same, similar,
5 or competing commodity.

6 SEPARATE ACCOUNTS

7 SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL
8 CURRENCIES.—

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

16 (A) require that local currencies be depos-
17 ited in a separate account established by that
18 government;

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

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

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

1 (C) establish by agreement with that gov-
2 ernment the responsibilities of USAID and that
3 government to monitor and account for deposits
4 into and disbursements from the separate ac-
5 count.

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

11 (A) to carry out chapter 1 or 10 of part
12 I or chapter 4 of part II of the Foreign Assist-
13 ance Act of 1961 (as the case may be), for such
14 purposes as—

15 (i) project and sector assistance activi-
16 ties; or

17 (ii) debt and deficit financing; or

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

20 (3) PROGRAMMING ACCOUNTABILITY.—USAID
21 shall take all necessary steps to ensure that the
22 equivalent of the local currencies disbursed pursuant
23 to subsection (a)(2)(A) from the separate account
24 established pursuant to subsection (a)(1) are used

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

3 (4) TERMINATION OF ASSISTANCE PRO-
4 GRAMS.—Upon termination of assistance to a coun-
5 try under chapter 1 or 10 of part I or chapter 4 of
6 part II of the Foreign Assistance Act of 1961 (as
7 the case may be), any unencumbered balances of
8 funds which remain in a separate account estab-
9 lished pursuant to subsection (a) shall be disposed of
10 for such purposes as may be agreed to by the gov-
11 ernment of that country and the United States Gov-
12 ernment.

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

23 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

24 (1) If assistance is made available to the gov-
25 ernment of a foreign country, under chapter 1 or 10

1 of part I or chapter 4 of part II of the Foreign As-
2 sistance Act of 1961, as cash transfer assistance or
3 as nonproject sector assistance, that country shall be
4 required to maintain such funds in a separate ac-
5 count and not commingle them with any other
6 funds.

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

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

1 (b) PUBLIC LAW 480.—During fiscal year 2012, re-
2 strictions contained in this or any other Act with respect
3 to assistance for a country shall not be construed to re-
4 strict assistance under the Agricultural Trade Develop-
5 ment and Assistance Act of 1954: *Provided*, That none
6 of the funds appropriated to carry out title I of such Act
7 and made available pursuant to this subsection may be
8 obligated or expended except as provided through the reg-
9 ular notification procedures of the Committees on Appro-
10 priations.

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

12 (1) with respect to section 620A of the Foreign
13 Assistance Act of 1961 or any comparable provision
14 of law prohibiting assistance to countries that sup-
15 port international terrorism; or

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

21 IMPACT ON JOBS IN THE UNITED STATES

22 SEC. 7029. 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 COMPENSATION

23 SEC. 7030. (a) The Secretary of the Treasury shall
24 instruct the United States Executive Director at the Inter-
25 national Monetary Fund to oppose any operating budget

1 or budget line item in any fiscal year in which the total
2 compensation for individual senior officers, including the
3 Managing Director, of the International Monetary Fund
4 is paid at a rate that exceeds the rate provided for an
5 individual occupying a position at level IV of the Executive
6 Schedule under section 5315 of title 5, United States
7 Code.

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

22 (c) For purposes of subsection (b) the term “inter-
23 national financial institutions” means the International
24 Bank for Reconstruction and Development, the Inter-
25 American Development Bank, the Asian Development

1 Bank, the Asian Development Fund, the African Develop-
2 ment Bank, the African Development Fund, the Inter-
3 national Monetary Fund, the North American Develop-
4 ment Bank, and the European Bank for Reconstruction
5 and Development.

6 LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT
7 ASSISTANCE

8 SEC. 7031. (a) None of the funds made available by
9 this Act may be used for direct government-to-government
10 assistance unless the Secretary of State certifies to the
11 Committees on Appropriations that—

12 (1) each implementing agency has been as-
13 sessed and is considered qualified to manage such
14 assistance by documenting that all identified
15 vulnerabilities and weaknesses of such agency have
16 been adequately addressed; and

17 (2) the Government of the United States and
18 the government of the recipient country—

19 (A) have agreed, in writing, to clear and
20 achievable goals and objectives for the use of
21 such assistance;

22 (B) have established mechanisms within
23 each implementing agency to ensure that such
24 assistance is used for the purposes for which it
25 was intended;

1 (C) have agreed that such assistance
2 should be made on a cost-reimbursable basis;
3 and

4 (D) have agreed that the government of
5 the recipient country will publicly disclose on an
6 annual basis its national budget, to include in-
7 come and expenditures.

8 (b) In addition to the requirement in subsection (a),
9 no funds shall be made available for budget support or
10 cash transfers, without prior consultation with, and notifi-
11 cation of, the Committees on Appropriations.

12 (c) None of the funds made available by this Act may
13 be made available for the purposes of host country con-
14 tracting until the Secretary of State or the Administrator
15 of the United States Agency for International Develop-
16 ment certifies on a country-by-country basis to the Com-
17 mittees on Appropriations that—

18 (1) the recipient agency or ministry employs staff
19 with robust technical, financial, and management capaci-
20 ties;

21 (2) the recipient agency or ministry has adopted
22 international best practices for its procurement systems;

23 (3) sufficient monitoring and evaluation systems are
24 in place;

25 (4) no level of acceptable fraud is assumed; and

1 (5) no safe harbor policies are in place for overseas
2 staff of United States Agency for International Develop-
3 ment or the Department of State.

4 (d) The Secretary of State shall suspend any assist-
5 ance described in subsections (a) and (c) to an agency or
6 ministry of a government of a foreign country if the Sec-
7 retary has evidence of misuse of such assistance by any
8 such agency or ministry.

9 (e) Not later than 90 days after the enactment of
10 this Act, and semi-annually thereafter, the Secretary of
11 State shall submit to the Committees on Appropriations
12 a report that—

13 (1) describes all assistance described in subsections
14 (a) and (c) provided during the preceding 6 month period
15 by country, funding level, source of funds, and type of as-
16 sistance; and

17 (2) the type of procurement instrument or mecha-
18 nism employed and whether assistance was provided on
19 a cost-reimbursable basis.

20 (f) The Secretary of State shall submit to the Com-
21 mittees on Appropriations, concurrent with the fiscal year
22 2013 congressional budget justification materials,
23 amounts planned for direct assistance described in sub-
24 sections (a) and (c) by country, proposed funding level,
25 source of funds, and type of assistance.

1 MULTI-YEAR COMMITMENTS

2 SEC. 7032. None of the funds made available by this
3 Act may be used to make a future year funding commit-
4 ment for any multilateral or bilateral program in titles I,
5 III, IV, V, and VI in this Act that has not been previously
6 justified in a congressional budget justification, included
7 in an Act making appropriations for the Department of
8 State, foreign operations, and related programs, or noti-
9 fied in accordance with the regular notification procedures
10 of the Committees on Appropriations.

11 PROHIBITION AGAINST FIRST CLASS TRAVEL

12 SEC. 7033. None of the funds made available in this
13 Act may be used for first-class travel by employees of
14 agencies funded by this Act in contravention of sections
15 301–10.122 through 301–10.124 of title 41, Code of Fed-
16 eral Regulations.

17 SPECIAL PROVISIONS

18 SEC. 7034. (a) AFGHANISTAN, VICTIMS OF WAR,
19 DISPLACED CHILDREN, AND DISPLACED BURMESE.—
20 Funds appropriated under titles III through VI of this Act
21 that are made available for assistance for Afghanistan
22 may be made available notwithstanding section 7012 of
23 this Act or any similar provision of law and section 660
24 of the Foreign Assistance Act of 1961, and funds appro-
25 priated in titles III and VI of this Act that are made avail-

1 able for victims of war, displaced children, and displaced
2 Burmese, and to assist victims of trafficking in persons
3 and, subject to the regular notification procedures of the
4 Committees on Appropriations, to combat such traf-
5 ficking, may be made available notwithstanding any other
6 provision of law.

7 (b) WAIVER.—(1) The President may waive the pro-
8 visions of section 1003 of Public Law 100–204 if the
9 President determines and certifies in writing to the Speak-
10 er of the House of Representatives, the President pro tem-
11 pore of the Senate, and the Committees on Appropriations
12 that—

13 (A) the Palestinian Authority is not attempting
14 to establish or seek recognition at the United Na-
15 tions of a Palestinian state outside of an agreement
16 negotiated between Israel and the Palestinians;

17 (B) the Palestinian Authority is moving to halt
18 anti-Israel incitement in Palestinian Authority-con-
19 trolled electronic and print media and in schools,
20 mosques, and other institutions it controls, and is
21 replacing these materials, including textbooks, with
22 materials that promote tolerance, peace, and coexist-
23 ence with Israel; and

24 (C) it is important to the national security in-
25 terests of the United States.

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

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

14 (d) WORLD FOOD PROGRAM.—Of the funds managed
15 by the Bureau for Democracy, Conflict, and Humanitarian
16 Assistance, United States Agency for International Devel-
17 opment, from this or any other Act, not less than
18 \$10,000,000 shall be made available as a general contribu-
19 tion to the World Food Program, notwithstanding any
20 other provision of law.

21 (e) DISARMAMENT, DEMOBILIZATION AND RE-
22 INTEGRATION.—Notwithstanding any other provision of
23 law, regulation or Executive order, funds appropriated by
24 this Act and prior Acts making appropriations for the De-
25 partment of State, foreign operations, and related pro-

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

14 (f) PROGRAM FOR RESEARCH AND TRAINING ON
15 EASTERN EUROPE AND THE INDEPENDENT STATES OF
16 THE FORMER SOVIET UNION.—Funds appropriated by
17 this Act under the heading, “Economic Support Fund”,
18 may be made available to carry out the Program for Re-
19 search and Training on Eastern Europe and the Inde-
20 pendent States of the Former Soviet Union (title VIII)
21 as authorized by the Soviet-Eastern European Research
22 and Training Act of 1983 (22 U.S.C. 4501–4508).

23 (g) PROMOTION OF DEMOCRACY.—

24 (1) Funds made available by this Act that are
25 made available for the promotion of democracy may

1 be made available notwithstanding any other provi-
2 sion of law, and with regard to the National Endow-
3 ment for Democracy, any regulation.

4 (2) For the purposes of funds appropriated by
5 this Act, the term “promotion of democracy” means
6 programs that support good governance, human
7 rights, independent media, and the rule of law, and
8 otherwise strengthen the capacity of democratic po-
9 litical parties, governments, nongovernmental organi-
10 zations and institutions, and citizens to support the
11 development of democratic states, institutions, and
12 practices that are responsive and accountable to citi-
13 zens.

14 (3) Any contract, grant, or cooperative agree-
15 ment (or any amendment to any contract, grant or
16 cooperative agreement) in excess of \$1,000,000 of
17 funds under the heading “Democracy Fund”, and in
18 excess of \$2,500,000 under other headings in this
19 Act for the promotion of democracy, with the excep-
20 tion of programs and activities of the National En-
21 dowment for Democracy, shall be subject to the reg-
22 ular notification procedures of the Committees on
23 Appropriations.

24 (4) With respect to the provision of assistance
25 for democracy, human rights and governance activi-

1 ties in this Act, the organizations implementing such
2 assistance and the specific nature of that assistance
3 shall not be subject to the prior approval by the gov-
4 ernment of any foreign country.

5 (h) PARTNER VETTING.—Funds appropriated by this
6 Act or any prior Act shall be used by the Secretary of
7 State or the Administrator of the United States Agency
8 for International Development to fully implement a global
9 Partner Vetting System not later than September 30,
10 2012.

11 ARAB LEAGUE BOYCOTT OF ISRAEL

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

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

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

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

24 (4) the President and the Secretary of State
25 should continue to vigorously oppose the Arab

1 League boycott of Israel and find concrete steps to
2 demonstrate that opposition by, for example, taking
3 into consideration the participation of any recipient
4 country in the boycott when determining to sell
5 weapons to said country; and

6 (5) the President should report to Congress an-
7 nually on specific steps being taken by the United
8 States to encourage Arab League states to normalize
9 their relations with Israel to bring about the termi-
10 nation of the Arab League boycott of Israel, includ-
11 ing those to encourage allies and trading partners of
12 the United States to enact laws prohibiting busi-
13 nesses from complying with the boycott and penal-
14 izing businesses that do comply.

15 PALESTINIAN STATEHOOD

16 SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None
17 of the funds appropriated under titles III through VI of
18 this Act may be provided to support a Palestinian state
19 unless the Secretary of State determines and certifies to
20 the appropriate congressional committees that—

21 (1) the governing entity of a new Palestinian
22 state—

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

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

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

15 (A) termination of all claims or states of
16 belligerency;

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

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

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

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

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

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

14 (d) EXEMPTION.—The restriction in subsection (a)
15 shall not apply to assistance intended to help reform the
16 Palestinian Authority and affiliated institutions, or the
17 governing entity, in order to help meet the requirements
18 of subsection (a), consistent with the provisions of section
19 7040 of this Act (“Limitation on Assistance to the Pales-
20 tinian Authority”).

21 RESTRICTIONS CONCERNING THE PALESTINIAN

22 AUTHORITY

23 SEC. 7037. None of the funds appropriated under ti-
24 tles II through VI of this Act may be obligated or ex-
25 pended to create in any part of Jerusalem a new office

1 of any department or agency of the United States Govern-
2 ment for the purpose of conducting official United States
3 Government business with the Palestinian Authority over
4 Gaza and Jericho or any successor Palestinian governing
5 entity provided for in the Israel-PLO Declaration of Prin-
6 ciples: *Provided*, That this restriction shall not apply to
7 the acquisition of additional space for the existing Con-
8 sulate General in Jerusalem: *Provided further*, That meet-
9 ings between officers and employees of the United States
10 and officials of the Palestinian Authority, or any successor
11 Palestinian governing entity provided for in the Israel-
12 PLO Declaration of Principles, for the purpose of con-
13 ducting official United States Government business with
14 such authority should continue to take place in locations
15 other than Jerusalem: *Provided further*, That as has been
16 true in the past, officers and employees of the United
17 States Government may continue to meet in Jerusalem on
18 other subjects with Palestinians (including those who now
19 occupy positions in the Palestinian Authority), have social
20 contacts, and have incidental discussions.

21 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN

22 BROADCASTING CORPORATION

23 SEC. 7038. None of the funds appropriated or other-
24 wise made available by this Act may be used to provide
25 equipment, technical support, consulting services, or any

1 other form of assistance to the Palestinian Broadcasting
2 Corporation.

3 ASSISTANCE FOR THE WEST BANK AND GAZA

4 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2012,
5 30 days prior to the initial obligation of funds for the bi-
6 lateral West Bank and Gaza Program, the Secretary of
7 State shall certify to the Committees on Appropriations
8 that procedures have been established to assure the Comp-
9 troller General of the United States will have access to
10 appropriate United States financial information in order
11 to review the uses of United States assistance for the Pro-
12 gram funded under the heading “Economic Support
13 Fund” for the West Bank and Gaza.

14 (b) VETTING.—Prior to the obligation of funds ap-
15 propriated by this Act under the heading “Economic Sup-
16 port Fund” for assistance for the West Bank and Gaza,
17 the Secretary of State shall take all appropriate steps to
18 ensure that such assistance is not provided to or through
19 any individual, private or government entity, or edu-
20 cational institution that the Secretary knows or has reason
21 to believe advocates, plans, sponsors, engages in, or has
22 engaged in, terrorist activity nor, with respect to private
23 entities or educational institutions, those that have as a
24 principal officer of the entity’s governing board or gov-
25 erning board of trustees any individual that has been de-

1 terminated to be involved in, or advocating terrorist activity
2 or determined to be a member of a designated foreign ter-
3 rorist organization: *Provided*, That the Secretary of State
4 shall, as appropriate, establish procedures specifying the
5 steps to be taken in carrying out this subsection and shall
6 terminate assistance to any individual, entity, or edu-
7 cational institution which the Secretary has determined to
8 be involved in or advocating terrorist activity.

9 (c) PROHIBITION.—

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

16 (2) Notwithstanding any other provision of law,
17 none of the funds made available by this or prior ap-
18 propriations Acts, including funds made available by
19 transfer, may be made available for obligation for se-
20 curity assistance for the West Bank and Gaza until
21 the Secretary of State reports to the Committees on
22 Appropriations on the benchmarks that have been
23 established for security assistance for the West
24 Bank and Gaza and reports on the extent of Pales-
25 tinian compliance with such benchmarks.

1 (d) AUDITS.—

2 (1) The Administrator of the United States
3 Agency for International Development shall ensure
4 that Federal or non-Federal audits of all contrac-
5 tors and grantees, and significant subcontractors
6 and sub-grantees, under the West Bank and Gaza
7 Program, are conducted at least on an annual basis
8 to ensure, among other things, compliance with this
9 section.

10 (2) Of the funds appropriated by this Act up to
11 \$500,000 may be used by the Office of Inspector
12 General of the United States Agency for Inter-
13 national Development for audits, inspections, and
14 other activities in furtherance of the requirements of
15 this subsection: *Provided*, That such funds are in ad-
16 dition to funds otherwise available for such pur-
17 poses.

18 (e) Subsequent to the certification specified in sub-
19 section (a), the Comptroller General of the United States
20 shall conduct an audit and an investigation of the treat-
21 ment, handling, and uses of all funds for the bilateral
22 West Bank and Gaza Program, including all funds pro-
23 vided as cash transfer assistance, in fiscal year 2012
24 under the heading “Economic Support Fund”, and such
25 audit shall address—

1 Appropriations that waiving such prohibition is important
2 to the national security interests of the United States.

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

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

16 (e) CERTIFICATION.—If the President exercises the
17 waiver authority under subsection (b), the Secretary of
18 State must certify and report to the Committees on Ap-
19 propriations prior to the obligation of funds that the Pal-
20 estinian Authority has established a single treasury ac-
21 count for all Palestinian Authority financing and all fi-
22 nancing mechanisms flow through this account, no parallel
23 financing mechanisms exist outside of the Palestinian Au-
24 thority treasury account, and there is a single comprehen-
25 sive civil service roster and payroll.

1 (f) PROHIBITION TO HAMAS AND THE PALESTINE
2 LIBERATION ORGANIZATION.—

3 (1) None of the funds appropriated in titles III
4 through VI of this Act may be obligated for salaries
5 of personnel of the Palestinian Authority located in
6 Gaza or may be obligated or expended for assistance
7 to Hamas, or any entity effectively controlled by
8 Hamas, or any power-sharing government of which
9 Hamas is a member or that results from an agree-
10 ment with Hamas.

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

20 (3) The President may exercise the authority in
21 section 620K(e) of the Foreign Assistance Act as
22 added by the Palestinian Anti-Terrorism Act of
23 2006 (Public Law 109–446) with respect to this
24 subsection.

1 (4) Whenever the certification pursuant to
2 paragraph (2) is exercised, the Secretary of State
3 shall submit a report to the Committees on Appro-
4 priations within 120 days of the certification and
5 every quarter thereafter on whether such govern-
6 ment, including all of its ministers or such equiva-
7 lent are continuing to comply with the principles
8 contained in section 620K(b)(1)(A) and (B) of the
9 Foreign Assistance Act of 1961, as amended: *Pro-*
10 *vided*, That the report shall also detail the amount,
11 purposes and delivery mechanisms for any assistance
12 provided pursuant to the abovementioned certifi-
13 cation and a full accounting of any direct support of
14 such government.

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

18 IRAN SANCTIONS

19 SEC. 7041. (a) USE OF FUNDS.—It is the policy of
20 the United States to seek to prevent Iran from achieving
21 the capability to produce or otherwise manufacture nu-
22 clear weapons, including by supporting international diplo-
23 matic efforts to halt Iran's uranium enrichment program,
24 and the President should fully implement and enforce the
25 Iran Sanctions Act of 1996, as amended (Public Law 104-

1 172) as a means of encouraging foreign governments to
2 require state-owned and private entities to cease all invest-
3 ment in, and support of, Iran's energy sector and all ex-
4 ports of refined petroleum products to Iran.

5 (b) LIMITATION.—None of the funds appropriated or
6 otherwise made available in this Act under the heading
7 “Export-Import Bank of the United States” may be used
8 by the Export-Import Bank of the United States to pro-
9 vide any new financing (including loans, guarantees, other
10 credits, insurance, and reinsurance) to any person that is
11 subject to sanctions under paragraph (2) or (3) of section
12 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–
13 172).

14 (c) REPORTS.—

15 (1) The Secretary of State shall submit to the
16 Committees on Appropriations, not later than 90
17 days after the date of enactment of this Act and the
18 end of each 90-day period thereafter until Sep-
19 tember 30, 2012, a report on the status of the bilat-
20 eral and multilateral efforts aimed at curtailing the
21 pursuit by Iran of nuclear weapons technology.

22 (2) The Secretary of State, in consultation with
23 the Secretary of the Treasury, shall submit to the
24 Committees on Appropriations, not later than 180
25 days after the date of enactment of this Act, a re-

1 port on the status of bilateral United States and
2 multilateral sanctions against Iran and actions taken
3 by the United States and the international commu-
4 nity to enforce sanctions against Iran: *Provided*,
5 That such report may be submitted in classified
6 form if necessary and shall include the following:

7 (A) a list of all current United States bi-
8 lateral and multilateral sanctions against Iran;

9 (B) a list of all United States and foreign
10 entities that the Secretary of State has reason
11 to believe may be in violation of existing United
12 States bilateral and multilateral sanctions;

13 (C) a detailed description of United States
14 efforts to enforce sanctions, including a list of
15 all investigations initiated in the 12 months
16 preceding the date of enactment of this Act
17 that have resulted in a determination that a
18 sanctions violation has occurred, and actions
19 taken by the United States Government pursu-
20 ant to the determination;

21 (D) any case in which sanctions were
22 waived or otherwise not imposed against an en-
23 tity which was determined to have engaged in
24 activities for which sanctions should be imposed

1 and the reason why action was not taken to
2 sanction the entity; and

3 (E) a description of United States diplo-
4 matic efforts to expand bilateral and multilat-
5 eral sanctions against Iran and strengthen
6 international efforts to enforce existing sanc-
7 tions.

8 NEAR EAST

9 SEC. 7042. (a) EGYPT.—

10 (1) Of the funds appropriated under the head-
11 ing “Economic Support Fund” in this Act, up to
12 \$250,000,000 may be made available for assistance
13 for Egypt.

14 (2) None of the funds appropriated or otherwise
15 made available by title III of this Act may be made
16 available for assistance for the Government of Egypt
17 until the Secretary of State certifies and reports to
18 the Committees on Appropriations that the Govern-
19 ment of Egypt is—

20 (A) not controlled by a foreign terrorist or-
21 ganization, its affiliates or supporters;

22 (B) implementing the Egypt-Israel Peace
23 Treaty; and

1 (C) taking steps to detect and destroy the
2 smuggling network and tunnels between Egypt
3 and the Gaza strip.

4 (3) None of the funds appropriated or otherwise
5 made available in this Act may be used to reduce,
6 reschedule, or forgive the debt of the Government of
7 Egypt to the United States Government unless au-
8 thorized for such purposes.

9 (4) The limitation of paragraph (2) shall not
10 apply to assistance made available for the promotion
11 of democracy.

12 (b) IRAQ.—

13 (1) The terms and conditions of section 1106(a)
14 and (b) of Public Law 111–32 shall apply to assist-
15 ance for Iraq in fiscal year 2012.

16 (2) None of the funds made available in this
17 Act may be used by the Government of the United
18 States to enter into a permanent basing rights
19 agreement between the United States and Iraq.

20 (c) LEBANON.—None of the funds appropriated by
21 title IV of this Act may be made available for the Govern-
22 ment of Lebanon until the Secretary of State certifies and
23 reports to the Committees on Appropriations that—

24 (1) no ministry, agency, or instrumentality of
25 the Government of Lebanon is headed or effectively

1 controlled by Hezbollah or any other foreign ter-
2 rorist organization;

3 (2) a comprehensive anti-terrorism vetting and
4 tracking system exists for all Lebanese security
5 forces personnel benefitting from United States se-
6 curity assistance;

7 (3) all ministries, agencies, or instrumentalities
8 of the Government of Lebanon and operations that
9 directly or indirectly benefit from United States se-
10 curity assistance programs are financially trans-
11 parent and accountable; and

12 (4) United States security assistance and secu-
13 rity cooperation programs for Lebanon are not uti-
14 lized against the State of Israel's qualitative military
15 edge or military balance in the region.

16 (d) LIBYA.—None of the funds appropriated or other-
17 wise made available by this Act may be obligated for as-
18 sistance for the Government of Libya until the Secretary
19 of State certifies and reports to the Committees on Appro-
20 priations that—

21 (1) no ministry, agency, or instrumentality of
22 the Government of Libya is controlled by a foreign
23 terrorist organization;

24 (2) rule of law has been restored in Libya; and

1 (3) it is in the national security interest of the
2 United States to provide such assistance.

3 (e) MIDDLE EAST PEACE.—Funds appropriated by
4 this Act should be made available in a manner to further
5 peace in the Middle East between Israelis and Palestin-
6 ians.

7 (f) WEST BANK AND GAZA.—The reporting require-
8 ments contained in section 1404 of Public Law 110–252
9 shall apply to funds made available by this Act, including
10 a description of modifications, if any, to the security strat-
11 egy of the Palestinian Authority.

12 (g) YEMEN.—None of the funds appropriated or oth-
13 erwise made available by this Act may be obligated for
14 assistance for the Government of Yemen until the Sec-
15 retary of State certifies and reports to the Committees on
16 Appropriations that—

17 (1) no ministry, agency, or instrumentality of
18 the Government of Yemen is controlled by a foreign
19 terrorist organization;

20 (2) no member of a foreign terrorist organiza-
21 tion serves in any policy position in a ministry, agen-
22 cy, or instrumentality of the Government of Yemen
23 that is proposed to receive such assistance;

24 (3) a comprehensive anti-terrorism vetting and
25 tracking system exists for all Yemeni security forces

1 personnel benefitting from United States security as-
2 sistance; and

3 (4) all ministries, agencies, or instrumentalities
4 of the Government of Yemen that directly or indi-
5 rectly benefit from United States security assistance
6 are financially transparent and accountable.

7 AFRICA

8 SEC. 7043. (a) EXPANDED INTERNATIONAL MILI-
9 TARY EDUCATION AND TRAINING.—

10 (1) Funds appropriated under the heading
11 “International Military Education and Training” in
12 this Act that are made available for assistance for
13 Angola, Cameroon, Central African Republic, Chad,
14 Côte d’Ivoire, Guinea and Zimbabwe may be made
15 available only for training related to international
16 peacekeeping operations and expanded international
17 military education and training: *Provided*, That the
18 limitation included in this paragraph shall not apply
19 to courses that support training in maritime security
20 for Angola and Cameroon.

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

1 (b) COUNTERTERRORISM PROGRAMS.—Funds appro-
2 priated by this Act under the headings “Development As-
3 sistance”, “Economic Support Fund”, “International
4 Narcotics Control and Law Enforcement”, “Nonprolifera-
5 tion, Anti-terrorism, Demining, and Related Programs”,
6 and “Peacekeeping Operations” shall be made available
7 for—

8 (1) the East Africa Regional Strategic Initiative;

9 (2) Africa Conflict Stabilization and Border Security;

10 (3) the Trans-Sahara Counterterrorism Partnership;

11 and

12 (4) Horn of Africa and Pan Sahel Programs.

13 (c) RWANDA.—

14 (1) None of the funds appropriated by this Act under
15 the heading “Foreign Military Financing Program” may
16 be made available for assistance for Rwanda if the Sec-
17 retary of State has credible evidence that the Government
18 of Rwanda is providing political, military or financial sup-
19 port to armed groups in the Democratic Republic of the
20 Congo that have committed violations of internationally
21 recognized human rights, including rape.

22 (2) The restriction in paragraph (1) shall not apply
23 to assistance to improve border controls to prevent the im-
24 portation of minerals into Rwanda by such groups, or to

1 support the deployment of members of the Rwandan mili-
2 tary in international peacekeeping operations.

3 (d) NATURAL RESOURCE TRANSPARENCY.—Funds
4 appropriated by this Act that are available for assistance
5 for Liberia, Sierra Leone, Nigeria, Côte d’Ivoire, and the
6 countries participating in the Congo Basin Forest Part-
7 nership shall be made available to promote and support
8 transparency and accountability in relation to the extrac-
9 tion of timber, oil and gas, cacao and other natural re-
10 sources, including by strengthening implementation and
11 monitoring of the Extractive Industries Transparency Ini-
12 tiative and the Kimberley Process Certification Scheme.

13 (e) SUDAN LIMITATION ON ASSISTANCE.—

14 (1) Notwithstanding any other provision of law, none
15 of the funds appropriated by this Act may be made avail-
16 able for assistance for the Government of Sudan.

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

24 (3) The limitations of paragraphs (1) and (2) shall
25 not apply to—

1 (A) humanitarian assistance;

2 (B) assistance for the Darfur region, Southern
3 Kordofan/Nuba Mountains State, Blue Nile State,
4 and Abyei; and

5 (C) assistance to support implementation of the
6 Comprehensive Peace Agreement and the Darfur
7 Peace Agreement or any other internationally-recog-
8 nized viable peace agreement in Sudan.

9 (f) SOUTH SUDAN.—

10 (1) Notwithstanding any other provision of law, as-
11 sistance in this Act may be made available to the Govern-
12 ment of South Sudan to provide non-lethal military assist-
13 ance, military education and training, and defense services
14 controlled under the International Traffic in Arms Regula-
15 tions (22 CFR 120.1 et seq.) if the Secretary of State—

16 (A) determines that the provision of such items
17 is in the national interest of the United States; and

18 (B) not later than 15 days before the provision
19 of any such assistance, notifies the Committees on
20 Appropriations of such determination.

21 (2) The Secretary of State shall seek to obtain reg-
22 ular audits of the financial accounts of the Government
23 of South Sudan to ensure transparency and accountability
24 of funds, including revenues from the extraction of oil and
25 gas, and the public disclosure of such audits in a timely

1 manner: *Provided*, That in determining amounts and types
2 of United States assistance to make available to the Gov-
3 ernment of South Sudan, the Secretary shall consider the
4 extent to which such government is ensuring transparency
5 and accountability of funds: *Provided further*, That the
6 Secretary shall, as appropriate, assist the Government of
7 South Sudan in conducting such audits, and shall submit
8 a report not later than 90 days after enactment of this
9 Act to the Committees on Appropriations detailing the
10 steps that will be taken by the Government of South
11 Sudan to improve resource management and ensure trans-
12 parency and accountability of funds.

13 (g) WAR CRIMES IN AFRICA.—

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

19 (2) Funds appropriated by this Act may be made
20 available for assistance for the central government of a
21 country in which individuals indicted by ICTR and SCSL
22 are credibly alleged to be living, if the Secretary of State
23 determines and reports to the Committees on Appropria-
24 tions that such government is cooperating with ICTR and
25 SCSL, including the surrender and transfer of indietees

1 in a timely manner: *Provided*, That this subsection shall
2 not apply to assistance provided under section 551 of the
3 Foreign Assistance Act of 1961 or to project assistance
4 under title VI of this Act: *Provided further*, That the
5 United States shall use its voice and vote in the United
6 Nations Security Council to fully support efforts by ICTR
7 and SCSL to bring to justice individuals indicted by such
8 tribunals in a timely manner.

9 (3) The prohibition in subsection (2) may be waived
10 on a country-by-country basis if the President determines
11 that doing so is in the national security interest of the
12 United States: *Provided*, That prior to exercising such
13 waiver authority, the President shall submit a report to
14 the Committees on Appropriations, in classified form if
15 necessary, on—

16 (A) the steps being taken to obtain the coopera-
17 tion of the government in surrendering the indictee
18 in question to the court of jurisdiction;

19 (B) a strategy, including a timeline, for bring-
20 ing the indictee before such court; and

21 (C) the justification for exercising the waiver
22 authority.

23 (h) ZIMBABWE.—

24 (1) The Secretary of the Treasury shall instruct
25 the United States executive director to each inter-

1 national financial institution to vote against any ex-
2 tension by the respective institution of any loans to
3 the Government of Zimbabwe, except to meet basic
4 human needs or to promote democracy, unless the
5 Secretary of State determines and reports in writing
6 to the Committees on Appropriations that the rule
7 of law has been restored in Zimbabwe, including re-
8 spect for ownership and title to property, freedom of
9 speech and association.

10 (2) None of the funds appropriated by this Act
11 shall be made available for assistance for the central
12 government of Zimbabwe, except for health, edu-
13 cation, and macroeconomic growth assistance, unless
14 the Secretary of State makes the determination pur-
15 suant to paragraph (1).

16 ASIA

17 SEC. 7044. (a) TIBET.—

18 (1) The Secretary of the Treasury should in-
19 struct the United States executive director to each
20 international financial institution to use the voice
21 and vote of the United States to support projects in
22 Tibet if such projects do not provide incentives for
23 the migration and settlement of non-Tibetans into
24 Tibet or facilitate the transfer of ownership of Ti-
25 betan land and natural resources to non-Tibetans;

1 are based on a thorough needs-assessment; foster
2 self-sufficiency of the Tibetan people and respect Ti-
3 betan culture and traditions; and are subject to ef-
4 fective monitoring.

5 (2) Notwithstanding any other provision of law,
6 not less than \$7,400,000 of the funds appropriated
7 by this Act under the heading “Economic Support
8 Fund” should be made available to nongovernmental
9 organizations to support activities which preserve
10 cultural traditions and promote sustainable develop-
11 ment and environmental conservation in Tibetan
12 communities in the Tibetan Autonomous Region and
13 in other Tibetan communities in China.

14 (b) BURMA.—

15 (1) The Secretary of the Treasury shall instruct
16 the United States executive director to each appro-
17 priate international financial institution in which the
18 United States participates, to oppose and vote
19 against the extension by such institution of any loan
20 or financial or technical assistance or any other utili-
21 zation of funds of the respective bank to and for
22 Burma.

23 (2) Funds appropriated under the heading
24 “Economic Support Fund”, may be made available
25 to support democracy activities in Burma, along the

1 Burma-Thailand border, for activities of Burmese
2 student groups and other organizations located out-
3 side Burma, and for the purpose of supporting the
4 provision of humanitarian assistance to displaced
5 Burmese along Burma’s borders: *Provided*, That
6 funds made available pursuant to this paragraph
7 may be made available notwithstanding any other
8 provision of law: *Provided further*, That in addition
9 to assistance for Burmese refugees provided under
10 the heading “Migration and Refugee Assistance” in
11 this Act, funds may be made available for assistance
12 for community-based organizations operating in
13 Thailand to provide food, medical and other humani-
14 tarian assistance to internally displaced persons in
15 eastern Burma.

16 (3) Funds made available under paragraph (2)
17 for any new program, project or activity shall be
18 subject to prior consultation with the Committees on
19 Appropriations and all such funds made available
20 under paragraph (2) shall be subject to the regular
21 notification procedures of such Committees.

22 (c) NORTH KOREA.—None of the funds made avail-
23 able by this Act under the heading “Economic Support
24 Fund” may be made available for energy-related assist-
25 ance for North Korea.

1 (d) PEOPLE'S REPUBLIC OF CHINA.—

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

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

23 WESTERN HEMISPHERE

24 SEC. 7045. (a) TRADE CAPACITY.—Funds under the
25 “Development Assistance” and “Economic Support

1 Fund'' headings should be made available for labor and
2 environmental capacity building activities relating to the
3 free trade agreements with countries of Central America,
4 Peru, and the Dominican Republic.

5 (b) COLOMBIA.—

6 (1) Funds appropriated by this Act and made
7 available to the Department of State for assistance
8 to the Government of Colombia may be used to sup-
9 port a unified campaign against narcotics traf-
10 ficking, criminal and illegal groups, and organiza-
11 tions designated as Foreign Terrorist Organizations
12 and successor organizations, and to take actions to
13 protect human health and welfare in emergency cir-
14 cumstances, including undertaking rescue oper-
15 ations: *Provided*, That no United States Armed
16 Forces personnel or United States civilian contractor
17 employed by the United States will participate in
18 any combat operation in connection with assistance
19 made available by this Act for Colombia: *Provided*
20 *further*, That rotary and fixed wing aircraft sup-
21 ported with funds appropriated under the heading
22 'International Narcotics Control and Law Enforce-
23 ment' for assistance for Colombia may be used for
24 aerial or manual drug eradication and interdiction
25 including to transport personnel and supplies and to

1 provide security for such operations: *Provided fur-*
2 *ther*, That such aircraft may also be used to provide
3 transport in support of alternative development pro-
4 grams and investigations by civilian judicial authori-
5 ties: *Provided further*, That the President shall en-
6 sure that if any helicopter procured with funds in
7 this Act or prior Acts making appropriations for the
8 Department of State, foreign operations, and related
9 programs, is used to aid or abet the operations of
10 any illegal self-defense group, paramilitary organiza-
11 tion, illegal security cooperative or successor organi-
12 zations in Colombia, such helicopter shall be imme-
13 diately returned to the United States: *Provided fur-*
14 *ther*, That none of the funds appropriated by this
15 Act or prior Acts making appropriations for the De-
16 partment of State, foreign operations, and related
17 programs may be made available for assistance for
18 the Colombian Departamento Administrativo de
19 Seguridad: *Provided further*, That none of the funds
20 appropriated by this Act for assistance for Colombia
21 shall be made available for the cultivation or proc-
22 essing of African oil palm, if doing so would con-
23 tribute to significant loss of native species, disrupt
24 or contaminate natural water sources, reduce local
25 food security, or cause the forced displacement of

1 local people: *Provided further*, That funds appro-
2 priated by this Act may not be used for aerial eradi-
3 cation in Colombia's national parks or reserves un-
4 less the Secretary of State reports to the Commit-
5 tees on Appropriations that the President of Colom-
6 bia has requested assistance for such programs. (2)
7 The Secretary of State shall submit a report to the
8 Committees on Appropriations not later than 60
9 days after enactment of this Act on the efforts the
10 Colombian Armed Forces are taking to .

11 (2) The Secretary of State shall submit a report
12 to the Committees on Appropriations not later than
13 60 days after enactment of this Act on the efforts
14 the Colombian Armed Forces are taking to—

15 (A) suspend, investigate and prosecute
16 members of the Armed Forces who have been
17 credibly alleged to have violated human rights
18 or who has aided, abetted or benefitted from
19 paramilitary organizations, successor armed
20 groups or criminal groups, and are cooperating
21 fully with civilian investigation and prosecution
22 of such cases;

23 (B) sever all links with paramilitary orga-
24 nizations, successor armed groups or criminal
25 organizations;

1 (C) dismantle paramilitary networks, suc-
2 cessor armed groups and criminal organiza-
3 tions, and return land and other assets illegally
4 acquired by such organizations to their rightful
5 owners; and

6 (D) protect the rights of civilians, includ-
7 ing human rights defenders, journalists, trade
8 unionists, political opposition and religious lead-
9 ers, and indigenous and Afro-Colombian com-
10 munities, and distinguish between civilians, in-
11 cluding displaced persons, and combatants in
12 their operations.

13 (c) HAITI.—

14 (1) The Government of Haiti shall be eligible to
15 purchase defense articles and services under the
16 Arms Export Control Act (22 U.S.C. 2751 et seq.),
17 for the Coast Guard.

18 (2) None of the funds made available by this
19 Act under the heading “International Narcotics Con-
20 trol and Law Enforcement” may be used to transfer
21 excess weapons, ammunition or other lethal property
22 of an agency of the United States Government to
23 any individual or unit of the Haitian National Police
24 if the Secretary of State has credible information
25 that such individual or unit has committed a gross

1 violation of internationally recognized human rights
2 or other serious crimes.

3 (d) GUATEMALA.—Funds appropriated by this Act
4 under the heading “International Military Education and
5 Training” and “Foreign Military Financing Program”
6 that are available for assistance for Guatemala may be
7 made available only for the Guatemalan Air Force, Navy
8 and Army Corps of Engineers.

9 (e) AIRCRAFT OPERATIONS AND MAINTENANCE.—To
10 the maximum extent practicable, the costs of operations
11 and maintenance, including fuel, of aircraft funded by this
12 Act should be borne by the recipient country.

13 AFGHANISTAN

14 SEC. 7046. (a) LIMITATION.—None of the funds ap-
15 propriated or otherwise made available under titles III and
16 IV of this Act may be obligated for assistance for the Gov-
17 ernment of Afghanistan until the Secretary of State, in
18 consultation with the Administrator of the United States
19 Agency for International Development (USAID), certifies
20 and reports to the Committees on Appropriations the fol-
21 lowing:

22 (1) The Government of Afghanistan is—

23 (A) making significant progress on, or has
24 completed, each of the ten prior actions re-
25 quired for an International Monetary Fund

1 (IMF) program in Afghanistan that were
2 agreed to on April 17, 2011 by the IMF and
3 the Government of Afghanistan;

4 (B) demonstrating a commitment to re-
5 duce corruption and improve governance, in-
6 cluding by investigating, prosecuting, and sanc-
7 tioning or removing corrupt officials from office
8 and to implement financial transparency and
9 accountability measures for government institu-
10 tions and officials (including the Central Bank);

11 (C) taking significant steps to facilitate ac-
12 tive public participation in governance and over-
13 sight; and

14 (D) taking credible steps to protect the
15 internationally recognized human rights of Af-
16 ghan women.

17 (2) There is a unified United States Govern-
18 ment anticorruption strategy for Afghanistan.

19 (3) Funds will be programmed to support and
20 strengthen the capacity of Afghan public and private
21 institutions and entities to reduce corruption and to
22 improve transparency and accountability of national,
23 provincial, and local governments, in a manner con-
24 sistent with the spending plan submitted to the

1 Committees on Appropriations on October 26, 2010
2 (CN 10–298).

3 (4) Representatives of Afghan national, provin-
4 cial, or local governments, local communities, and
5 civil society organizations, as appropriate, will be
6 consulted and participate in the design of programs,
7 projects, and activities, including participation in im-
8 plementation and oversight, and the development of
9 specific benchmarks to measure progress and out-
10 comes.

11 (5) Funds will be used to train and deploy addi-
12 tional United States Government direct-hire per-
13 sonnel to improve monitoring and control of assist-
14 ance.

15 (6) A framework and methodology is being uti-
16 lized to assess national, provincial, local, and sector
17 level fiduciary risks relating to public financial man-
18 agement of United States Government assistance.

19 (b) ASSISTANCE AND OPERATIONS.—

20 (1) Funds appropriated by this Act under the
21 headings “Economic Support Fund” and “Inter-
22 national Narcotics Control and Law Enforcement”
23 that are available for assistance for Afghanistan—

24 (A) shall be made available, to the max-
25 imum extent practicable, in a manner that em-

1 phasizes the participation of Afghan women,
2 and directly improves the security, economic
3 and social well-being, and political status, and
4 protects the rights of, Afghan women and girls
5 and complies with sections 7062 and 7063 of
6 this Act, including support for the Afghan Inde-
7 pendent Human Rights Commission, the Af-
8 ghan Ministry of Women’s Affairs, and women-
9 led nongovernmental organizations;

10 (B) may be made available for a United
11 States contribution to an internationally-man-
12 aged fund to support the reconciliation with
13 and disarmament, demobilization, and re-
14 integration into Afghan society of, former com-
15 batants who have renounced violence against
16 the Government of Afghanistan: *Provided*, That
17 funds may be made available to support rec-
18 onciliation and reintegration activities only if—

19 (i) Afghan women are participating at
20 national, provincial, and local levels of gov-
21 ernment in the design, policy formulation
22 and implementation of the reconciliation or
23 reintegration process, and such process up-
24 holds steps taken by the Government of
25 Afghanistan to protect the internationally

1 recognized human rights of Afghan women;
2 and

3 (ii) such funds will not be used to
4 support any pardon or immunity from
5 prosecution, or any position in the Govern-
6 ment of Afghanistan or security forces, for
7 any leader of an armed group responsible
8 for crimes against humanity, war crimes,
9 or other violations of internationally recog-
10 nized human rights;

11 (C) may be made available as a United
12 States contribution to the Afghanistan Recon-
13 struction Trust Fund (ARTF) unless the Sec-
14 retary of State determines and reports to the
15 Committees on Appropriations that the World
16 Bank Monitoring Agent of the ARTF is unable
17 to conduct its financial control and audit re-
18 sponsibilities due to restrictions on security per-
19 sonnel by the Government of Afghanistan; and

20 (D) may be made available for a United
21 States contribution to the North Atlantic Trea-
22 ty Organization/International Security Assist-
23 ance Force Post-Operations Humanitarian Re-
24 lief Fund.

1 (2) Funds appropriated under the headings
2 “Economic Support Fund” and “International Nar-
3 cotics Control and Law Enforcement” by this Act
4 that are available for assistance for Afghanistan that
5 provide training for foreign police, judicial, and mili-
6 tary personnel shall address, where appropriate, gen-
7 der-based violence.

8 (3) The authority contained in section 1102(c)
9 of Public Law 111–32 shall continue in effect during
10 fiscal year 2012 and shall apply as if included in
11 this Act.

12 (4) The Coordinator for Rule of Law at the
13 United States Embassy in Kabul, Afghanistan, shall
14 be consulted on the use of all funds appropriated by
15 this Act for rule of law programs in Afghanistan.

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

20 (c) OVERSIGHT.—The Special Inspector General for
21 Afghanistan Reconstruction, the Inspector General of the
22 Department of State, and the Inspector General of the
23 United States Agency for International Development, shall
24 jointly develop and submit to the Committees on Appro-
25 priations within 45 days of enactment of this Act a coordi-

1 nated audit and inspection plan of United States assist-
2 ance for, and civilian operations in, Afghanistan.

3 PAKISTAN

4 SEC. 7047. None of the funds appropriated or other-
5 wise made available by this Act may be obligated for as-
6 sistance for Pakistan until the Secretary of State, in con-
7 sultation with the Secretary of Defense and the Director
8 of National Intelligence, certifies and reports to the Com-
9 mittees on Appropriations in writing that—

10 (1) the Government of Pakistan is—

11 (A) continuing to cooperate with the
12 United States in efforts to dismantle supplier
13 networks relating to the acquisition of nuclear
14 weapons-related materials, such as providing
15 relevant information from or direct access to
16 Pakistani nationals associated with such net-
17 works; and

18 (B) demonstrating a sustained commit-
19 ment to and is making demonstrable progress
20 in combating terrorist groups, including the ex-
21 tent to which the Government of Pakistan—

22 (i) is fully assisting the United States
23 with investigating the existence of an offi-
24 cial or unofficial support network in Paki-
25 stan for Osama Bin Laden, including by

1 providing the United States with direct ac-
2 cess to Osama Bin Laden's relatives in
3 Pakistan and to Osama Bin Laden's
4 former compound in Abbottabad and any
5 materials therein;

6 (ii) is facilitating the issuance of entry
7 and exit visas for official United States
8 visitors engaged in counterterrorism efforts
9 and training or other cooperative programs
10 and projects in Pakistan;

11 (iii) is ceasing support, including by
12 any elements within the Pakistan military
13 or its intelligence agency, to extremist and
14 terrorist groups, particularly to any group
15 that has conducted attacks against United
16 States or coalition forces in Afghanistan,
17 or against the territory or people of neigh-
18 boring countries;

19 (iv) is preventing al Qaeda, the
20 Taliban and associated terrorist groups,
21 such as the Haqqani Network, Lashkar-e-
22 Taiba and Jaish-e-Mohammed, from oper-
23 ating in the territory of Pakistan, includ-
24 ing carrying out cross-border attacks into
25 neighboring countries, closing terrorist

1 camps in the Federally Administrated
2 Tribal Areas, dismantling terrorist bases of
3 operations in other parts of the country,
4 including Quetta and Muridke, and taking
5 action when provided with intelligence
6 about high-level terrorist targets and elimi-
7 nating improvised explosive device (IED)
8 networks;

9 (v) is strengthening and fully imple-
10 menting counterterrorism and anti-money
11 laundering laws; and

12 (2) the security forces of Pakistan are not ma-
13 terially and substantially subverting the political or
14 judicial processes of Pakistan.

15 PROHIBITION ON PAYMENTS TO UNITED NATIONS

16 MEMBERS

17 SEC. 7048. None of the funds appropriated or made
18 available pursuant to titles III through VI of this Act for
19 carrying out the Foreign Assistance Act of 1961, may be
20 used to pay in whole or in part any assessments, arrear-
21 ages, or dues of any member of the United Nations or,
22 from funds appropriated by this Act to carry out chapter
23 1 of part I of the Foreign Assistance Act of 1961, the
24 costs for participation of another country's delegation at

1 international conferences held under the auspices of multi-
2 lateral or international organizations.

3 WAR CRIMES TRIBUNALS DRAWDOWN

4 SEC. 7049. If the President determines that doing so
5 will contribute to a just resolution of charges regarding
6 genocide or other violations of international humanitarian
7 law, the President may direct a drawdown pursuant to sec-
8 tion 552(c) of the Foreign Assistance Act of 1961 of up
9 to \$30,000,000 of commodities and services for the United
10 Nations War Crimes Tribunal established with regard to
11 the former Yugoslavia by the United Nations Security
12 Council or such other tribunals or commissions as the
13 Council may establish or authorize to deal with such viola-
14 tions, without regard to the ceiling limitation contained
15 in paragraph (2) thereof: *Provided*, That the determina-
16 tion required under this section shall be in lieu of any de-
17 terminations otherwise required under section 552(c): *Pro-*
18 *vided further*, That funds made available pursuant to this
19 section shall be made available subject to the regular noti-
20 fication procedures of the Committees on Appropriations.

21 PEACEKEEPING MISSIONS

22 SEC. 7050. None of the funds made available under
23 title I of this Act may be used for any United Nations
24 activity when it is made known to the Federal official hav-
25 ing authority to obligate or expend such funds that: (1)

1 the United Nations activity is a peacekeeping mission; (2)
2 such activity will involve United States Armed Forces
3 under the command or operational control of a foreign na-
4 tional; and (3) the President's military advisors have not
5 submitted to the President a recommendation that such
6 involvement is in the national interests of the United
7 States and the President has not submitted to the Con-
8 gress such a recommendation.

9 LIMITATIONS ON THE UNITED NATIONS

10 SEC. 7051. (a) UNITED NATIONS AUDITS.—Not
11 more than 70 percent of the funds made available in this
12 Act for a contribution to any organization, agency, or pro-
13 gram within the United Nations system or any inter-
14 national organization may be provided to such organiza-
15 tion, agency, or program or such international organiza-
16 tion until the Secretary of State certifies that—

17 (1) the organization provides the United States
18 Government with full and unfettered access to finan-
19 cial and performance audits regarding the implemen-
20 tation of funds of that organization; and

21 (2) the organization is publishing on a publicly
22 available Web site regular, financial, programmatic,
23 and reporting audits of the organization and its
24 grantees.

1 (b) UNITED NATIONS HUMAN RIGHTS COUNCIL.—
2 None of the funds made available by this Act may be used
3 by the Secretary of State for voluntary contributions or
4 payment of United States assessments in support of the
5 United Nations Human Rights Council.

6 (c) UNITED NATIONS RELIEF AND WORKS AGEN-
7 CY.—None of the funds made available by this Act under
8 the heading “Migration and Refugee Assistance” may be
9 made available as a contribution to the United Nations
10 Relief and Works Agency (UNRWA) until the Secretary
11 of State determines and reports to the Committees on Ap-
12 propriations, in writing, that UNRWA is—

13 (1) utilizing Operations Support Officers in the
14 West Bank and Gaza to inspect UNRWA installa-
15 tions and reporting any inappropriate use;

16 (2) acting promptly to address any staff or ben-
17 efiiciary violation of its own policies (including the
18 policies on neutrality and impartiality of employees)
19 and the legal requirements under section 301(e) of
20 the Foreign Assistance Act of 1961;

21 (3) taking necessary and appropriate measures
22 to ensure it is operating in compliance with the con-
23 ditions of section 301(e) of the Foreign Assistance
24 Act of 1961 and continuing regular reporting to the

1 Department of State on actions it has taken to en-
2 sure conformance with such conditions;

3 (4) taking steps to improve the transparency of
4 all educational materials currently in use in
5 UNRWA-administered schools;

6 (5) using curriculum materials in UNRWA-sup-
7 ported schools and summer camps designed to pro-
8 mote tolerance, non-violent conflict resolution, and
9 human rights;

10 (6) not engaging in operations with financial in-
11 stitutions or related entities in violation of relevant
12 United States law, is enhancing its transparency and
13 financial due diligence, and working to diversify its
14 banking operations in the region; and

15 (7) in compliance with the United Nations
16 Board of Auditors' biennial audit requirements and
17 is implementing in a timely fashion the Board's rec-
18 ommendations.

19 (d) TAX EQUALIZATION FUND.—The Secretary of
20 State shall report to the Committees on Appropriations
21 not later than 30 days after being notified of any credits
22 available to the United States under the United Nations
23 Tax Equalization Fund: *Provided*, That any such credits
24 shall only be available for United States assessed costs of
25 United States membership in the United Nations, as justi-

1 fied in the congressional budget justification for the De-
2 partment of State, and after notification of the Commit-
3 tees on Appropriations at least 15 days in advance of obli-
4 gation: *Provided further*, That the Secretary of State shall
5 account for all such credits in the congressional budget
6 justification for fiscal year 2013.

7 (e) UNITED NATIONS LEADERSHIP POSITIONS.—
8 None of the funds made available by this Act may be used
9 by the Secretary of State as a contribution to any organi-
10 zation, agency, or program within the United Nations sys-
11 tem if such organization, agency, or program is chaired
12 or presided over by a country, the government of which
13 the Secretary of State has determined, for purposes of sec-
14 tion 620A of the Foreign Assistance Act of 1961, section
15 40 of the Arms Export Control Act, section 6(j)(1) of the
16 Export Administration Act of 1979, or any other provision
17 of law, is a government that has repeatedly provided sup-
18 port for acts of international terrorism: *Provided*, That
19 none of the funds made available by this Act may be used
20 to pay expenses for any United States delegation to any
21 specialized agency, body, or commission of the United Na-
22 tions, if such agency, body, or commission is chaired or
23 presided over by a country described in this subsection.

24 (f) UNITED NATIONS CAPITAL MASTER PLAN.—
25 None of the funds made available in this Act for the

1 United Nations Capital Master Plan may be used for the
2 design, renovation, or construction of the United Nations
3 Headquarters in New York in excess of the agreed upon
4 assessments of the United States pursuant to paragraph
5 10 of United Nations General Assembly Resolution 61/
6 251.

7 (g) WAIVER.—The restrictions imposed by or pursu-
8 ant to subsections (a) and (c) may be waived on a case-
9 by-case basis by the Secretary of State where she deter-
10 mines and reports to the Committees on Appropriations
11 that such waiver is necessary to avert a humanitarian cri-
12 sis.

13 COMMUNITY-BASED POLICE ASSISTANCE

14 SEC. 7052. (a) AUTHORITY.—Funds made available
15 by titles III and IV of this Act to carry out the provisions
16 of chapter 1 of part I and chapters 4 and 6 of part II
17 of the Foreign Assistance Act of 1961, may be used, not-
18 withstanding section 660 of that Act, to enhance the effec-
19 tiveness and accountability of civilian police authority
20 through training and technical assistance in human rights,
21 the rule of law, anti-corruption, strategic planning, and
22 through assistance to foster civilian police roles that sup-
23 port democratic governance including assistance for pro-
24 grams to prevent conflict, respond to disasters, address

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

3 (b) NOTIFICATION.—Assistance provided under sub-
4 section (a) shall be subject to prior consultation with, and
5 the regular notification procedures of, the Committees on
6 Appropriations.

7 ATTENDANCE AT INTERNATIONAL CONFERENCES

8 SEC. 7053. None of the funds made available in this
9 Act may be used to send or otherwise pay for the attend-
10 ance of more than 50 employees of agencies or depart-
11 ments of the United States Government who are stationed
12 in the United States, at any single international con-
13 ference occurring outside the United States, unless the
14 Secretary of State reports to the Committees on Appro-
15 priations at least five days in advance that such attend-
16 ance is in the national interest and provides a detailed
17 summary of staff attending and the departments, agen-
18 cies, and offices to which they are assigned: *Provided,*
19 That for purposes of this section the term “international
20 conference” shall mean a conference attended by rep-
21 resentatives of the United States Government and of for-
22 eign governments, international organizations, or non-
23 governmental organizations.

1 AIRCRAFT TRANSFER AND COORDINATION

2 SEC. 7054. (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”, and “Andean
9 Counterdrug Programs” may be used for any other pro-
10 gram and in any region, including for the transportation
11 of active and standby Civilian Response Corps personnel
12 and equipment during a deployment: *Provided*, That the
13 responsibility for policy decisions and justification for the
14 use of such transfer authority shall be the responsibility
15 of the Secretary of State and the Deputy Secretary of
16 State and this responsibility shall not be delegated.

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

25 (c) AIRCRAFT COORDINATION.—

1 and unpaid property taxes owed by the central government
2 of such country shall be withheld from obligation for as-
3 sistance for the central government of such country until
4 the Secretary of State submits a certification to the Com-
5 mittees on Appropriations stating that such parking fines
6 and penalties and unpaid property taxes are fully paid.

7 (b) Funds withheld from obligation pursuant to sub-
8 section (a) may be made available for other programs or
9 activities funded by this Act, after consultation with and
10 subject to the regular notification procedures of the Com-
11 mittees on Appropriations, provided that no such funds
12 shall be made available for assistance for the central gov-
13 ernment of a foreign country that has not paid the total
14 amount of the fully adjudicated parking fines and pen-
15 alties and unpaid property taxes owed by such country.

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

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

24 (2) The Secretary of State may waive the re-
25 quirements set forth in subsection (a) with respect

1 to the unpaid property taxes if the Secretary of
2 State determines that it is in the national interests
3 of the United States to do so.

4 (e) Not later than 6 months after the initial exercise
5 of the waiver authority in subsection (d), the Secretary
6 of State, after consultations with the City of New York,
7 shall submit a report to the Committees on Appropriations
8 describing a strategy, including a timetable and steps cur-
9 rently being taken, to collect the parking fines and pen-
10 alties and unpaid property taxes and interest owed by na-
11 tions receiving foreign assistance under this Act.

12 (f) In this section:

13 (1) The term “fully adjudicated” includes cir-
14 cumstances in which the person to whom the vehicle
15 is registered—

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

18 (ii) has not followed the appropriate adju-
19 dication procedure to challenge the summons;
20 and

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

23 (2) The term “parking fines and penalties”
24 means parking fines and penalties—

25 (A) owed to—

1 (i) the District of Columbia; or

2 (ii) New York, New York; and

3 (B) incurred during the period April 1,
4 1997, through September 30, 2011.

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

12 LANDMINES AND CLUSTER MUNITIONS

13 SEC. 7056. (a) LANDMINES.—Notwithstanding any
14 other provision of law, demining equipment available to
15 the United States Agency for International Development
16 and the Department of State and used in support of the
17 clearance of landmines and unexploded ordnance for hu-
18 manitarian purposes may be disposed of on a grant basis
19 in foreign countries, subject to such terms and conditions
20 as the President may prescribe.

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

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

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

12 PROHIBITION ON PUBLICITY OR PROPAGANDA

13 SEC. 7057. No part of any appropriation contained
14 in this Act shall be used for publicity or propaganda pur-
15 poses within the United States not authorized before the
16 date of the enactment of this Act by the Congress: *Pro-*
17 *vided*, That not to exceed \$25,000 may be made available
18 to carry out the provisions of section 316 of Public Law
19 96–533.

20 LIMITATION ON RESIDENCE EXPENSES

21 SEC. 7058. Of the funds appropriated or made avail-
22 able pursuant to title II of this Act, not to exceed
23 \$100,500 shall be for official residence expenses of the
24 United States Agency for International Development dur-
25 ing the current fiscal year: *Provided*, That appropriate

1 steps shall be taken to assure that, to the maximum extent
2 possible, United States-owned foreign currencies are uti-
3 lized in lieu of dollars.

4 UNITED STATES AGENCY FOR INTERNATIONAL
5 DEVELOPMENT MANAGEMENT
6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 7059. (a) AUTHORITY.—Up to \$93,000,000 of
8 the funds made available in title III of this Act to carry
9 out the provisions of part I of the Foreign Assistance Act
10 of 1961, including funds appropriated under the heading
11 “Assistance for Europe, Eurasia and Central Asia”, may
12 be used by the United States Agency for International De-
13 velopment (USAID) to hire and employ individuals in the
14 United States and overseas on a limited appointment basis
15 pursuant to the authority of sections 308 and 309 of the
16 Foreign Service Act of 1980.

17 (b) RESTRICTIONS.—

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

21 (2) The authority to hire individuals contained
22 in subsection (a) shall expire on September 30,
23 2013.

24 (c) CONDITIONS.—The authority of subsection (a)
25 may only be used to the extent that an equivalent number

1 of positions that are filled by personal services contractors
2 or other non-direct hire employees of USAID, who are
3 compensated with funds appropriated to carry out part I
4 of the Foreign Assistance Act of 1961, including funds
5 appropriated under the heading “Assistance for Europe,
6 Eurasia and Central Asia”, are eliminated.

7 (d) CONSULTATIONS.—The USAID Administrator
8 shall consult with the Committees on Appropriations on
9 a quarterly basis concerning the implementation of this
10 section.

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

19 (f) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
20 viduals hired and employed by USAID, with funds made
21 available in this Act or prior Acts making appropriations
22 for the Department of State, foreign operations, and re-
23 lated programs, pursuant to the authority of section 309
24 of the Foreign Service Act of 1980, may be extended for

1 a period of up to 4 years notwithstanding the limitation
2 set forth in such section.

3 (g) DISASTER SURGE CAPACITY.—Funds appro-
4 priated under title III of this Act to carry out part I of
5 the Foreign Assistance Act of 1961, including funds ap-
6 propriated under the heading “Assistance for Europe,
7 Eurasia and Central Asia”, may be used, in addition to
8 funds otherwise available for such purposes, for the cost
9 (including the support costs) of individuals detailed to or
10 employed by USAID whose primary responsibility is to
11 carry out programs in response to natural disasters.

12 (h) PERSONAL SERVICES CONTRACTORS.—Funds ap-
13 propriated by this Act to carry out chapter 1 of part I,
14 chapter 4 of part II, and section 667 of the Foreign As-
15 sistance Act of 1961, and title II of the Agricultural Trade
16 Development and Assistance Act of 1954, may be used
17 by USAID to employ up to 40 personal services contrac-
18 tors in the United States, notwithstanding any other pro-
19 vision of law, for the purpose of providing direct, interim
20 support for new or expanded overseas programs and ac-
21 tivities managed by the agency until permanent direct hire
22 personnel are hired and trained: *Provided*, That not more
23 than 10 of such contractors shall be assigned to any bu-
24 reau or office: *Provided further*, That not more than 15

1 of such contractors shall be for activities related to
2 USAID's Afghanistan program.

3 (i) SENIOR FOREIGN SERVICE LIMITED APPOINT-
4 MENTS.—Pursuant to the authority of section 309 of the
5 Foreign Service Act of 1980, and notwithstanding the lim-
6 itation set forth in section 305 of the Foreign Service Act
7 of 1980, as amended, USAID may appoint into the Senior
8 Foreign Service and employ up to 10 individuals to be as-
9 signed to or support programs in Iraq, Afghanistan, or
10 Pakistan with funds made available in this Act and prior
11 Acts making appropriations for the Department of State,
12 foreign operations, and related programs.

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

19 GLOBAL HEALTH ACTIVITIES

20 SEC. 7060. (a) Funds appropriated by titles III and
21 IV of this Act that are made available for bilateral assist-
22 ance for child survival activities or disease programs in-
23 cluding activities relating to research on, and the preven-
24 tion, treatment and control of, HIV/AIDS may be made
25 available notwithstanding any other provision of law ex-

1 cept for the provisions under the heading “Global Health
2 Initiative” and the United States Leadership Against
3 HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117
4 Stat. 711; 22 U.S.C. 7601 et seq.), as amended.

5 (b) Of the funds appropriated by this Act, not more
6 than \$461,000,000 may be made available for family plan-
7 ning/reproductive health.

8 (c) Notwithstanding any other provision of this Act,
9 none of the funds appropriated in this Act or in prior Acts
10 shall be used to carry out any program of distributing
11 sterile needles or syringes for the hypodermic injection of
12 any illegal drug.

13 (d) Of funds made available in this Act for a con-
14 tribution to the Global Fund to Fight AIDS, Tuberculosis
15 and Malaria (Global Fund), 20 percent shall be withheld
16 from obligation until the Secretary of State certifies and
17 reports in writing to the Committees on Appropriations
18 that—

19 (1) the Global Fund adopts, implements and
20 commits to a policy of full transparency, including
21 the publication of reports of the Inspector General
22 on a public website, and that such authority by the
23 Inspector General not be altered, amended, or re-
24 duced in any way;

1 (2) no changes have been made to the Global
2 Fund Disclosure Policy, and no changes to the In-
3 spector General’s ability to disclose the results of his
4 or her work; and that the Global Fund has not lim-
5 ited, reduced or minimized the discretion and au-
6 thority of the Inspector General in executing the
7 functions of the Office;

8 (3) the scope of the mandate of the Inspector
9 General to audit, investigate and inspect has not
10 been limited, impeded or restricted in any way; that
11 the current Terms of Reference and Charter have
12 not been altered or amended to reduce the scope and
13 reach of the Inspector General; and that the author-
14 ity of the Inspector General includes conducting pro-
15 grammatic audits (or “evaluations”) in addition to
16 financial audits;

17 (4) the Office of the Inspector General is fully
18 independent (free from direction other than the
19 Board, influence, interference and reporting in un-
20 dertaking its work) and that its resources have not
21 been reduced in the preceding 12 months; and

22 (5) the Inspector General reports directly to the
23 Global Fund Board leadership without interference
24 or through any committee.

1 PROHIBITION ON PROMOTION OF TOBACCO

2 SEC. 7061. None of the funds provided by this Act
3 shall be available to promote the sale or export of tobacco
4 or tobacco products, or to seek the reduction or removal
5 by any foreign country of restrictions on the marketing
6 of tobacco or tobacco products, except for restrictions
7 which are not applied equally to all tobacco or tobacco
8 products of the same type.

9 WOMEN IN DEVELOPMENT

10 SEC. 7062. (a) Programs funded under title III of
11 this Act shall include, where appropriate, gender consider-
12 ations in the planning, assessment, implementation, moni-
13 toring and evaluation of such programs.

14 (b) Funds made available under title III of this Act
15 shall be made available to support programs to enhance
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 access to financial services, and im-
20 proving women's ability to participate in the global econ-
21 omy.

22 (c) Funds made available under title III of this Act
23 for food security and agricultural development shall take
24 into consideration the unique needs of women, and tech-
25 nical assistance for women farmers should be a priority.

1 GENDER-BASED VIOLENCE

2 SEC. 7063. (a) Funds appropriated under the head-
3 ings “Development Assistance”, “Economic Support
4 Fund”, and “International Narcotics Control and Law
5 Enforcement” in this Act shall be made available for pro-
6 grams to address sexual and gender-based violence.

7 (b) Programs and activities funded under titles III
8 and IV of this Act that provide training for foreign police,
9 judicial, and military officials shall address, where appro-
10 priate, gender-based violence.

11 EDUCATION

12 SEC. 7064. (a) BASIC EDUCATION.—

13 (1) Of the funds appropriated by title III of
14 this Act, not less than \$800,000,000 shall be made
15 available for assistance for basic education, of which
16 not less than \$288,000,000 should be made available
17 under the heading “Development Assistance”.

18 (2) There shall continue to be a Coordinator of
19 United States Government Actions to Provide Basic
20 Education Assistance in developing countries as es-
21 tablished in section 664 of division J of Public Law
22 110–161.

23 (3) The United States Agency for International
24 Development shall ensure that programs supported
25 with funds appropriated for basic education in this

1 Act and prior Acts are integrated, when appropriate,
2 with health, agriculture, governance, and economic
3 development activities to address the economic and
4 social needs of the broader community.

5 (4) Funds appropriated by title III of this Act
6 for basic education may be made available for a con-
7 tribution to the Education for All Fast Track Initia-
8 tive.

9 (b) HIGHER EDUCATION.—Of the funds appropriated
10 by title III of this Act, not less than \$200,000,000 shall
11 be made available for assistance for higher education, in-
12 cluding to support partnerships between African and
13 United States institutions of higher education.

14 RECONCILIATION PROGRAMS

15 SEC. 7065. Of the funds appropriated by title III of
16 this Act under the headings “Economic Support Fund”
17 and “Development Assistance”, \$26,000,000 shall be
18 made available to support people to people reconciliation
19 programs which bring together individuals of different eth-
20 nic, religious and political backgrounds from areas of civil
21 strife and war, of which not less than \$10,000,000 shall
22 be made available for such programs in the Middle East:
23 *Provided*, That the Administrator of the United States
24 Agency for International Development shall consult with

1 the Committees on Appropriations, prior to the initial obli-
2 gation of funds, on the most effective uses of such funds.

3 COMPREHENSIVE EXPENDITURES REPORT

4 SEC. 7066. Not later than 180 days after the date
5 of enactment of this Act, the Secretary of State shall sub-
6 mit a report to the Committees on Appropriations detail-
7 ing the total amount of United States Government ex-
8 penditures in fiscal years 2010 and 2011, by Federal
9 agency, for assistance programs and activities in each for-
10 eign country, identifying the line item as presented in the
11 President's Budget Appendix and the purpose for which
12 the funds were provided: *Provided*, That if required, infor-
13 mation may be submitted in classified form.

14 REQUESTS FOR DOCUMENTS

15 SEC. 7067. None of the funds appropriated or made
16 available pursuant to titles III through VI of this Act shall
17 be available to a nongovernmental organization, including
18 any contractor, which fails to provide upon timely request
19 any document, file, or record necessary to the auditing re-
20 quirements of the United States Agency for International
21 Development.

22 INTERNATIONAL PRISON CONDITIONS

23 SEC. 7068. Funds appropriated by this Act to carry
24 out the provisions of chapters 1 and 11 of part I and chap-
25 ter 4 of part II of the Foreign Assistance Act of 1961

1 and the Support for East European Democracy (SEED)
2 Act of 1989, may be made available, notwithstanding sec-
3 tion 660 of the Foreign Assistance Act of 1961, for assist-
4 ance to help eliminate inhumane conditions in prisons and
5 other detention facilities.

6 PROHIBITION ON USE OF TORTURE

7 SEC. 7069. None of the funds made available in this
8 Act shall be used in any way whatsoever to support or
9 justify the use of torture, cruel or inhumane treatment
10 by any official or contract employee of the United States
11 Government.

12 EXTRADITION

13 SEC. 7070. (a) None of the funds appropriated in this
14 Act may be used to provide assistance (other than funds
15 provided under the headings “International Narcotics
16 Control and Law Enforcement”, “Migration and Refugee
17 Assistance”, “Emergency Migration and Refugee Assist-
18 ance”, and “Nonproliferation, Anti-terrorism, Demining
19 and Related Assistance”) for the central government of
20 a country which has notified the Department of State of
21 its refusal to extradite to the United States any individual
22 indicted for a criminal offense for which the maximum
23 penalty is life imprisonment without the possibility of pa-
24 role or for killing a law enforcement officer, as specified
25 in a United States extradition request.

1 (b) Subsection (a) shall only apply to the central gov-
2 ernment of a country with which the United States main-
3 tains diplomatic relations and with which the United
4 States has an extradition treaty and the government of
5 that country is in violation of the terms and conditions
6 of the treaty.

7 (c) The Secretary of State may waive the restriction
8 in subsection (a) on a case-by-case basis if the Secretary
9 certifies to the Committees on Appropriations that such
10 waiver is important to the national interests of the United
11 States.

12 ANTI-KLEPTOCRACY

13 SEC. 7071. (a) In furtherance of the National Strat-
14 egy to Internationalize Efforts Against Kleptocracy and
15 Presidential Proclamation 7750, the Secretary of State
16 shall compile and maintain a list of officials of foreign gov-
17 ernments and their immediate family members who the
18 Secretary has credible evidence have been involved in cor-
19 ruption relating to the extraction of natural resources in
20 their countries.

21 (b) Any individual on the list compiled under sub-
22 section (a) shall be ineligible for admission to the United
23 States.

24 (c) The Secretary may waive the application of sub-
25 section (b) if the Secretary determines that admission to

1 the United States is necessary to attend the United Na-
2 tions or to further United States law enforcement objec-
3 tives, or that the circumstances which caused the indi-
4 vidual to be included on the list have changed sufficiently
5 to justify the removal of the individual from the list.

6 (d) Not later than 90 days after enactment of this
7 Act and 180 days thereafter, the Secretary of State shall
8 report in writing, in classified form if necessary, to the
9 Committees on Appropriations describing the evidence of
10 corruption concerning each of the individuals listed pursu-
11 ant to subsection (a).

12 COMMERCIAL LEASING OF DEFENSE ARTICLES

13 SEC. 7072. Notwithstanding any other provision of
14 law, and subject to the regular notification procedures of
15 the Committees on Appropriations, the authority of sec-
16 tion 23(a) of the Arms Export Control Act may be used
17 to provide financing to Israel, Egypt and NATO and
18 major non-NATO allies for the procurement by leasing
19 (including leasing with an option to purchase) of defense
20 articles from United States commercial suppliers, not in-
21 cluding Major Defense Equipment (other than helicopters
22 and other types of aircraft having possible civilian applica-
23 tion), if the President determines that there are compel-
24 ling foreign policy or national security reasons for those

1 defense articles being provided by commercial lease rather
2 than by government-to-government sale under such Act.

3 INDEPENDENT STATES OF THE FORMER SOVIET UNION

4 SEC. 7073. (a) None of the funds appropriated under
5 the heading “Assistance for Europe, Eurasia and Central
6 Asia” shall be made available for assistance for a govern-
7 ment of an Independent State of the former Soviet Union
8 if that government directs any action in violation of the
9 territorial integrity or national sovereignty of any other
10 Independent State of the former Soviet Union, such as
11 those violations included in the Helsinki Final Act: *Pro-*
12 *vided*, That such funds may be made available without re-
13 gard to the restriction in this subsection if the President
14 determines that to do so is in the national security interest
15 of the United States.

16 (b) Funds appropriated under the heading “Assist-
17 ance for Europe, Eurasia and Central Asia” for the Rus-
18 sian Federation, Armenia, Kazakhstan, and Uzbekistan
19 shall be subject to the regular notification procedures of
20 the Committees on Appropriations.

21 (c)(1) Of the funds appropriated under the heading
22 “Assistance for Europe, Eurasia and Central Asia” that
23 are allocated for assistance for the Government of the
24 Russian Federation, 60 percent shall be withheld from ob-
25 ligation until the President determines and certifies in

1 writing to the Committees on Appropriations that the Gov-
2 ernment of the Russian Federation—

3 (A) has terminated implementation of ar-
4 rangements to provide Iran with technical ex-
5 pertise, training, technology, or equipment nec-
6 essary to develop a nuclear reactor, related nu-
7 clear research facilities or programs, or ballistic
8 missile capability; and

9 (B) is providing full access to international
10 non-government organizations providing hu-
11 manitarian relief to refugees and internally dis-
12 placed persons in Chechnya.

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

14 (A) assistance to combat infectious dis-
15 eases, child survival activities, or assistance for
16 victims of trafficking in persons; and

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

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

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

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

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

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

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

14 (6) humanitarian assistance.

15 REPRESSION IN THE RUSSIAN FEDERATION

16 SEC. 7074. (a) None of the funds appropriated under
17 the heading “Assistance for Europe, Eurasia and Central
18 Asia” in this Act may be made available for the Govern-
19 ment of the Russian Federation, after 180 days from the
20 date of the enactment of this Act, unless the Secretary
21 of State certifies to the Committees on Appropriations
22 that the Government of the Russian Federation:

23 (1) has implemented no statute, Executive order, reg-
24 ulation or similar government action that would discrimi-
25 nate, or which has as its principal effect discrimination,

1 against religious groups or religious communities in the
2 Russian Federation in violation of accepted international
3 agreements on human rights and religious freedoms to
4 which the Russian Federation is a party;

5 (2) is honoring its international obligations regarding
6 freedom of expression, assembly, and press, as well as due
7 process;

8 (3) is investigating and prosecuting law enforcement
9 personnel credibly alleged to have committed human rights
10 abuses against political leaders, activists and journalists;
11 and

12 (4) is immediately releasing political leaders, activists
13 and journalists who remain in detention.

14 (b) The Secretary of State may waive the require-
15 ments of subsection (a) if the Secretary determines that
16 to do so is important to the national interests of the
17 United States.

18 LIMITATION ON USE OF FUNDS IN CONTRAVENTION OF

19 CERTAIN LAWS

20 SEC. 7075. None of the funds made available in this
21 Act or prior Acts making appropriations for the Depart-
22 ment of State, foreign operations and related programs
23 may be used in contravention of any provision of, or
24 amendment made by, this Act, unless such authority is
25 expressly provided in statute: *Provided*, That if a deter-

1 mination is made on constitutional grounds by the Execu-
2 tive Branch that any provision of law covered by the pre-
3 ceding sentence shall not apply, the head of the relevant
4 Federal agency shall notify the Committees on Appropria-
5 tions in writing within 5 days of such determination, the
6 basis for such determination and any resulting changes
7 to program and policy.

8 INTERNATIONAL MONETARY FUND PROVISIONS

9 SEC. 7076. (a) The Secretary of the Treasury shall
10 instruct the United States Executive Director at the Inter-
11 national Monetary Fund (the Fund) to use the voice and
12 vote of the United States to oppose the provision by the
13 Fund of United States dollars, euros, or Japanese yen to
14 any country the government of which the Secretary of
15 State has determined, for purposes of section 6(j) of the
16 Export Administration Act of 1979, section 620A of the
17 Foreign Assistance Act of 1961, or section 40 of the Arms
18 Export Control Act, to be a government that has repeat-
19 edly provided support for acts of international terrorism,
20 in exchange for any Special Drawing Rights received by
21 the country pursuant to the amendments to the Articles
22 of Agreement of the Fund as described in section 64 of
23 the Bretton Woods Agreements Act.

24 (b) Amounts made available under the headings
25 “United States Quota, International Monetary Fund” and

1 “Loans to International Monetary Fund” under the head-
2 ing “International Assistance Programs—International
3 Monetary Programs”, in title XIV of the Supplemental
4 Appropriations Act, 2009 (Public Law 111-32; 123 Stat.
5 1916), shall be deobligated, withdrawn, and rescinded.

6 ENTERPRISE FUNDS

7 SEC. 7077. (a) Prior to the distribution of any assets
8 resulting from any liquidation, dissolution, or winding up
9 of an Enterprise Fund, in whole or in part, the President
10 shall submit to the Committees on Appropriations, in ac-
11 cordance with the regular notification procedures of the
12 Committees on Appropriations, a plan for the distribution
13 of the assets of the Enterprise Fund.

14 (b) None of the funds made available under titles III
15 through VI of this Act may be made available for Enter-
16 prise Funds unless the Committees on Appropriations are
17 notified at least fifteen days in advance.

18 LIMITATIONS ON FAMILY PLANNING/REPRODUCTIVE

19 HEALTH

20 SEC. 7078. (a) None of the funds appropriated or
21 otherwise made available by this Act may be made avail-
22 able for the United Nations Population Fund.

23 (b) None of the funds appropriated or otherwise
24 made available by this Act for population planning activi-
25 ties or other population assistance may be made available

1 to any foreign nongovernmental organization that pro-
2 motes or performs abortion, except in cases of rape or in-
3 cest or when the life of the mother would be endangered
4 if the fetus were carried to term.

5 LIMITATION ON POLITICAL DISCLOSURE REQUIREMENTS

6 SEC. 7079. None of the funds made available by this
7 Act may be used to implement any rule, regulation, or ex-
8 ecutive order regarding the disclosure of political contribu-
9 tions that takes effect on or after the date of enactment
10 of this Act.

11 NORTH AMERICAN DEVELOPMENT BANK

12 SEC. 7080. The Secretary of the Treasury shall sub-
13 mit to the Committees on Appropriations not later than
14 30 days after enactment of this Act, a report on the North
15 American Development Bank's current mandate and a
16 strategy for expanding such mandate to allow the North
17 American Development Bank to finance infrastructure
18 projects in the border region that promote growth in trade
19 and commerce between the United States and Mexico,
20 support sustainable economic development, reduce pov-
21 erty, foster job creation, and promote social development
22 in the region.

1 LIMITATION ON FUNDS RELATING TO TRANSFER OR RE-
2 LEASE OF INDIVIDUALS DETAINED AT NAVAL STA-
3 TION, GUANTANAMO BAY, CUBA

4 SEC. 7081. None of the funds made available in this
5 Act, or any prior Act making appropriations for the De-
6 partment of State, foreign operations, and related pro-
7 grams, may be obligated for any country, including a state
8 with a compact of free association with the United States,
9 that concludes an agreement with the United States to
10 receive by transfer or release individuals detained at Naval
11 Station, Guantanamo Bay, Cuba, unless, not later than
12 five days after the conclusion of the agreement, but prior
13 to implementation of the agreement, the Secretary of
14 State notifies the Committees on Appropriations in writ-
15 ing of the terms of the agreement.

16 RESCISSIONS

17 SEC. 7082. (a) Of the funds appropriated in prior
18 Acts making appropriations for the Department of State,
19 foreign operations and related programs under the head-
20 ing “Diplomatic and Consular Programs”, \$5,700,000 are
21 rescinded: *Provided*, That no amounts may be rescinded
22 from amounts that were designated by Congress as an
23 emergency requirement pursuant to a concurrent resolu-
24 tion on the budget or the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 (b) Of the unexpended balances available to the
2 President for bilateral economic assistance under the
3 heading “Economic Support Fund” from prior Acts mak-
4 ing appropriations for the Department of State, foreign
5 operations, and related programs, \$246,069,000 are re-
6 scinded: *Provided*, That not less than \$45,000,000 shall
7 be from unobligated balances available for the Economic
8 Support Fund account, as identified by Treasury Appro-
9 priation Fund Symbol 72X1037: *Provided further*, That
10 no amounts may be rescinded from amounts that were
11 designated by Congress as an emergency requirement pur-
12 suant to a concurrent resolution on the budget or the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985.

14 SPECIAL DEFENSE ACQUISITION FUND

15 (INCLUDING LIMITATION ON OBLIGATIONS)

16 SEC. 7083. (a) TRANSFER.—Of the Funds made
17 available pursuant to the last proviso in the second para-
18 graph under the heading “Foreign Military Financing
19 Program” in this Act, up to \$100,000,000 of such funds
20 may be transferred to the Special Defense Acquisition
21 Fund pursuant to section 51 of the Arms Export Control
22 Act.

23 (b) LIMITATION ON OBLIGATIONS.—Not to exceed
24 \$100,000,000 may be obligated pursuant to section
25 51(c)(2) of the Arms Export Control Act for the purposes

1 of the Special Defense Acquisition Fund (Fund), to re-
2 main available for obligation until September 30, 2015:
3 *Provided*, That the provision of defense articles and de-
4 fense services to foreign countries or international organi-
5 zations from the Fund shall be subject to the concurrence
6 of the Secretary of State.

7
8 TITLE VIII
9 GLOBAL WAR ON TERRORISM
10 DEPARTMENT OF STATE
11 ADMINISTRATION OF FOREIGN AFFAIRS
12 DIPLOMATIC AND CONSULAR PROGRAMS
13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Diplomatic and Con-
15 sular Programs”, \$4,323,255,000, to remain available
16 until September 30, 2013, of which \$246,854,000 is for
17 Worldwide Security Protection and shall remain available
18 until expended: *Provided*, That the Secretary of State may
19 transfer up to \$230,000,000 of the total funds made avail-
20 able under this heading to any other appropriation of any
21 department or agency of the United States, upon the con-
22 currence of the head of such department or agency, to sup-
23 port operations in and assistance for Afghanistan and to
24 carry out the provisions of the Foreign Assistance Act of
1961: *Provided*, That each amount in this paragraph is

1 designated as being for the global war on terrorism pursu-
2 ant to section 301 of H. Con. Res. 34 (112th Congress).

3 OFFICE OF INSPECTOR GENERAL

4 For an additional amount for “Office of Inspector
5 General”, \$62,932,000 to remain available until Sep-
6 tember 30, 2013, of which \$18,545,000 shall be for the
7 Special Inspector General for Iraq Reconstruction for re-
8 construction oversight, and \$44,387,000 shall be for the
9 Special Inspector General for Afghanistan Reconstruction
10 for reconstruction oversight: *Provided*, That each amount
11 in this paragraph is designated as being for the global war
12 on terrorism pursuant to section 301 of H. Con. Res. 34
13 (112th Congress).

14 UNITED STATES AGENCY FOR INTERNATIONAL
15 DEVELOPMENT

16 FUNDS APPROPRIATED TO THE PRESIDENT

17 OPERATING EXPENSES

18 For an additional amount for “Operating Expenses”,
19 \$85,200,000, to remain available until September 30,
20 2013: *Provided*, That each amount in this paragraph is
21 designated as being for the global war on terrorism pursu-
22 ant to section 301 of H. Con. Res. 34 (112th Congress).

1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 ECONOMIC SUPPORT FUND

4 For an additional amount for “Economic Support
5 Fund”, \$1,216,600,000, to remain available until Sep-
6 tember 30, 2013: *Provided*, That each amount in this
7 paragraph is designated as being for the global war on
8 terrorism pursuant to section 301 of H. Con. Res. 34
9 (112th Congress).

10 INTERNATIONAL SECURITY ASSISTANCE

11 DEPARTMENT OF STATE

12 INTERNATIONAL NARCOTICS CONTROL AND LAW

13 ENFORCEMENT

14 For an additional amount for “International Nar-
15 cotics Control and Law Enforcement”, \$914,400,000, to
16 remain available until September 30, 2013: *Provided*,
17 That each amount in this paragraph is designated as
18 being for the global war on terrorism pursuant to section
19 301 of H. Con. Res. 34 (112th Congress).

20 FUNDS APPROPRIATED TO THE PRESIDENT

21 FOREIGN MILITARY FINANCING PROGRAM

22 For an additional amount for “Foreign Military Fi-
23 nancing Program”, \$1,000,000,000: *Provided*, That each
24 amount in this paragraph is designated as being for the

1 global war on terrorism pursuant to section 301 of H.
2 Con. Res. 34 (112th Congress).

3 GENERAL PROVISIONS - THIS TITLE

4 SEC. 8001. Notwithstanding any other provision of
5 law, funds appropriated in this title are in addition to
6 amounts appropriated or otherwise made available in this
7 Act for fiscal year 2012.

8 SEC. 8002. Unless otherwise provided for in this Act,
9 the additional amounts appropriated by this title to appro-
10 priations accounts in this Act shall be available under the
11 authorities and conditions applicable to such appropria-
12 tions accounts.

13 TITLE IX

14 ADDITIONAL GENERAL PROVISION

15 SPENDING REDUCTION ACCOUNT

16 SEC. 9001. The amount by which the applicable allo-
17 cation of new budget authority made by the Committee
18 on Appropriations of the House of Representatives under
19 section 302(b) of the Congressional Budget Act of 1974
20 exceeds the amount of proposed new budget authority is
21 \$0.

22 This Act may be cited as the “Department of State,
23 Foreign Operations, and Related Programs Appropria-
24 tions Act, 2012”.

[FULL COMMITTEE PRINT]

Union Calendar No. _____

112TH CONGRESS
1ST Session

H. R. _____

[Report No. 112-__]

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.

_____, 2008

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