

1 **DIVISION I—DEPARTMENT OF STATE,**
2 **FOREIGN OPERATIONS, AND RELATED**
3 **PROGRAMS APPROPRIATIONS ACT,**
4 **2012**

5 TITLE I
6 DEPARTMENT OF STATE AND RELATED
7 AGENCY

8 DEPARTMENT OF STATE
9 ADMINISTRATION OF FOREIGN AFFAIRS
10 DIPLOMATIC AND CONSULAR PROGRAMS
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Department of State
13 and the Foreign Service not otherwise provided for,
14 \$6,550,947,000, of which up to \$1,355,000,000 is for
15 Worldwide Security Protection (to remain available until
16 expended): *Provided*, That funds made available under
17 this heading shall be allocated as follows:

- 18 (1) HUMAN RESOURCES.—For necessary ex-
19 penses for training, human resources management,
20 and salaries, including employment without regard
21 to civil service and classification laws of persons on
22 a temporary basis (not to exceed \$700,000), as au-
23 thorized by section 801 of the United States Infor-
24 mation and Educational Exchange Act of 1948,

1 \$2,277,862,000, to remain available until September
2 30, 2013, of which not less than \$121,814,000 shall
3 be available only for public diplomacy American sal-
4 aries, and up to \$203,800,000 is for Worldwide Se-
5 curity Protection and shall remain available until ex-
6 pended.

7 (2) OVERSEAS PROGRAMS.—For necessary ex-
8 penses for the regional bureaus of the Department
9 of State and overseas activities as authorized by law,
10 \$2,109,293,000, to remain available until September
11 30, 2013, of which not less than \$347,572,000 shall
12 be available only for public diplomacy international
13 information programs.

14 (3) DIPLOMATIC POLICY AND SUPPORT.—For
15 necessary expenses for the functional bureaus of the
16 Department of State including representation to cer-
17 tain international organizations in which the United
18 States participates pursuant to treaties ratified pur-
19 suant to the advice and consent of the Senate or
20 specific Acts of Congress, general administration,
21 and arms control, nonproliferation and disarmament
22 activities as authorized, \$822,513,000, to remain
23 available until September 30, 2013.

24 (4) SECURITY PROGRAMS.—For necessary ex-
25 penses for security activities, \$1,341,279,000, to re-

1 main available until September 30, 2013, of which
2 up to \$1,151,200,000 is for Worldwide Security Pro-
3 tection and shall remain available until expended.

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

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

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

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

4 (6) TRANSFER, REPROGRAMMING, AND OTHER
5 MATTERS.—

6 (A) Notwithstanding any provision of this
7 Act, funds may be reprogrammed within and
8 between subsections under this heading subject
9 to section 7015 of this Act;

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

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

24 (D) Of the amount made available under
25 this heading, up to \$6,000,000 may be trans-

1 ferred to, and merged with, funds made avail-
2 able by this Act under the heading "Depart-
3 ment of State, Administration of Foreign Af-
4 fairs, Capital Investment Fund": *Provided,*
5 That the transfer authority of this subpara-
6 graph is in addition to any other transfer au-
7 thority available to the Secretary of State.

8 (E)(i) The headings "Civilian Stabilization
9 Initiative" in titles I and II of prior acts mak-
10 ing appropriations for the Department of State,
11 foreign operations, and related programs shall
12 be renamed "Conflict Stabilization Operations".

13 (ii) Of the funds appropriated under this
14 heading, up to \$35,000,000, to remain available
15 until expended, may be transferred to, and
16 merged with, funds previously made available
17 under the heading "Conflict Stabilization Oper-
18 ations" in title I of prior acts making appro-
19 priations for the Department of State, foreign
20 operations and related programs, as amended
21 by subparagraph (i).

22 (F) None of the funds appropriated under
23 this heading may be used for the preservation
24 of religious sites unless the Secretary of State
25 determines and reports to the Committees on

1 Appropriations that such sites are historically,
2 artistically, or culturally significant, that the
3 purpose of the project is neither to advance nor
4 to inhibit the free exercise of religion, and that
5 the project is in the national interest of the
6 United States.

7 CAPITAL INVESTMENT FUND

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

13 OFFICE OF INSPECTOR GENERAL

14 For necessary expenses of the Office of Inspector
15 General, \$61,904,000, notwithstanding section 209(a)(1)
16 of the Foreign Service Act of 1980 (Public Law 96-465),
17 as it relates to post inspections.

18 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

19 For expenses of educational and cultural exchange
20 programs, as authorized, \$583,200,000, to remain avail-
21 able until expended: *Provided*, That not to exceed
22 \$5,000,000, to remain available until expended, may be
23 credited to this appropriation from fees or other payments
24 received from or in connection with English teaching, edu-

1 cational advising and counseling programs, and exchange
2 visitor programs as authorized.

3 REPRESENTATION ALLOWANCES

4 For representation allowances as authorized,
5 \$7,300,000.

6 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

7 For expenses, not otherwise provided, to enable the
8 Secretary of State to provide for extraordinary protective
9 services, as authorized, \$27,000,000, to remain available
10 until September 30, 2013.

11 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

12 For necessary expenses for carrying out the Foreign
13 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
14 serving, maintaining, repairing, and planning for buildings
15 that are owned or directly leased by the Department of
16 State, renovating, in addition to funds otherwise available,
17 the Harry S Truman Building, and carrying out the Dip-
18 lomatic Security Construction Program as authorized,
19 \$762,000,000, to remain available until expended as au-
20 thorized, of which not to exceed \$25,000 may be used for
21 domestic and overseas representation as authorized: *Pro-*
22 *vided*, That none of the funds appropriated in this para-
23 graph shall be available for acquisition of furniture, fur-
24 nishings, or generators for other departments and agen-
25 cies.

1 In addition, for the costs of worldwide security up-
2 grades, acquisition, and construction as authorized,
3 \$775,000,000, to remain available until expended: *Pro-*
4 *vided*, That not later than 45 days after enactment of this
5 Act, the Secretary of State shall submit to the Committees
6 on Appropriations the proposed allocation of funds made
7 available under this heading and the actual and antici-
8 pated proceeds of sales for all projects in fiscal year 2012.

9 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR
10 SERVICE

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to enable the Secretary of
13 State to meet unforeseen emergencies arising in the Diplo-
14 matic and Consular Service, \$9,300,000, to remain avail-
15 able until expended as authorized, of which not to exceed
16 \$1,000,000 may be transferred to, and merged with, funds
17 appropriated by this Act under the heading "Repatriation
18 Loans Program Account", subject to the same terms and
19 conditions.

20 REPATRIATION LOANS PROGRAM ACCOUNT

21 (INCLUDING TRANSFER OF FUNDS)

22 For the cost of direct loans, \$1,447,000, as author-
23 ized, of which \$710,000 may be made available for admin-
24 istrative expenses necessary to carry out the direct loan
25 program and may be paid to "Diplomatic and Consular

1 Programs": *Provided*, That such costs, including the cost
2 of modifying such loans, shall be as defined in section 502
3 of the Congressional Budget Act of 1974.

4 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

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

7 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
8 DISABILITY FUND

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

11 INTERNATIONAL ORGANIZATIONS

12 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

13 For necessary expenses, not otherwise provided for,
14 to meet annual obligations of membership in international
15 multilateral organizations, pursuant to treaties ratified
16 pursuant to the advice and consent of the Senate, conven-
17 tions or specific Acts of Congress, \$1,449,700,000: *Pro-*
18 *vided*, That the Secretary of State shall, at the time of
19 the submission of the President's budget to Congress
20 under section 1105(a) of title 31, United States Code,
21 transmit to the Committees on Appropriations the most
22 recent biennial budget prepared by the United Nations for
23 the operations of the United Nations: *Provided further*,
24 That the Secretary of State shall notify the Committees
25 on Appropriations at least 15 days in advance (or in an

1 emergency, as far in advance as is practicable) of any
2 United Nations action to increase funding for any United
3 Nations program without identifying an offsetting de-
4 crease elsewhere in the United Nations budget: *Provided*
5 *further*, That the Secretary of State shall report to the
6 Committees on Appropriations not later than May 1,
7 2012, on any credits available to the United States from
8 the United Nations Tax Equalization Fund (TEF) and
9 provide updated fiscal year 2013 assessment costs includ-
10 ing offsets from available TEF credits and updated for-
11 eign currency exchange rates: *Provided further*, That any
12 such credits shall only be available for United States as-
13 sessed contributions to the United Nations and shall be
14 subject to the regular notification procedures of the Com-
15 mittees on Appropriations: *Provided further*, That any
16 payment of arrearages under this heading shall be directed
17 toward activities that are mutually agreed upon by the
18 United States and the respective international organiza-
19 tion: *Provided further*, That none of the funds appro-
20 priated under this heading shall be available for a United
21 States contribution to an international organization for
22 the United States share of interest costs made known to
23 the United States Government by such organization for
24 loans incurred on or after October 1, 1984, through exter-
25 nal borrowings.

1 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

2 ACTIVITIES

3 For necessary expenses to pay assessed and other ex-
4 penses of international peacekeeping activities directed to
5 the maintenance or restoration of international peace and
6 security, \$1,828,182,000, of which 15 percent shall re-
7 main available until September 30, 2013: *Provided*, That
8 none of the funds made available by this Act shall be obli-
9 gated or expended for any new or expanded United Na-
10 tions peacekeeping mission unless, at least 15 days in ad-
11 vance of voting for the new or expanded mission in the
12 United Nations Security Council (or in an emergency as
13 far in advance as is practicable), the Committees on Ap-
14 propriations are notified: (1) of the estimated cost and du-
15 ration of the mission, the national interest that will be
16 served, and the exit strategy; (2) that the United Nations
17 has taken necessary measures to prevent United Nations
18 employees, contractor personnel, and peacekeeping troops
19 serving in the mission from trafficking in persons, exploit-
20 ing victims of trafficking, or committing acts of illegal sex-
21 ual exploitation or other violations of human rights, and
22 to bring to justice individuals who engage in such acts
23 while participating in the peacekeeping mission, including
24 prosecution in their home countries of such individuals in
25 connection with such acts, and to make information about

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

1 any other provision of law, funds appropriated or other-
2 wise made available under this heading shall be available
3 for United States assessed contributions up to the amount
4 specified in Annex IV accompanying United Nations Gen-
5 eral Assembly Resolution 64/220: *Provided further*, That
6 such funds may be made available above the amount au-
7 thorized in section 404(b)(2)(B) of the Foreign Relations
8 Authorization Act, fiscal years 1994 and 1995 (22 U.S.C.
9 287e note) only if the Secretary of State determines and
10 reports to the Committees on Appropriations, the Com-
11 mittee on Foreign Affairs of the House of Representatives,
12 and the Committee on Foreign Relations of the Senate
13 that it is important to the national interest of the United
14 States: *Provided further*, That the Secretary of State shall
15 report to the Committees on Appropriations not later than
16 May 1, 2012, of any credits available to the United States
17 resulting from United Nations peacekeeping missions or
18 the United Nations Tax Equalization Fund: *Provided fur-*
19 *ther*, That any such credits shall only be available for
20 United States assessed contributions to the United Na-
21 tions and shall be subject to the regular notification proce-
22 dures of the Committees on Appropriations.

1 INTERNATIONAL COMMISSIONS

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

5 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
6 UNITED STATES AND MEXICO

7 For necessary expenses for the United States Section
8 of the International Boundary and Water Commission,
9 United States and Mexico, and to comply with laws appli-
10 cable to the United States Section, including not to exceed
11 \$6,000 for representation; as follows:

12 SALARIES AND EXPENSES

13 For salaries and expenses, not otherwise provided for,
14 \$44,722,000.

15 CONSTRUCTION

16 For detailed plan preparation and construction of au-
17 thorized projects, \$31,453,000, to remain available until
18 expended, as authorized.

19 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

20 For necessary expenses, not otherwise provided, for
21 the International Joint Commission and the International
22 Boundary Commission, United States and Canada, as au-
23 thorized by treaties between the United States and Can-
24 ada or Great Britain, and the Border Environment Co-
25 operation Commission as authorized by Public Law 103-

1 182, \$11,687,000: *Provided*, That of the amount provided
2 under this heading for the International Joint Commis-
3 sion, \$9,000 may be made available for representation ex-
4 penses.

5 INTERNATIONAL FISHERIES COMMISSIONS

6 For necessary expenses for international fisheries
7 commissions, not otherwise provided for, as authorized by
8 law, \$36,300,000: *Provided*, That the United States share
9 of such expenses may be advanced to the respective com-
10 missions pursuant to 31 U.S.C. 3324.

11 RELATED AGENCY

12 BROADCASTING BOARD OF GOVERNORS

13 INTERNATIONAL BROADCASTING OPERATIONS

14 For necessary expenses to enable the Broadcasting
15 Board of Governors (BBG), as authorized, to carry out
16 international communication activities, and to make and
17 supervise grants for radio and television broadcasting to
18 the Middle East, \$740,100,000: *Provided*, That funds ap-
19 propriated under this heading shall be made available to
20 expand unrestricted access to information on the Internet
21 through the development and use of circumvention and se-
22 cure communication technologies: *Provided further*, That
23 the circumvention technologies and programs supported
24 by such funds shall undergo a review, to include an assess-
25 ment of protections against such technologies being used

1 for illicit purposes: *Provided further*, That the BBG shall
2 coordinate the development and use of such technologies
3 with the Secretary of State, as appropriate: *Provided fur-*
4 *ther*, That of the total amount appropriated under this
5 heading, not to exceed \$16,000 may be used for official
6 receptions within the United States as authorized, not to
7 exceed \$35,000 may be used for representation abroad as
8 authorized, and not to exceed \$39,000 may be used for
9 official reception and representation expenses of Radio
10 Free Europe/Radio Liberty: *Provided further*, That the au-
11 thority provided by section 504(c) of the Foreign Relations
12 Authorization Act, Fiscal Year 2003 (Public Law 107-
13 228; 22 U.S.C. 6206 note) shall remain in effect through
14 September 30, 2012: *Provided further*, That the BBG
15 shall notify the Committees on Appropriations within 15
16 days of any determination by the Board that any of its
17 broadcast entities, including its grantee organizations,
18 provides an open platform for international terrorists or
19 those who support international terrorism, or is in viola-
20 tion of the principles and standards set forth in the United
21 States International Broadcasting Act of 1994 (22 U.S.C.
22 6202(a) and (b)) or the entity's journalistic code of ethics:
23 *Provided further*, That significant modifications to BBG
24 broadcast hours previously justified to Congress, including
25 changes to transmission platforms (shortwave, medium

1 wave, satellite, Internet, and television), for all BBG lan-
2 guage services shall be subject to the regular notification
3 procedures of the Committees on Appropriations: *Provided*
4 *further*, That in addition to funds made available under
5 this heading, and notwithstanding any other provision of
6 law, up to \$2,000,000 in receipts from advertising and
7 revenue from business ventures, up to \$500,000 in re-
8 ceipts from cooperating international organizations, and
9 up to \$1,000,000 in receipts from privatization efforts of
10 the Voice of America and the International Broadcasting
11 Bureau, to remain available until expended for carrying
12 out authorized purposes.

13 BROADCASTING CAPITAL IMPROVEMENTS

14 For the purchase, rent, construction, and improve-
15 ment of facilities for radio and television transmission and
16 reception, and purchase and installation of necessary
17 equipment for radio and television transmission and recep-
18 tion, including to Cuba, as authorized, \$7,030,000, to re-
19 main available until expended, as authorized.

20 RELATED PROGRAMS

21 THE ASIA FOUNDATION

22 For a grant to The Asia Foundation, as authorized
23 by The Asia Foundation Act (22 U.S.C. 4402),
24 \$17,000,000, to remain available until expended, as au-
25 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, \$30,589,000, to remain available until Sep-
5 tember 30, 2013, which shall not be used for construction
6 activities.

7 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE
8 TRUST FUND

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

16 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

17 For necessary expenses of Eisenhower Exchange Fel-
18 lowships, Incorporated, as authorized by sections 4 and
19 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
20 U.S.C. 5204-5205), all interest and earnings accruing to
21 the Eisenhower Exchange Fellowship Program Trust
22 Fund on or before September 30, 2012, to remain avail-
23 able until expended: *Provided*, That none of the funds ap-
24 propriated herein shall be used to pay any salary or other
25 compensation, or to enter into any contract providing for

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

7 ISRAELI ARAB SCHOLARSHIP PROGRAM

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

14 EAST-WEST CENTER

15 To enable the Secretary of State to provide for car-
16 rying out the provisions of the Center for Cultural and
17 Technical Interchange Between East and West Act of
18 1960, by grant to the Center for Cultural and Technical
19 Interchange Between East and West in the State of Ha-
20 waii, \$16,700,000: *Provided*, That none of the funds ap-
21 propriated herein shall be used to pay any salary, or enter
22 into any contract providing for the payment thereof, in
23 excess of the rate authorized by 5 U.S.C. 5376.

1 NATIONAL ENDOWMENT FOR DEMOCRACY

2 For grants made by the Department of State to the
3 National Endowment for Democracy, as authorized by the
4 National Endowment for Democracy Act, \$117,764,000,
5 to remain available until expended, of which \$100,000,000
6 shall be allocated in the traditional and customary man-
7 ner, including for the core institutes, and \$17,764,000
8 shall be for democracy, human rights, and rule of law pro-
9 grams: *Provided*, That the President of the National En-
10 dowment for Democracy shall submit to the Committees
11 on Appropriations not later than 45 days after the date
12 of enactment of this Act a report on the proposed uses
13 of funds under this heading on a regional and country
14 basis.

15 OTHER COMMISSIONS

16 COMMISSION FOR THE PRESERVATION OF AMERICA'S

17 HERITAGE ABROAD

18 SALARIES AND EXPENSES

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

1 UNITED STATES COMMISSION ON INTERNATIONAL
2 RELIGIOUS FREEDOM
3 SALARIES AND EXPENSES

4 For necessary expenses for the United States Com-
5 mission on International Religious Freedom, as authorized
6 by title II of the International Religious Freedom Act of
7 1998 (Public Law 105-292), \$3,000,000, to remain avail-
8 able until September 30, 2013: *Provided*, That section 209
9 of the International Religious Freedom Act of 1998 (22
10 U.S.C. 6436) shall be applied by substituting "September
11 30, 2012" for "September 30, 2011": *Provided further*,
12 That notwithstanding the expenditure limitation specified
13 in section 208(c)(1) of such Act (22 U.S.C. 6435a(e)(1)),
14 the Commission may expend up to \$250,000 of the funds
15 made available under this heading to procure temporary
16 and intermittent services under the authority of section
17 3109(b) of title 5, United States Code: *Provided further*,
18 That travel by members and staff of the Commission shall
19 be arranged and conducted under the rules and procedures
20 applying to travel by members and staff of the House of
21 Representatives: *Provided further*, That for the purposes
22 of employment rights, any employee of the Commission
23 shall be considered to be a congressional employee as de-
24 fined in section 2107 of title 5, United States Code and

1 the Commission shall be treated as a congressional em-
2 ploying office.

3 COMMISSION ON SECURITY AND COOPERATION IN
4 EUROPE
5 SALARIES AND EXPENSES

6 For necessary expenses of the Commission on Secu-
7 rity and Cooperation in Europe, as authorized by Public
8 Law 94-304, \$2,715,000, to remain available until Sep-
9 tember 30, 2013.

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

13 For necessary expenses of the Congressional-Execu-
14 tive Commission on the People's Republic of China, as au-
15 thorized by title III of the U.S.-China Relations Act of
16 2000 (22 U.S.C. 6911-6919), \$1,996,000, including not
17 more than \$3,000 for the purpose of official representa-
18 tion, to remain available until September 30, 2013.

19 UNITED STATES-CHINA ECONOMIC AND SECURITY
20 REVIEW COMMISSION
21 SALARIES AND EXPENSES

22 For necessary expenses of the United States-China
23 Economic and Security Review Commission, as authorized
24 by section 1238 of the Floyd D. Spence National Defense
25 Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),

1 \$3,493,000, including not more than \$4,000 for the pur-
2 pose of official representation, to remain available until
3 September 30, 2013: *Provided*, That the authorities, re-
4 quirements, limitations, and conditions contained in the
5 second through sixth provisos under this heading in divi-
6 sion F of Public Law 111–117 shall continue in effect dur-
7 ing fiscal year 2012 and shall apply to funds appropriated
8 under this heading as if included in this Act.

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

7 For necessary expenses to carry out the provisions
8 of section 667 of the Foreign Assistance Act of 1961,
9 \$1,092,300,000, to remain available until September 30,
10 2013, of which not less than \$25,000,000 should be for
11 costs associated with procurement reform: *Provided*, That
12 none of the funds appropriated under this heading and
13 under the heading "Capital Investment Fund" in this title
14 may be made available to finance the construction (includ-
15 ing architect and engineering services), purchase, or long-
16 term lease of offices for use by the United States Agency
17 for International Development (USAID), unless the
18 USAID Administrator has identified such proposed use of
19 funds in a report submitted to the Committees on Appro-
20 priations at least 15 days prior to the obligation of funds
21 for such purposes: *Provided further*, That contracts or
22 agreements entered into with funds appropriated under
23 this heading during fiscal year 2013 may entail commit-
24 ments for the expenditure of such funds through the fol-
25 lowing fiscal year: *Provided further*, That any decision to

1 open a new or reorganized USAID mission, bureau, cen-
2 ter, or office or, except where there is a substantial secu-
3 rity risk to mission personnel, to close or significantly re-
4 duce the number of personnel of any such mission or of-
5 fice, shall be subject to the regular notification procedures
6 of the Committees on Appropriations: *Provided further,*
7 That the authority of sections 610 and 109 of the Foreign
8 Assistance Act of 1961 may be exercised by the Secretary
9 of State to transfer funds appropriated to carry out chap-
10 ter 1 of part I of such Act to "Operating Expenses" in
11 accordance with the provisions of those sections: *Provided*
12 *further,* That any reprogramming of funds in excess of
13 \$1,000,000 or 10 percent, whichever is less, to the cost
14 categories in the table included under this heading in the
15 ~~joint~~ explanatory statement ~~accompanying this Act~~ for
16 funds appropriated under this heading, shall be subject
17 to the regular notification procedures of the Committees
18 on Appropriations: *Provided further,* That of the funds ap-
19 propriated or made available under this heading, not to
20 exceed \$250,000 may be available for representation and
21 entertainment allowances, of which not to exceed \$5,000
22 may be available for entertainment allowances, for USAID
23 during the current fiscal year: *Provided further,* That no
24 such entertainment funds may be used for the purposes
25 listed in section 7020 of this Act: *Provided further,* That

described in
Section 4 (in the
matter preceding
division A of this
consolidated
Act)

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

4 CAPITAL INVESTMENT FUND

5 For necessary expenses for overseas construction and
6 related costs, and for the procurement and enhancement
7 of information technology and related capital investments,
8 pursuant to section 667 of the Foreign Assistance Act of
9 1961, \$129,700,000, to remain available until expended:
10 *Provided*, That this amount is in addition to funds other-
11 wise available for such purposes: *Provided further*, That
12 funds appropriated under this heading shall be available
13 for obligation only pursuant to the regular notification
14 procedures of the Committees on Appropriations.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses to carry out the provisions
17 of section 667 of the Foreign Assistance Act of 1961,
18 \$46,500,000, to remain available until September 30,
19 2013, which sum shall be available for the Office of In-
20 spector General of the United States Agency for Inter-
21 national Development.

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

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

7 GLOBAL HEALTH PROGRAMS
8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses to carry out the provisions
10 of chapters 1 and 10 of part I of the Foreign Assistance
11 Act of 1961, for global health activities, in addition to
12 funds otherwise available for such purposes,
13 \$2,625,000,000, to remain available until September 30,
14 2013, and which shall be apportioned directly to the
15 United States Agency for International Development
16 (USAID): *Provided*, That this amount shall be made avail-
17 able for training, equipment, and technical assistance to
18 build the capacity of public health institutions and organi-
19 zations in developing countries, and for such activities as:
20 (1) child survival and maternal health programs; (2) im-
21 munization and oral rehydration programs; (3) other
22 health, nutrition, water and sanitation programs which di-
23 rectly address the needs of mothers and children, and re-
24 lated education programs; (4) assistance for children dis-
25 placed or orphaned by causes other than AIDS; (5) pro-

1 grams for the prevention, treatment, control of, and re-
2 search on HIV/AIDS, tuberculosis, polio, malaria, and
3 other infectious diseases including neglected tropical dis-
4 eases, and for assistance to communities severely affected
5 by HIV/AIDS, including children infected or affected by
6 AIDS; and (6) family planning/reproductive health: *Pro-*
7 *vided further*, That funds appropriated under this para-
8 graph may be made available for a United States contribu-
9 tion to the GAVI Alliance: *Provided further*, That none
10 of the funds made available in this Act nor any unobli-
11 gated balances from prior appropriations Acts may be
12 made available to any organization or program which, as
13 determined by the President of the United States, sup-
14 ports or participates in the management of a program of
15 coercive abortion or involuntary sterilization: *Provided fur-*
16 *ther*, That any determination made under the previous
17 proviso must be made no later than 6 months after the
18 date of enactment of this Act, and must be accompanied
19 by the evidence and criteria utilized to make the deter-
20 mination: *Provided further*, That none of the funds made
21 available under this Act may be used to pay for the per-
22 formance of abortion as a method of family planning or
23 to motivate or coerce any person to practice abortions:
24 *Provided further*, That nothing in this paragraph shall be
25 construed to alter any existing statutory prohibitions

1 against abortion under section 104 of the Foreign Assist-
2 ance Act of 1961: *Provided further*, That none of the funds
3 made available under this Act may be used to lobby for
4 or against abortion: *Provided further*, That in order to re-
5 duce reliance on abortion in developing nations, funds
6 shall be available only to voluntary family planning
7 projects which offer, either directly or through referral to,
8 or information about access to, a broad range of family
9 planning methods and services, and that any such vol-
10 untary family planning project shall meet the following re-
11 quirements: (1) service providers or referral agents in the
12 project shall not implement or be subject to quotas, or
13 other numerical targets, of total number of births, number
14 of family planning acceptors, or acceptors of a particular
15 method of family planning (this provision shall not be con-
16 strued to include the use of quantitative estimates or indi-
17 cators for budgeting and planning purposes); (2) the
18 project shall not include payment of incentives, bribes,
19 gratuities, or financial reward to: (A) an individual in ex-
20 change for becoming a family planning acceptor; or (B)
21 program personnel for achieving a numerical target or
22 quota of total number of births, number of family planning
23 acceptors, or acceptors of a particular method of family
24 planning; (3) the project shall not deny any right or ben-
25 efit, including the right of access to participate in any pro-

1 gram of general welfare or the right of access to health
2 care, as a consequence of any individual's decision not to
3 accept family planning services; (4) the project shall pro-
4 vide family planning acceptors comprehensible information
5 on the health benefits and risks of the method chosen, in-
6 cluding those conditions that might render the use of the
7 method inadvisable and those adverse side effects known
8 to be consequent to the use of the method; and (5) the
9 project shall ensure that experimental contraceptive drugs
10 and devices and medical procedures are provided only in
11 the context of a scientific study in which participants are
12 advised of potential risks and benefits; and, not less than
13 60 days after the date on which the USAID Administrator
14 determines that there has been a violation of the require-
15 ments contained in paragraph (1), (2), (3), or (5) of this
16 proviso, or a pattern or practice of violations of the re-
17 quirements contained in paragraph (4) of this proviso, the
18 Administrator shall submit to the Committees on Appro-
19 priations a report containing a description of such viola-
20 tion and the corrective action taken by the Agency: *Pro-*
21 *vided further*, That in awarding grants for natural family
22 planning under section 104 of the Foreign Assistance Act
23 of 1961 no applicant shall be discriminated against be-
24 cause of such applicant's religious or conscientious com-
25 mitment to offer only natural family planning; and, addi-

1 tionally, all such applicants shall comply with the require-
2 ments of the previous proviso: *Provided further*, That for
3 purposes of this or any other Act authorizing or appro-
4 priating funds for the Department of State, foreign oper-
5 ations, and related programs, the term "motivate", as it
6 relates to family planning assistance, shall not be con-
7 strued to prohibit the provision, consistent with local law,
8 of information or counseling about all pregnancy options:
9 *Provided further*, That information provided about the use
10 of condoms as part of projects or activities that are funded
11 from amounts appropriated by this Act shall be medically
12 accurate and shall include the public health benefits and
13 failure rates of such use.

14 In addition, for necessary expenses to carry out the
15 provisions of the Foreign Assistance Act of 1961 for the
16 prevention, treatment, and control of, and research on,
17 HIV/AIDS, \$5,542,860,000, to remain available until
18 September 30, 2016, which shall be apportioned directly
19 to the Department of State: *Provided*, That ~~of the~~ funds
20 appropriated under this paragraph, ~~\$1,050,000,000~~
21 ~~should~~ be made available, notwithstanding any other pro-
22 vision of law, except for the United States Leadership
23 Against HIV/AIDS, Tuberculosis and Malaria Act of 2003
24 (Public Law 108-25), as amended, for a United States
25 contribution to the Global Fund to Fight AIDS, Tuber-

may

1 ulosis and Malaria (Global Fund), and shall be expended
2 at the minimum rate necessary to make timely payment
3 for projects and activities: *Provided further*, That up to
4 5 percent of the aggregate amount of funds made available
5 to the Global Fund in fiscal year 2012 may be made avail-
6 able to USAID for technical assistance related to the ac-
7 tivities of the Global Fund: *Provided further*, That of the
8 funds appropriated under this paragraph, up to
9 \$14,250,000 may be made available, in addition to
10 amounts otherwise available for such purposes, for admin-
11 istrative expenses of the Office of the United States Global
12 AIDS Coordinator.

Provided
further, That
the amount
of such
contribution
should be
\$1,050,000,000:

13 DEVELOPMENT ASSISTANCE

14 For necessary expenses to carry out the provisions
15 of sections 103, 105, 106, 214, and sections 251 through
16 255, and chapter 10 of part I of the Foreign Assistance
17 Act of 1961, \$2,519,950,000, to remain available until
18 September 30, 2013: *Provided*, That relevant bureaus and
19 offices of the United States Agency for International De-
20 velopment (USAID) that support cross-cutting develop-
21 ment programs shall coordinate such programs on a reg-
22 ular basis: *Provided further*, That of the funds appro-
23 priated under this heading, not less than \$23,000,000
24 shall be made available for the American Schools and Hos-
25 pitals Abroad program, and not less than \$10,000,000

1 shall be made available for USAID cooperative develop-
2 ment programs within the Office of Private and Voluntary
3 Cooperation.

4 INTERNATIONAL DISASTER ASSISTANCE

5 For necessary expenses to carry out the provisions
6 of section 491 of the Foreign Assistance Act of 1961 for
7 international disaster relief, rehabilitation, and recon-
8 struction assistance, \$825,000,000, to remain available
9 until expended.

10 TRANSITION INITIATIVES

11 For necessary expenses for international disaster re-
12 habilitation and reconstruction assistance pursuant to sec-
13 tion 491 of the Foreign Assistance Act of 1961,
14 \$50,141,000, to remain available until expended, to sup-
15 port transition to democracy and to long-term develop-
16 ment of countries in crisis: *Provided*, That such support
17 may include assistance to develop, strengthen, or preserve
18 democratic institutions and processes, revitalize basic in-
19 frastructure, and foster the peaceful resolution of conflict:
20 *Provided further*, That the United States Agency for Inter-
21 national Development shall submit a report to the Com-
22 mittees on Appropriations at least 5 days prior to begin-
23 ning a new program of assistance: *Provided further*, That
24 if the Secretary of State determines that it is important
25 to the national interests of the United States to provide

1 transition assistance in excess of the amount appropriated
2 under this heading, up to \$15,000,000 of the funds appro-
3 priated by this Act to carry out the provisions of part I
4 of the Foreign Assistance Act of 1961 may be used for
5 purposes of this heading and under the authorities appli-
6 cable to funds appropriated under this heading: *Provided*
7 *further*, That funds made available pursuant to the pre-
8 vious proviso shall be made available subject to prior con-
9 sultation with the Committees on Appropriations.

10 COMPLEX CRISES FUND

11 For necessary expenses to carry out the provisions
12 of the Foreign Assistance Act of 1961 to enable the Ad-
13 ministrator of the United States Agency for International
14 Development (USAID), in consultation with the Secretary
15 of State, to support programs and activities to prevent or
16 respond to emerging or unforeseen complex crises over-
17 seas, \$10,000,000, to remain available until expended:
18 *Provided*, That funds appropriated under this heading
19 may be made available on such terms and conditions as
20 the USAID Administrator may determine, in consultation
21 with the Committees on Appropriations, for the purposes
22 of preventing or responding to such crises, except that no
23 funds shall be made available to respond to natural disas-
24 ters: *Provided further*, That funds appropriated under this
25 heading may be made available notwithstanding any other

1 provision of law, except sections 7007, 7008, and 7018
2 of this Act and section 620M of the Foreign Assistance
3 Act of 1961, as amended by this Act: *Provided further*,
4 That funds appropriated under this heading shall be sub-
5 ject to the regular notification procedures of the Commit-
6 tees on Appropriations, except that such notifications shall
7 be transmitted at least 5 days in advance of the obligation
8 of funds.

9 DEVELOPMENT CREDIT AUTHORITY

10 (INCLUDING TRANSFER OF FUNDS)

11 For the cost of direct loans and loan guarantees pro-
12 vided by the United States Agency for International De-
13 velopment, as authorized by sections 256 and 635 of the
14 Foreign Assistance Act of 1961, up to \$40,000,000 may
15 be derived by transfer from funds appropriated by this Act
16 to carry out part I of such Act and under the heading
17 "Assistance for Europe, Eurasia and Central Asia": *Pro-*
18 *vided*, That funds provided under this paragraph and
19 funds provided as a gift pursuant to section 635(d) of the
20 Foreign Assistance Act of 1961 shall be made available
21 only for micro and small enterprise programs, urban pro-
22 grams, and other programs which further the purposes of
23 part I of such Act: *Provided further*, That such costs, in-
24 cluding the cost of modifying such direct and guaranteed
25 loans, shall be as defined in section 502 of the Congres-

1 sional Budget Act of 1974, as amended: *Provided further,*
2 That funds made available by this paragraph may be used
3 for the cost of modifying any such guaranteed loans under
4 this Act or prior Acts, and funds used for such costs shall
5 be subject to the regular notification procedures of the
6 Committees on Appropriations: *Provided further,* That the
7 provisions of section 107A(d) (relating to general provi-
8 sions applicable to the Development Credit Authority) of
9 the Foreign Assistance Act of 1961, as contained in sec-
10 tion 306 of H.R. 1486 as reported by the House Com-
11 mittee on International Relations on May 9, 1997, shall
12 be applicable to direct loans and loan guarantees provided
13 under this heading, except that the principal amount of
14 loans made or guaranteed under this heading with respect
15 to any single country shall not exceed \$300,000,000: *Pro-*
16 *vided further,* That these funds are available to subsidize
17 total loan principal, any portion of which is to be guaran-
18 teed, of up to \$750,000,000.

19 In addition, for administrative expenses to carry out
20 credit programs administered by the United States Agency
21 for International Development, \$8,300,000, which may be
22 transferred to, and merged with, funds made available
23 under the heading "Operating Expenses" in title II of this
24 Act: *Provided,* That funds made available under this head-
25 ing shall remain available until September 30, 2014.

1 ECONOMIC SUPPORT FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out the provisions
4 of chapter 4 of part II of the Foreign Assistance Act of
5 1961, \$3,001,745,000, to remain available until Sep-
6 tember 30, 2013: *Provided*, That of the funds appro-
7 priated under this heading, \$250,000,000 shall be avail-
8 able for assistance for Egypt, including not less than
9 \$35,000,000 for education programs of which not less
10 than \$10,000,000 is for scholarships at not-for-profit in-
11 stitutions for Egyptian students with high financial need,
12 and to implement section 7041(a)(3) and (b) of this Act:
13 *Provided further*, That funds appropriated under this
14 heading that are made available for assistance for Cyprus
15 shall be used only for scholarships, administrative support
16 of the scholarship program, bicommunal projects, and
17 measures aimed at reunification of the island and designed
18 to reduce tensions and promote peace and cooperation be-
19 tween the two communities on Cyprus: *Provided further*,
20 That \$12,000,000 of the funds made available for assist-
21 ance for Lebanon under this heading shall be for scholar-
22 ships at not-for-profit institutions for students in Lebanon
23 with high financial need: *Provided further*, That of the
24 funds appropriated under this heading, not less than
25 \$360,000,000 shall be available for assistance for Jordan:

1 *Provided further*, That up to \$30,000,000 of the funds ap-
2 propriated for fiscal year 2011 under this heading in Pub-
3 lic Law 112–10, division B, may be made available for
4 the costs, as defined in section 502 of the Congressional
5 Budget Act of 1974, of loan guarantees for Tunisia, which
6 are authorized to be provided: *Provided further*, That
7 amounts that are made available under the previous pro-
8 viso for the cost of guarantees shall not be considered “as-
9 sistance” for the purposes of provisions of law limiting as-
10 sistance to a country: *Provided further*, That of the funds
11 appropriated under this heading, not less than
12 \$179,000,000 shall be apportioned directly to the United
13 States Agency for International Development for alter-
14 native development/institution building programs in Co-
15 lombia: *Provided further*, That of the funds appropriated
16 under this heading that are available for assistance for
17 Colombia, not less than \$7,000,000 shall be transferred
18 to, and merged with, funds appropriated under the head-
19 ing “Migration and Refugee Assistance” and shall be
20 made available only for assistance to nongovernmental and
21 international organizations that provide assistance to Co-
22 lombian refugees in neighboring countries: *Provided fur-*
23 *ther*, That in consultation with the Secretary of the Treas-
24 ury, the Secretary of State may transfer up to
25, \$200,000,000 of the funds made available under this

1 heading to funds appropriated in this Act under the head-
2 ings "Multilateral Assistance, Funds Appropriated to the
3 President, International Financial Institutions" for addi-
4 tional payments to such institutions, facilities, and funds
5 enumerated under such headings: *Provided further*, That
6 prior to exercising the transfer authority under the pre-
7 vious proviso the Secretary of State shall consult with the
8 Committees on Appropriations.

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 \$68,000,000 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 \$46,770,000 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(e) of the
5 SEED Act: *Provided*, That funds appropriated under this
6 heading shall be considered to be economic assistance
7 under the Foreign Assistance Act of 1961 for purposes
8 of making available the administrative authorities con-
9 tained in that Act for the use of economic assistance: *Pro-*
10 *vided further*, That funds made available for the Southern
11 Caucasus region may be used for confidence-building
12 measures and other activities in furtherance of the peace-
13 ful resolution of conflicts, including in Nagorno-Karabakh.

14 DEPARTMENT OF STATE

15 MIGRATION AND REFUGEE ASSISTANCE

16 For necessary expenses not otherwise provided for,
17 to enable the Secretary of State to carry out the provisions
18 of section 2(a) and (b) of the Migration and Refugee As-
19 sistance Act of 1962, and other activities to meet refugee
20 and migration needs; salaries and expenses of personnel
21 and dependents as authorized by the Foreign Service Act
22 of 1980; allowances as authorized by sections 5921
23 through 5925 of title 5, United States Code; purchase and
24 hire of passenger motor vehicles; and services as author-
25 ized by section 3109 of title 5, United States Code,

1 \$1,639,100,000, to remain available until expended, of
2 which \$20,000,000 shall be made available for refugees
3 resettling in Israel, and not less than \$35,000,000 shall
4 be made available to respond to small-scale emergency hu-
5 manitarian requirements.

6 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
7 ASSISTANCE FUND

8 For necessary expenses to carry out the provisions
9 of section 2(c) of the Migration and Refugee Assistance
10 Act of 1962, as amended (22 U.S.C. 2601(c)),
11 \$27,200,000, to remain available until expended.

12 INDEPENDENT AGENCIES

13 PEACE CORPS

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out the provisions
16 of the Peace Corps Act (22 U.S.C. 2501–2523), including
17 the purchase of not to exceed five passenger motor vehicles
18 for administrative purposes for use outside of the United
19 States, \$375,000,000, of which \$5,150,000 is for the Of-
20 fice of Inspector General, to remain available until Sep-
21 tember 30, 2013: *Provided*, That the Director of the Peace
22 Corps may transfer to the Foreign Currency Fluctuations
23 Account, as authorized by 22 U.S.C. 2515, an amount not
24 to exceed \$5,000,000: *Provided further*, That funds trans-
25 ferred pursuant to the previous proviso may not be derived

1 from amounts made available for Peace Corps overseas op-
2 erations: *Provided further*, That of the funds appropriated
3 under this heading, not to exceed \$4,000 may be made
4 available for entertainment expenses: *Provided further*,
5 That any decision to open, close, significantly reduce, or
6 suspend a domestic or overseas office or country program
7 shall be subject to prior consultation with, and the regular
8 notification procedures of, the Committees on Appropria-
9 tions, except that prior consultation and regular notifica-
10 tion procedures may be waived when there is a substantial
11 security risk to volunteers or other Peace Corps personnel,
12 pursuant to section 7015(e) of this Act: *Provided further*,
13 That none of the funds appropriated under this heading
14 shall be used to pay for abortions.

15 MILLENNIUM CHALLENGE CORPORATION

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

1 *further*, That section 605(e) of the Millennium Challenge
2 Act of 2003 shall apply to funds appropriated under this
3 heading: *Provided further*, That funds appropriated under
4 this heading may be made available for a Millennium Chal-
5 lenge Compact entered into pursuant to section 609 of the
6 Millennium Challenge Act of 2003 only if such Compact
7 obligates, or contains a commitment to obligate subject to
8 the availability of funds and the mutual agreement of the
9 parties to the Compact to proceed, the entire amount of
10 the United States Government funding anticipated for the
11 duration of the Compact: *Provided further*, That the Chief
12 Executive Officer of the Corporation shall notify the Com-
13 mittees on Appropriations not later than 15 days prior to
14 signing any new country compact or new threshold coun-
15 try program; terminating or suspending any country com-
16 pact or threshold country program; or commencing nego-
17 tiations for any new compact or threshold country pro-
18 gram: *Provided further*, That any funds that are
19 deobligated from a Millennium Challenge Compact shall
20 be subject to the regular notification procedures of the
21 Committees on Appropriations prior to re-obligation: *Pro-*
22 *vided further*, That notwithstanding section 606(a)(2) of
23 the Millennium Challenge Act of 2003, a country shall be
24 a candidate country for purposes of eligibility for assist-
25 ance for the fiscal year if the country has a per capita

1 income equal to or below the World Bank's lower middle
2 income country threshold for the fiscal year and is among
3 the 75 lowest per capita income countries as identified by
4 the World Bank; and the country meets the requirements
5 of section 606(a)(1)(B) of the Millennium Challenge Act
6 of 2003: *Provided further*, That notwithstanding section
7 606(b)(1) of the Millennium Challenge Act of 2003, in ad-
8 dition to countries described in the preceding proviso, a
9 country shall be a candidate country for purposes of eligi-
10 bility for assistance for the fiscal year if the country has
11 a per capita income equal to or below the World Bank's
12 lower middle income country threshold for the fiscal year
13 and is not among the 75 lowest per capita income coun-
14 tries as identified by the World Bank; and the country
15 meets the requirements of section 606(a)(1)(B) of the Mil-
16 lennium Challenge Act of 2003: *Provided further*, That
17 any Millennium Challenge Corporation candidate country
18 under section 606 of the Millennium Challenge Act of
19 2003 with a per capita income that changes in the fiscal
20 year such that the country would be reclassified from a
21 low income country to a lower middle income country or
22 from a lower middle income country to a low income coun-
23 try shall retain its candidaey status in its former income
24 classification for the fiscal year and the two subsequent
25 fiscal years: *Provided further*, That of the funds appro-

1 priated under this heading, not to exceed \$100,000 may
2 be available for representation and entertainment allow-
3 ances, of which not to exceed \$5,000 may be available for
4 entertainment allowances.

5 INTER-AMERICAN FOUNDATION

6 For necessary expenses to carry out the functions of
7 the Inter-American Foundation in accordance with the
8 provisions of section 401 of the Foreign Assistance Act
9 of 1969, \$22,500,000, to remain available until September
10 30, 2013: *Provided*, That of the funds appropriated under
11 this heading, not to exceed \$2,000 may be available for
12 entertainment and representation allowances.

13 AFRICAN DEVELOPMENT FOUNDATION

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

1 \$250,000 limitation contained in that section with respect
2 to a project and a project may exceed the limitation by
3 up to 10 percent if the increase is due solely to foreign
4 currency fluctuation: *Provided further*, That the Founda-
5 tion shall provide a report to the Committees on Appro-
6 priations after each time such waiver authority is exer-
7 cised.

8 DEPARTMENT OF THE TREASURY
9 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

10 For necessary expenses to carry out the provisions
11 of section 129 of the Foreign Assistance Act of 1961,
12 \$25,448,000, to remain available until September 30,
13 2014, which shall be available notwithstanding any other
14 provision of law.

15 DEBT RESTRUCTURING

16 For the cost, as defined in section 502 of the Con-
17 gressional Budget Act of 1974, of modifying loans and
18 loan guarantees, as the President may determine, for
19 which funds have been appropriated or otherwise made
20 available for programs within the International Affairs
21 Budget Function 150, including the cost of selling, reduc-
22 ing, or canceling amounts owed to the United States as
23 a result of concessional loans made to eligible countries,
24 pursuant to part V of the Foreign Assistance Act of 1961,

- 1 \$12,000,000, to remain available until September 30,
- 2 2013.

1

TITLE IV

2

INTERNATIONAL SECURITY ASSISTANCE

3

DEPARTMENT OF STATE

4

INTERNATIONAL NARCOTICS CONTROL AND LAW

5

ENFORCEMENT

6 For necessary expenses to carry out section 481 of
7 the Foreign Assistance Act of 1961, \$1,061,100,000, to
8 remain available until September 30, 2013: *Provided*,
9 That during fiscal year 2012, the Department of State
10 may also use the authority of section 608 of the Foreign
11 Assistance Act of 1961, without regard to its restrictions,
12 to receive excess property from an agency of the United
13 States Government for the purpose of providing it to a
14 foreign country or international organization under chap-
15 ter 8 of part I of that Act subject to the regular notifica-
16 tion procedures of the Committees on Appropriations: *Pro-*
17 *vided further*, That the Secretary of State shall provide
18 to the Committees on Appropriations not later than 45
19 days after the date of enactment of this Act and prior
20 to the initial obligation of funds appropriated under this
21 heading, a report on the proposed uses of all funds under
22 this heading on a country-by-country basis for each pro-
23 posed program, project, or activity: *Provided further*, That
24 section 482(b) of the Foreign Assistance Act of 1961 shall
25 not apply to funds appropriated under this heading: *Pro-*

1 *vided further*, That assistance provided with funds appro-
2 priated under this heading that is made available notwith-
3 standing section 482(b) of the Foreign Assistance Act of
4 1961 shall be made available subject to the regular notifi-
5 cation procedures of the Committees on Appropriations:
6 *Provided further*, That none of the funds appropriated
7 under this heading shall be made available for assistance
8 for the Bolivian military and police unless the Secretary
9 of State determines and reports to the Committees on Ap-
10 propriations that such funds are in the national security
11 interest of the United States: *Provided further*, That, not-
12 withstanding any other provision of law, of the funds ap-
13 propriated under this heading, \$5,000,000 should be made
14 available to combat piracy of United States copyrighted
15 materials, consistent with the requirements of section
16 688(a) and (b) of the Department of State, Foreign Oper-
17 ations, and Related Programs Appropriations Act, 2008
18 (division J of Public Law 110--161): *Provided further*,
19 That the reporting requirements contained in section 1404
20 of Public Law 110--252 shall apply to funds made avail-
21 able by this Act, including a description of modifications,
22 if any, to the security strategy of the Palestinian Author-
23 ity: *Provided further*, That the provision of assistance
24 which is comparable to assistance made available under
25 this heading but which is provided under any other provi-

1 sion of law, shall be provided in accordance with the provi-
2 sions of sections 481(b) and 622(e) of the Foreign Assist-
3 ance Act of 1961.

4 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
5 RELATED PROGRAMS

6 For necessary expenses for nonproliferation, anti-ter-
7 rorism, demining and related programs and activities,
8 \$590,113,000, to carry out the provisions of chapter 8 of
9 part II of the Foreign Assistance Act of 1961 for anti-
10 terrorism assistance, chapter 9 of part II of the Foreign
11 Assistance Act of 1961, section 504 of the FREEDOM
12 Support Act, section 23 of the Arms Export Control Act
13 or the Foreign Assistance Act of 1961 for demining activi-
14 ties, the clearance of unexploded ordnance, the destruction
15 of small arms, and related activities, notwithstanding any
16 other provision of law, including activities implemented
17 through nongovernmental and international organizations,
18 and section 301 of the Foreign Assistance Act of 1961
19 for a voluntary contribution to the International Atomic
20 Energy Agency (IAEA), and for a United States contribu-
21 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
22 paratory Commission: *Provided*, That the clearance of
23 unexploded ordnance should prioritize areas where such
24 ordnance was caused by the United States: *Provided fur-*
25 *ther*, That of the funds made available under this heading,

1 not to exceed \$30,000,000, to remain available until ex-
2 pended, may be made available for the Nonproliferation
3 and Disarmament Fund, notwithstanding any other provi-
4 sion of law and subject to prior consultation with, and the
5 regular notification procedures of, the Committees on Ap-
6 propriations, to promote bilateral and multilateral activi-
7 ties relating to nonproliferation, disarmament and weap-
8 ons destruction: *Provided further*, That such funds may
9 also be used for such countries other than the Independent
10 States of the former Soviet Union and international orga-
11 nizations when it is in the national security interest of the
12 United States to do so: *Provided further*, That funds ap-
13 propriated under this heading may be made available for
14 the IAEA unless the Secretary of State determines that
15 Israel is being denied its right to participate in the activi-
16 ties of that Agency: *Provided further*, That funds appro-
17 priated under this heading may be made available for pub-
18 lic-private partnerships for conventional weapons and
19 mine action by grant, cooperative agreement or contract:
20 *Provided further*, That funds made available for demining
21 and related activities, in addition to funds otherwise avail-
22 able for such purposes, may be used for administrative ex-
23 penses related to the operation and management of the
24 demining program: *Provided further*, That funds appro-
25 priated under this heading that are available for "Anti-

1 terrorism Assistance” and “Export Control and Border
2 Security” shall remain available until September 30,
3 2013.

4 PEACEKEEPING OPERATIONS

5 For necessary expenses to carry out the provisions
6 of section 551 of the Foreign Assistance Act of 1961,
7 \$302,818,000: *Provided*, That funds appropriated under
8 this heading may be used, notwithstanding section 660 of
9 such Act, to provide assistance to enhance the capacity
10 of foreign civilian security forces, including gendarmes, to
11 participate in peacekeeping operations: *Provided further*,
12 That of the funds appropriated under this heading, not
13 less than \$28,000,000 shall be made available for a United
14 States contribution to the Multinational Force and Ob-
15 servers mission in the Sinai: *Provided further*, That of the
16 funds appropriated under this heading, up to \$91,818,000
17 may be used to pay assessed expenses of international
18 peacekeeping activities in Somalia and shall be available
19 until September 30, 2013: *Provided further*, That funds
20 appropriated under this Act should not be used to support
21 any military training or operations that include child sol-
22 diers: *Provided further*, That none of the funds appro-
23 priated under this heading shall be obligated or expended
24 except as provided through the regular notification proce-
25 dures of the Committees on Appropriations.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 INTERNATIONAL MILITARY EDUCATION AND TRAINING

3 For necessary expenses to carry out the provisions
4 of section 541 of the Foreign Assistance Act of 1961,
5 \$105,788,000, of which up to \$4,000,000 may remain
6 available until September 30, 2013, and may only be pro-
7 vided through the regular notification procedures of the
8 Committees on Appropriations: *Provided*, That the civilian
9 personnel for whom military education and training may
10 be provided under this heading may include civilians who
11 are not members of a government whose participation
12 would contribute to improved civil-military relations, civil-
13 ian control of the military, or respect for human rights:
14 *Provided further*, That the Secretary of State shall provide
15 to the Committees on Appropriations, not later than 45
16 days after enactment of this Act, a report on the proposed
17 uses of all program funds under this heading on a country-
18 by-country basis, including a detailed description of pro-
19 posed activities: *Provided further*, That of the funds appro-
20 priated under this heading, not to exceed \$55,000 may
21 be available for entertainment allowances.

22 FOREIGN MILITARY FINANCING PROGRAM

23 For necessary expenses for grants to enable the
24 President to carry out the provisions of section 23 of the
25 Arms Export Control Act, \$5,210,000,000: *Provided*,

1 That to expedite the provision of assistance to foreign
2 countries and international organizations, the Secretary of
3 State, following consultation with the Committees on Ap-
4 propriations and subject to the regular notification proce-
5 dures of such Committees, may use the funds appro-
6 priated under this heading to procure defense articles and
7 services to enhance the capacity of foreign security forces:
8 *Provided further*, That of the funds appropriated under
9 this heading, not less than \$3,075,000,000 shall be avail-
10 able for grants only for Israel, and \$1,300,000,000 shall
11 be made available for grants only for Egypt, including for
12 border security programs and activities in the Sinai: *Pro-*
13 *vided further*, That the funds appropriated under this
14 heading for assistance for Israel shall be disbursed within
15 30 days of enactment of this Act: *Provided further*, That
16 to the extent that the Government of Israel requests that
17 funds be used for such purposes, grants made available
18 for Israel under this heading shall, as agreed by the
19 United States and Israel, be available for advanced weap-
20 ons systems, of which not less than \$808,725,000 shall
21 be available for the procurement in Israel of defense arti-
22 cles and defense services, including research and develop-
23 ment: *Provided further*, That funds appropriated under
24 this heading estimated to be outlayed for Egypt during
25 fiscal year 2012 may be transferred to an interest bearing

1 account for Egypt in the Federal Reserve Bank of New
2 York: *Provided further*, That of the funds appropriated
3 under this heading, \$300,000,000 shall be made available
4 for assistance for Jordan: *Provided further*, That, not later
5 than 90 days after enactment of this Act and 6 months
6 thereafter, the Secretary of State shall submit a report
7 to the Committees on Appropriations detailing any crowd
8 control items, including tear gas, made available with ap-
9 propriated funds or through export licenses to foreign se-
10 curity forces that the Secretary of State has credible infor-
11 mation have repeatedly used excessive force to repress
12 peaceful, lawful, and organized dissent: *Provided further*,
13 That the Secretary of State should consult with the Com-
14 mittees on Appropriations prior to obligating funds for
15 such items to governments of countries undergoing demo-
16 cratic transition in the Middle East and North Africa:
17 *Provided further*, That none of the funds made available
18 under this heading shall be made available to support or
19 continue any program initially funded under the authority
20 of section 1206 of the National Defense Authorization Act
21 for Fiscal Year 2006 (Public Law 109-163; 119 Stat.
22 3456) unless the Secretary of State, in coordination with
23 the Secretary of Defense, has justified such program to
24 the Committees on Appropriations: *Provided further*, That
25 funds appropriated or otherwise made available under this

1 heading shall be nonrepayable notwithstanding any re-
2 quirement in section 23 of the Arms Export Control Act:
3 *Provided further*, That funds made available under this
4 heading shall be obligated upon apportionment in accord-
5 ance with paragraph (5)(C) of title 31, United States
6 Code, section 1501(a).

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

1 fiscal year 1989 congressional presentation for security as-
2 sistance programs may utilize funds made available under
3 this heading for procurement of defense articles, defense
4 services or design and construction services that are not
5 sold by the United States Government under the Arms
6 Export Control Act: *Provided further*, That funds appro-
7 priated under this heading shall be expended at the min-
8 imum rate necessary to make timely payment for defense
9 articles and services: *Provided further*, That not more than
10 \$62,800,000 of the funds appropriated under this heading
11 may be obligated for necessary expenses, including the
12 purchase of passenger motor vehicles for replacement only
13 for use outside of the United States, for the general costs
14 of administering military assistance and sales, except that
15 this limitation may be exceeded only through the regular
16 notification procedures of the Committees on Appropria-
17 tions: *Provided further*, That of the funds appropriated
18 under this heading for general costs of administering mili-
19 tary assistance and sales, not to exceed \$4,000 may be
20 available for entertainment expenses and not to exceed
21 \$130,000 may be available for representation allowances:
22 *Provided further*, That not more than \$836,900,000 of
23 funds realized pursuant to section 21(e)(1)(A) of the Arms
24 Export Control Act may be obligated for expenses incurred
25 by the Department of Defense during fiscal year 2012

1 pursuant to section 43(b) of the Arms Export Control Act,
2 except that this limitation may be exceeded only through
3 the regular notification procedures of the Committees on
4 Appropriations.

1

TITLE V

2

MULTILATERAL ASSISTANCE

3

FUNDS APPROPRIATED TO THE PRESIDENT

4

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

5

For necessary expenses to carry out the provisions

6

of section 301 of the Foreign Assistance Act of 1961, and

7

of section 2 of the United Nations Environment Program

8

Participation Act of 1973, \$348,705,000, of which up to

9

\$10,000,000 may be made available for the Intergovern-

10

mental Panel on Climate Change/United Nations Frame-

11

work Convention on Climate Change: *Provided*, That sec-

12

tion 307(a) of the Foreign Assistance Act of 1961 shall

13

not apply to contributions to the United Nations Democ-

14

racy Fund.

15

INTERNATIONAL FINANCIAL INSTITUTIONS

16

GLOBAL ENVIRONMENT FACILITY

17

For payment to the International Bank for Recon-

18

struction and Development as trustee for the Global Envi-

19

ronment Facility by the Secretary of the Treasury,

20

\$89,820,000, to remain available until expended.

21

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT

22

ASSOCIATION

23

For payment to the International Development Asso-

24

ciation by the Secretary of the Treasury, \$1,325,000,000,

25

to remain available until expended.

1 For payment to the International Development Asso-
2 ciation by the Secretary of the Treasury for costs incurred
3 under the Multilateral Debt Relief Initiative,
4 \$167,000,000, to remain available until expended.

5 CONTRIBUTION TO THE INTERNATIONAL BANK FOR
6 RECONSTRUCTION AND DEVELOPMENT

7 For payment to the International Bank for Recon-
8 struction and Development by the Secretary of the Treas-
9 ury, for the United States share of the paid-in portion of
10 the increases in capital stock, \$117,364,344, to remain
11 available until expended.

12 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

18 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

19 For payment to the International Bank for Recon-
20 struction and Development as trustee for the Clean Tech-
21 nology Fund by the Secretary of the Treasury,
22 \$184,630,000, to remain available until expended.

23 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

24 For payment to the International Bank for Recon-
25 struction and Development as trustee for the Strategic

1 Climate Fund by the Secretary of the Treasury,
2 \$49,900,000, to remain available until expended.

3 GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

4 For payment to the Global Agriculture and Food Se-
5 curity Program by the Secretary of the Treasury,
6 \$135,000,000, to remain available until expended.

7 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT

8 BANK

9 For payment to the Inter-American Development
10 Bank by the Secretary of the Treasury for the United
11 States share of the paid-in portion of the increase in cap-
12 ital stock, \$75,000,000, to remain available until ex-
13 pended.

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

17 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

18 The United States Governor of the Inter-American
19 Development Bank may subscribe without fiscal year limi-
20 tation to the callable capital portion of the United States
21 share of such capital stock in an amount not to exceed
22 \$4,098,794,833.

1 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
2 MULTILATERAL INVESTMENT FUND

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

6 CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

7 For payment to the Asian Development Bank by the
8 Secretary of the Treasury for the United States share of
9 the paid-in portion of increase in capital stock,
10 \$106,586,000, to remain available until expended.

11 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

12 The United States Governor of the Asian Develop-
13 ment Bank may subscribe without fiscal year limitation
14 to the callable capital portion of the United States share
15 of such capital stock in an amount not to exceed
16 \$2,558,048,769.

17 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

18 For payment to the Asian Development Bank's Asian
19 Development Fund by the Secretary of the Treasury,
20 \$100,000,000, to remain available until expended.

21 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

22 For payment to the African Development Bank by
23 the Secretary of the Treasury for the United States share
24 of the paid-in portion of the increase in capital stock,
25 \$32,417,720, to remain available until expended.

1 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

2 The United States Governor of the African Develop-
3 ment Bank may subscribe without fiscal year limitation
4 to the callable capital portion of the United States share
5 of such capital stock in an amount not to exceed
6 \$507,860,808.

7 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

8 For payment to the African Development Fund by
9 the Secretary of the Treasury, \$172,500,000, to remain
10 available until expended.

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

15 EUROPEAN BANK FOR RECONSTRUCTION AND

16 DEVELOPMENT

17 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

1 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
2 AGRICULTURAL DEVELOPMENT

3 For payment to the International Fund for Agricul-
4 tural Development by the Secretary of the Treasury,
5 \$30,000,000, to remain available until expended.

1

TITLE VI

2

EXPORT AND INVESTMENT ASSISTANCE

3

EXPORT-IMPORT BANK OF THE UNITED STATES

4

INSPECTOR GENERAL

5

For necessary expenses of the Office of Inspector

6

General in carrying out the provisions of the Inspector

7

General Act of 1978, as amended, \$4,000,000, to remain

8

available until September 30, 2013.

9

PROGRAM ACCOUNT

10

The Export-Import Bank of the United States is au-

11

thorized to make such expenditures within the limits of

12

funds and borrowing authority available to such corpora-

13

tion, and in accordance with law, and to make such con-

14

tracts and commitments without regard to fiscal year limi-

15

tations, as provided by section 104 of the Government

16

Corporation Control Act, as may be necessary in carrying

17

out the program for the current fiscal year for such cor-

18

poration: *Provided*, That none of the funds available dur-

19

ing the current fiscal year may be used to make expendi-

20

tures, contracts, or commitments for the export of nuclear

21

equipment, fuel, or technology to any country, other than

22

a nuclear-weapon state as defined in Article IX of the

23

Treaty on the Non-Proliferation of Nuclear Weapons eligi-

24

ble to receive economic or military assistance under this

25

Act, that has detonated a nuclear explosive after the date

1 of the enactment of this Act: *Provided further*, That not
2 less than 10 percent of the aggregate loan, guarantee, and
3 insurance authority available to the Export-Import Bank
4 under this Act should be used for renewable energy tech-
5 nologies or end-use energy efficiency technologies: *Pro-*
6 *vided further*, That notwithstanding section 1(c) of Public
7 Law 103-428, as amended, sections 1(a) and (b) of Public
8 Law 103-428 shall remain in effect through October 1,
9 2012: *Provided further*, That notwithstanding the dates
10 specified in section 7 of the Export-Import Bank Act of
11 1945 (12 U.S.C. 6350 and section 1(c) of Public Law
12 103-428), the Export-Import Bank of the United States
13 shall continue to exercise its functions in connection with
14 and in furtherance of its objects and purposes through
15 May 31, 2012.

16 SUBSIDY APPROPRIATION

17 For the cost of direct loans, loan guarantees, insur-
18 ance, and tied-aid grants as authorized by section 10 of
19 the Export-Import Bank Act of 1945, as amended, not
20 to exceed \$58,000,000: *Provided*, That such costs, includ-
21 ing the cost of modifying such loans, shall be as defined
22 in section 502 of the Congressional Budget Act of 1974:
23 *Provided further*, That such funds shall remain available
24 until September 30, 2027, for the disbursement of direct
25 loans, loan guarantees, insurance and tied-aid grants obli-

1 gated in fiscal years 2012, 2013, 2014, and 2015: *Pro-*
2 *vided further*, That none of the funds appropriated by this
3 Act or any prior Acts appropriating funds for the Depart-
4 ment of State, foreign operations, and related programs
5 for tied-aid credits or grants may be used for any other
6 purpose except through the regular notification procedures
7 of the Committees on Appropriations.

8 ADMINISTRATIVE EXPENSES

9 For administrative expenses to carry out the direct
10 and guaranteed loan and insurance programs, including
11 hire of passenger motor vehicles and services as authorized
12 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
13 reception and representation expenses for members of the
14 Board of Directors, not to exceed \$89,900,000: *Provided*,
15 That the Export-Import Bank may accept, and use, pay-
16 ment or services provided by transaction participants for
17 legal, financial, or technical services in connection with
18 any transaction for which an application for a loan, guar-
19 antee or insurance commitment has been made: *Provided*
20 *further*, That notwithstanding subsection (b) of section
21 117 of the Export Enhancement Act of 1992, subsection
22 (a) thereof shall remain in effect until October 1, 2012:
23 *Provided further*, That the Export-Import Bank shall
24 charge fees for necessary expenses (including special serv-
25 ices performed on a contract or fee basis, but not including

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

14 RECEIPTS COLLECTED

15 Receipts collected pursuant to the Export-Import
16 Bank Act of 1945, as amended, and the Federal Credit
17 Reform Act of 1990, as amended, in an amount not to
18 exceed the amount appropriated herein, shall be credited
19 as offsetting collections to this account: *Provided*, That the
20 sums herein appropriated from the General Fund shall be
21 reduced on a dollar-for-dollar basis by such offsetting col-
22 lections so as to result in a final fiscal year appropriation
23 from the General Fund estimated at \$0: *Provided further*,
24 That amounts collected in fiscal year 2012 in excess of
25 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 \$54,990,000: *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 \$25,000,000, 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.

20 In addition, such sums as may be necessary for ad-
21 ministrative expenses to carry out the credit program may
22 be derived from amounts available for administrative ex-
23 penses to carry out the credit and insurance programs in
24 the Overseas Private Investment Corporation Noncredit
25 Account and merged with said account.

1 TRADE AND DEVELOPMENT AGENCY

2 For necessary expenses to carry out the provisions
3 of section 661 of the Foreign Assistance Act of 1961,
4 \$50,000,000, to remain available until September 30,
5 2013: *Provided*, That of the funds appropriated under this
6 heading, not more than \$4,000 may be available for rep-
7 resentation and entertainment allowances.

1

TITLE VII

2

GENERAL PROVISIONS

3

ALLOWANCES AND DIFFERENTIALS

4

SEC. 7001. Funds appropriated under title I of this
5 Act shall be available, except as otherwise provided, for
6 allowances and differentials as authorized by subchapter
7 59 of title 5, United States Code; for services as author-
8 ized by 5 U.S.C. 3109; and for hire of passenger transpor-
9 tation pursuant to 31 U.S.C. 1343(b).

10

UNOBLIGATED BALANCES REPORT

11

SEC. 7002. Any department or agency of the United
12 States Government to which funds are appropriated or
13 otherwise made available by this Act shall provide to the
14 Committees on Appropriations a quarterly accounting of
15 cumulative unobligated balances and obligated, but unex-
16 pended, balances by program, project, and activity, and
17 Treasury Account Fund Symbol of all funds received by
18 such department or agency in fiscal year 2012 or any pre-
19 vious fiscal year: *Provided*, That the report required by
20 this section should specify by account the amount of funds
21 obligated pursuant to bilateral agreements which have not
22 been further sub-obligated.

23

CONSULTING SERVICES

24

SEC. 7003. The expenditure of any appropriation
25 under title I of this Act for any consulting service through

1 procurement contract, pursuant to 5 U.S.C. 3109, shall
2 be limited to those contracts where such expenditures are
3 a matter of public record and available for public inspec-
4 tion, except where otherwise provided under existing law,
5 or under existing Executive order issued pursuant to exist-
6 ing law.

7
8 EMBASSY CONSTRUCTION

9 SEC. 7004. (a) Of funds provided under title I of this
10 Act, except as provided in subsection (b), a project to con-
11 struct a diplomatic facility of the United States may not
12 include office space or other accommodations for an em-
13 ployee of a Federal agency or department if the Secretary
14 of State determines that such department or agency has
15 not provided to the Department of State the full amount
16 of funding required by subsection (e) of section 604 of
17 the Secure Embassy Construction and Counterterrorism
18 Act of 1999 (as enacted into law by section 1000(a)(7)
19 of Public Law 106-113 and contained in appendix G of
20 that Act; 113 Stat. 1501A-453), as amended by section
21 629 of the Departments of Commerce, Justice, and State,
22 the Judiciary, and Related Agencies Appropriations Act,

23 (b) Notwithstanding the prohibition in subsection (a),
24 a project to construct a diplomatic facility of the United

1 States may include office space or other accommodations
2 for members of the United States Marine Corps.

3 (c) For the purposes of calculating the fiscal year
4 2012 costs of providing new United States diplomatic fa-
5 cilities in accordance with section 604(e) of the Secure
6 Embassy Construction and Counterterrorism Act of 1999
7 (22 U.S.C. 4865 note), the Secretary of State, in consulta-
8 tion with the Director of the Office of Management and
9 Budget, shall determine the annual program level and
10 agency shares in a manner that is proportional to the De-
11 partment of State's contribution for this purpose.

12 (d) Funds appropriated by this Act, and any prior
13 Act making appropriations for the Department of State,
14 foreign operations, and related programs, which may be
15 made available for the acquisition of property for diplo-
16 matic facilities in Afghanistan, Pakistan, and Iraq, shall
17 be subject to prior consultation with, and the regular noti-
18 fication procedures of, the Committees on Appropriations.

19 (e) Section 604(e)(1) of the Secure Embassy Con-
20 struction and Counterterrorism Act of 1999 (22 U.S.C.
21 4865 note) is amended by striking "providing new," and
22 inserting in its place "providing, maintaining, repairing,
23 and renovating".

24 (f)(1) None of the funds appropriated under the
25 heading "Embassy Security, Construction, and Mainte-

1 nance” in this Act and in prior Acts making appropria-
2 tions for the Department of State, foreign operations, and
3 related programs, made available through Federal agency
4 Capital Security Cost Sharing contributions and reim-
5 bursements, or generated from the proceeds of real prop-
6 erty sales, other than from real property sales located in
7 London, United Kingdom, may be made available for site
8 acquisition and mitigation, planning, design or construc-
9 tion of the New London Embassy.

10 (2) Within 60 days of enactment of this Act and
11 every 6 months thereafter until completion of the New
12 London Embassy, the Secretary of State shall submit to
13 the Committees on Appropriations a report on the project:
14 *Provided*, That such report shall include revenue and cost
15 projections, cost containment efforts, project schedule and
16 actual project status, the impact of currency exchange rate
17 fluctuations on project revenue and costs, and options for
18 modifying the scope of the project in the event that pro-
19 ceeds of real property sales in London fall below the total
20 cost of the project.

21 PERSONNEL ACTIONS

22 SEC. 7005. Any costs incurred by a department or
23 agency funded under title I of this Act resulting from per-
24 sonnel actions taken in response to funding reductions in-
25 cluded in this Act shall be absorbed within the total budg-

1 etary resources available under title I to such department
2 or agency: *Provided*, That the authority to transfer funds
3 between appropriations accounts as may be necessary to
4 carry out this section is provided in addition to authorities
5 included elsewhere in this Act: *Provided further*, That use
6 of funds to carry out this section shall be treated as a
7 reprogramming of funds under section 7015 of this Act
8 and shall not be available for obligation or expenditure ex-
9 cept in compliance with the procedures set forth in that
10 section.

11 LOCAL GUARD CONTRACTS

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

1 suant to the authority under this section, the Secretary
2 of State shall consult with the Committees on Appropria-
3 tions and other relevant congressional committees.

4 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
5 COUNTRIES

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

14 COUPS D'ÉTAT

15 SEC. 7008. None of the funds appropriated or other-
16 wise made available pursuant to titles III through VI of
17 this Act shall be obligated or expended to finance directly
18 any assistance to the government of any country whose
19 duly elected head of government is deposed by military
20 coup d'état or decree or, after the date of enactment of
21 this Act, a coup d'état or decree in which the military
22 plays a decisive role: *Provided*, That assistance may be re-
23 sumed to such government if the President determines and
24 certifies to the Committees on Appropriations that subse-
25 quent to the termination of assistance a democratically

1 elected government has taken office: *Provided further*,
2 That the provisions of this section shall not apply to as-
3 sistance to promote democratic elections or public partici-
4 pation in democratic processes: *Provided further*, That
5 funds made available pursuant to the previous provisos
6 shall be subject to the regular notification procedures of
7 the Committees on Appropriations.

8
9 TRANSFER AUTHORITY

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

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

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

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

6 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—

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

18 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
19 CIES.—

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

1 (2) Notwithstanding paragraph (1), in addition
2 to transfers made by, or authorized elsewhere in,
3 this Act, funds appropriated by this Act to carry out
4 the purposes of the Foreign Assistance Act of 1961
5 may be allocated or transferred to agencies of the
6 United States Government pursuant to the provi-
7 sions of sections 109, 610, and 632 of the Foreign
8 Assistance Act of 1961.

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

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

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

1 REPORTING REQUIREMENT

2 SEC. 7010. The Secretary of State shall provide the
3 Committees on Appropriations, not later than April 1,
4 2012, and for each fiscal quarter, a report in writing on
5 the uses of funds made available under the headings “For-
6 eign Military Financing Program”, “International Mili-
7 tary Education and Training”, “Peacekeeping Oper-
8 ations”, and “Pakistan Counterinsurgency Capability
9 Fund”: *Provided*, That such report shall include a descrip-
10 tion of the obligation and expenditure of funds, and the
11 specific country in receipt of, and the use or purpose of
12 the assistance provided by such funds.

13 AVAILABILITY OF FUNDS

14 SEC. 7011. No part of any appropriation contained
15 in this Act shall remain available for obligation after the
16 expiration of the current fiscal year unless expressly so
17 provided in this Act: *Provided*, That funds appropriated
18 for the purposes of chapters 1 and 8 of part I, section
19 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign
20 Assistance Act of 1961, section 23 of the Arms Export
21 Control Act, and funds provided under the headings “As-
22 sistance for Europe, Eurasia and Central Asia” and “De-
23 velopment Credit Authority”, shall remain available for an
24 additional 4 years from the date on which the availability
25 of such funds would otherwise have expired, if such funds

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

18 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

19 SEC. 7012. No part of any appropriation provided
20 under titles III through VI in this Act shall be used to
21 furnish assistance to the government of any country which
22 is in default during a period in excess of one calendar year
23 in payment to the United States of principal or interest
24 on any loan made to the government of such country by
25 the United States pursuant to a program for which funds

1 are appropriated under this Act unless the President de-
2 termines, following consultations with the Committees on
3 Appropriations, that assistance for such country is in the
4 national interest of the United States.

5 PROHIBITION ON TAXATION OF UNITED STATES

6 ASSISTANCE

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

19 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
20 amount equivalent to 200 percent of the total taxes as-
21 sessed during fiscal year 2012 on funds appropriated by
22 this Act by a foreign government or entity against com-
23 modities financed under United States assistance pro-
24 grams for which funds are appropriated by this Act, either
25 directly or through grantees, contractors and subcontrac-

1 tors shall be withheld from obligation from funds appro-
2 priated for assistance for fiscal year 2013 and allocated
3 for the central government of such country and for the
4 West Bank and Gaza program to the extent that the Sec-
5 retary of State certifies and reports in writing to the Com-
6 mittees on Appropriations that such taxes have not been
7 reimbursed to the Government of the United States.

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

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

17 (e) DETERMINATIONS.—

18 (1) The provisions of this section shall not
19 apply to any country or entity the Secretary of State
20 determines—

21 (A) does not assess taxes on United States
22 assistance or which has an effective arrange-
23 ment that is providing substantial reimburse-
24 ment of such taxes; or

1 (B) the foreign policy interests of the
2 United States outweigh the purpose of this sec-
3 tion to ensure that United States assistance is
4 not subject to taxation.

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

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

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

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

19 (2) the term “bilateral agreement” refers to a
20 framework bilateral agreement between the Govern-
21 ment of the United States and the government of
22 the country receiving assistance that describes the
23 privileges and immunities applicable to United
24 States foreign assistance for such country generally,
25 or an individual agreement between the Government

1 of the United States and such government that de-
2 scribes, among other things, the treatment for tax
3 purposes that will be accorded the United States as-
4 sistance provided under that agreement.

5 (h) REPORT.—The Secretary of State shall submit a
6 report to the Committees on Appropriations not later than
7 90 days after the enactment of this Act detailing steps
8 taken by the Department of State to comply with the re-
9 quirements provided in subsections (a) and (f).

10 RESERVATIONS OF FUNDS

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

22 (b) In addition to the authority contained in sub-
23 section (a), the original period of availability of funds ap-
24 propriated by this Act and administered by the United
25 States Agency for International Development (USAID)

1 that are specifically designated for particular programs or
2 activities by this or any other Act shall be extended for
3 an additional fiscal year if the USAID Administrator de-
4 termines and reports promptly to the Committees on Ap-
5 propriations that the termination of assistance to a coun-
6 try or a significant change in circumstances makes it un-
7 likely that such designated funds can be obligated during
8 the original period of availability: *Provided*, That such des-
9 ignated funds that continue to be available for an addi-
10 tional fiscal year shall be obligated only for the purpose
11 of such designation.

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

20 NOTIFICATION REQUIREMENTS

21 SEC. 7015. (a) None of the funds made available in
22 title I of this Act, or in prior appropriations Acts to the
23 agencies and departments funded by this Act that remain
24 available for obligation or expenditure in fiscal year 2012,
25 or provided from any accounts in the Treasury of the

1 United States derived by the collection of fees or of cur-
2 rency reflows or other offsetting collections, or made avail-
3 able by transfer, to the agencies and departments funded
4 by this Act, shall be available for obligation or expenditure
5 through a reprogramming of funds that:

- 6 (1) creates new programs;
 - 7 (2) eliminates a program, project, or activity;
 - 8 (3) increases funds or personnel by any means
9 for any project or activity for which funds have been
10 denied or restricted;
 - 11 (4) relocates an office or employees;
 - 12 (5) closes or opens a mission or post;
 - 13 (6) creates, reorganizes, or renames bureaus,
14 centers, or offices;
 - 15 (7) reorganizes programs or activities; or
 - 16 (8) contracts out or privatizes any functions or
17 activities presently performed by Federal employees;
- 18 unless the Committees on Appropriations are notified 15
19 days in advance of such reprogramming of funds: *Pro-*
20 *vided*, That unless previously justified to the Committees
21 on Appropriations, the requirements of this subsection
22 shall apply to all obligations of funds appropriated under
23 title I of this Act for items (5) and (6) above.

24 (b) None of the funds provided under title I of this
25 Act, or provided under previous appropriations Acts to the

1 agency or department funded under title I of this Act that
2 remain available for obligation or expenditure in fiscal
3 year 2012, or provided from any accounts in the Treasury
4 of the United States derived by the collection of fees avail-
5 able to the agency or department funded under title I of
6 this Act, shall be available for obligation or expenditure
7 for activities, programs, or projects through a reprogram-
8 ming of funds in excess of \$1,000,000 or 10 percent,
9 whichever is less, that:

10 (1) augments existing programs, projects, or ac-
11 tivities;

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

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

21 (c) None of the funds made available under titles II
22 through VI and VIII in this Act under the headings
23 "Global Health Programs", "Development Assistance",
24 "International Organizations and Programs", "Trade and
25 Development Agency", "International Narcotics Control

1 and Law Enforcement”, “Assistance for Europe, Eurasia
2 and Central Asia”, “Economic Support Fund”, “Democ-
3 racy Fund”, “Peacekeeping Operations”, “Capital Invest-
4 ment Fund”, “Operating Expenses”, “Conflict Stabiliza-
5 tion Operations”, “Office of Inspector General”, “Non-
6 proliferation, Anti-terrorism, Demining and Related Pro-
7 grams”, “Millennium Challenge Corporation”, ~~“Global Se-~~
8 ~~curity Contingency Fund”,~~ “Foreign Military Financing
9 Program”, “International Military Education and Train-
10 ing”, “Pakistan Counterinsurgency Capability Fund”, and
11 “Peace Corps”, shall be available for obligation for activi-
12 ties, programs, projects, type of materiel assistance, coun-
13 tries, or other operations not justified or in excess of the
14 amount justified to the Committees on Appropriations for
15 obligation under any of these specific headings unless the
16 Committees on Appropriations are notified 15 days in ad-
17 vance: *Provided*, That the President shall not enter into
18 any commitment of funds appropriated for the purposes
19 of section 23 of the Arms Export Control Act for the pro-
20 vision of major defense equipment, other than conven-
21 tional ammunition, or other major defense items defined
22 to be aircraft, ships, missiles, or combat vehicles, not pre-
23 viously justified to Congress or 20 percent in excess of
24 the quantities justified to Congress unless the Committees
25 on Appropriations are notified 15 days in advance of such

1 commitment: *Provided further*, That requirements of this
2 subsection or any similar provision of any other Act shall
3 not apply to any reprogramming for an activity, program,
4 or project for which funds are appropriated under titles
5 II through IV of this Act of less than 10 percent of the
6 amount previously justified to the Congress for obligation
7 for such activity, program, or project for the current fiscal
8 year.

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

20 (e) The requirements of this section or any similar
21 provision of this Act or any other Act, including any prior
22 Act requiring notification in accordance with the regular
23 notification procedures of the Committees on Appropria-
24 tions, may be waived if failure to do so would pose a sub-
25 stantial risk to human health or welfare: *Provided*, That

1 in case of any such waiver, notification to the Committees
2 on Appropriations shall be provided as early as prac-
3 ticable, but in no event later than 3 days after taking the
4 action to which such notification requirement was applica-
5 ble, in the context of the circumstances necessitating such
6 waiver: *Provided further*, That any notification provided
7 pursuant to such a waiver shall contain an explanation
8 of the emergency circumstances.

9 (f) None of the funds appropriated under titles III
10 through VI and VIII of this Act shall be obligated or ex-
11 pended for assistance for Serbia, Sudan, South Sudan,
12 Zimbabwe, Afghanistan, Iraq, Pakistan, Cuba, Iran,
13 Haiti, Libya, Ethiopia, Nepal, Colombia, Honduras,
14 Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, the
15 Russian Federation, Somalia, Sri Lanka, or Cambodia ex-
16 cept as provided through the regular notification proce-
17 dures of the Committees on Appropriations.

18 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

19 SEC. 7016. Prior to providing excess Department of
20 Defense articles in accordance with section 516(a) of the
21 Foreign Assistance Act of 1961, the Department of De-
22 fense shall notify the Committees on Appropriations to the
23 same extent and under the same conditions as other com-
24 mittees pursuant to subsection (f) of that section: *Pro-*
25 *vided*, That before issuing a letter of offer to sell excess

1 defense articles under the Arms Export Control Act, the
2 Department of Defense shall notify the Committees on
3 Appropriations in accordance with the regular notification
4 procedures of such Committees if such defense articles are
5 significant military equipment (as defined in section 47(9)
6 of the Arms Export Control Act) or are valued (in terms
7 of original acquisition cost) at \$7,000,000 or more, or if
8 notification is required elsewhere in this Act for the use
9 of appropriated funds for specific countries that would re-
10 ceive such excess defense articles: *Provided further*, That
11 such Committees shall also be informed of the original ac-
12 quisition cost of such defense articles.

13 LIMITATION ON AVAILABILITY OF FUNDS FOR
14 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

15 SEC. 7017. Subject to the regular notification proce-
16 dures of the Committees on Appropriations, funds appro-
17 priated under titles III through VI of this Act and prior
18 Acts making appropriations for the Department of State,
19 foreign operations, and related programs, which are re-
20 turned or not made available for organizations and pro-
21 grams because of the implementation of section 307(a) of
22 the Foreign Assistance Act of 1961 or section 7049(a) of
23 this Act, shall remain available for obligation until Sep-
24 tember 30, 2013.

1 PROHIBITION ON FUNDING FOR ABORTIONS AND
2 INVOLUNTARY STERILIZATION

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

1 ALLOCATIONS

2 SEC. 7019. (a) Funds provided in this Act shall be
3 made available for programs and countries in the amounts
4 contained in the respective tables included in the ~~joint ex-~~
5 planatory statement ~~accompanying this Act.~~

*described in
section 4 (in
the matter
preceding
division
A of this consolidated
Act*

6 (b) For the purposes of implementing this section and
7 only with respect to the tables included in the ~~joint explan-~~
8 atory statement ~~accompanying this Act,~~ the Secretary of
9 State, the Administrator of the United States Agency for
10 International Development and the Broadcasting Board of
11 Governors, as appropriate, may propose deviations to the
12 amounts referenced in subsection (a), subject to the reg-
13 ular notification procedures of the Committees on Appro-
14 priations.

*described in
section 4 (in
the matter
preceding
division A of
this consolidated
Act*

15 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

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

- 23 (1) alcoholic beverages; or
24 (2) entertainment expenses for activities that
25 are substantially of a recreational character, includ-

1 ing but not limited to entrance fees at sporting
2 events, theatrical and musical productions, and
3 amusement parks.

4 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

5 SUPPORTING INTERNATIONAL TERRORISM

6 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
7 PORTS.—

8 (1) None of the funds appropriated or otherwise
9 made available by titles III through VI of this Act
10 may be available to any foreign government which
11 provides lethal military equipment to a country the
12 government of which the Secretary of State has de-
13 termined supports international terrorism for pur-
14 poses of section 6(j) of the Export Administration
15 Act of 1979: *Provided*, That the prohibition under
16 this section with respect to a foreign government
17 shall terminate 12 months after that government
18 ceases to provide such military equipment: *Provided*
19 *further*, That this section applies with respect to le-
20 thal military equipment provided under a contract
21 entered into after October 1, 1997.

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

1 (3) Whenever the President makes a determina-
2 tion pursuant to paragraph (2), the President shall
3 submit to the Committees on Appropriations a re-
4 port with respect to the furnishing of such assist-
5 ance, including a detailed explanation of the assist-
6 ance to be provided, the estimated dollar amount of
7 such assistance, and an explanation of how the as-
8 sistance furthers United States national interests.

9 (b) BILATERAL ASSISTANCE.—

10 (1) Funds appropriated for bilateral assistance
11 in titles III through VI of this Act and funds appro-
12 priated under any such title in prior acts making ap-
13 propriations for the Department of State, foreign
14 operations, and related programs, shall not be made
15 available to any foreign government which the Presi-
16 dent determines—

17 (A) grants sanctuary from prosecution to
18 any individual or group which has committed
19 an act of international terrorism;

20 (B) otherwise supports international ter-
21 rorism; or

22 (C) is controlled by an organization des-
23 ignated as a terrorist organization under sec-
24 tion 219 of the Immigration and Nationality
25 Act.

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

12 AUTHORIZATION REQUIREMENTS

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

22 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

23 SEC. 7023. For the purpose of titles II through VI
24 of this Act “program, project, and activity” shall be de-
25 fined at the appropriations Act account level and shall in-

1 clude all appropriations and authorizations Acts funding
2 directives, ceilings, and limitations with the exception that
3 for the following accounts: "Economic Support Fund" and
4 "Foreign Military Financing Program", "program,
5 project, and activity" shall also be considered to include
6 country, regional, and central program level funding with-
7 in each such account; for the development assistance ac-
8 counts of the United States Agency for International De-
9 velopment "program, project, and activity" shall also be
10 considered to include central, country, regional, and pro-
11 gram level funding, either as:

12 (1) justified to the Congress; or

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

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

20 SEC. 7024. Unless expressly provided to the contrary,
21 provisions of this or any other Act, including provisions
22 contained in prior Acts authorizing or making appropria-
23 tions for the Department of State, foreign operations, and
24 related programs, shall not be construed to prohibit activi-
25 ties authorized by or conducted under the Peace Corps

1 Act, the Inter-American Foundation Act or the African
2 Development Foundation Act: *Provided*, That prior to con-
3 ducting activities in a country for which assistance is pro-
4 hibited, the agency shall consult with the Committees on
5 Appropriations and report to such Committees within 15
6 days of taking such action.

7 COMMERCE, TRADE AND SURPLUS COMMODITIES

8 SEC. 7025. (a) None of the funds appropriated or
9 made available pursuant to titles III through VI of this
10 Act for direct assistance and none of the funds otherwise
11 made available to the Export-Import Bank and the Over-
12 seas Private Investment Corporation shall be obligated or
13 expended to finance any loan, any assistance or any other
14 financial commitments for establishing or expanding pro-
15 duction of any commodity for export by any country other
16 than the United States, if the commodity is likely to be
17 in surplus on world markets at the time the resulting pro-
18 ductive capacity is expected to become operative and if the
19 assistance will cause substantial injury to United States
20 producers of the same, similar, or competing commodity:
21 *Provided*, That such prohibition shall not apply to the Ex-
22 port-Import Bank if in the judgment of its Board of Direc-
23 tors the benefits to industry and employment in the
24 United States are likely to outweigh the injury to United
25 States producers of the same, similar, or competing com-

1 modify, and the Chairman of the Board so notifies the
2 Committees on Appropriations: *Provided further*, That this
3 subsection shall not prohibit—

4 (1) activities in a country that is eligible for as-
5 sistance from the International Development Asso-
6 ciation, is not eligible for assistance from the Inter-
7 national Bank for Reconstruction and Development,
8 and does not export on a consistent basis the agri-
9 cultural commodity with respect to which assistance
10 is furnished; or

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

14 (b) None of the funds appropriated by this or any
15 other Act to carry out chapter 1 of part I of the Foreign
16 Assistance Act of 1961 shall be available for any testing
17 or breeding feasibility study, variety improvement or intro-
18 duction, consultancy, publication, conference, or training
19 in connection with the growth or production in a foreign
20 country of an agricultural commodity for export which
21 would compete with a similar commodity grown or pro-
22 duced in the United States: *Provided*, That this subsection
23 shall not prohibit—

24 (1) activities designed to increase food security
25 in developing countries where such activities will not

1 have a significant impact on the export of agricul-
2 tural commodities of the United States;

3 (2) research activities intended primarily to
4 benefit American producers;

5 (3) activities in a country that is eligible for as-
6 sistance from the International Development Asso-
7 ciation, is not eligible for assistance from the Inter-
8 national Bank for Reconstruction and Development,
9 and does not export on a consistent basis the agri-
10 cultural commodity with respect to which assistance
11 is furnished; or

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

15 (e) The Secretary of the Treasury shall instruct the
16 United States Executive Directors of the International
17 Bank for Reconstruction and Development, the Inter-
18 national Development Association, the International Fi-
19 nance Corporation, the Inter-American Development
20 Bank, the International Monetary Fund, the Asian Devel-
21 opment Bank, the Inter-American Investment Corpora-
22 tion, the North American Development Bank, the Euro-
23 pean Bank for Reconstruction and Development, the Afri-
24 can Development Bank, and the African Development
25 Fund to use the voice and vote of the United States to

1 oppose any assistance by these institutions, using funds
2 appropriated or made available pursuant to titles III
3 through VI of this Act, for the production or extraction
4 of any commodity or mineral for export, if it is in surplus
5 on world markets and if the assistance will cause substan-
6 tial injury to United States producers of the same, similar,
7 or competing commodity.

8 SEPARATE ACCOUNTS

9 SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL
10 CURRENCIES.—

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

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

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

23 (i) the amount of the local currencies
24 to be generated; and

1 (ii) the terms and conditions under
2 which the currencies so deposited may be
3 utilized, consistent with this section; and

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

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

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

18 (i) project and sector assistance activi-
19 ties; or

20 (ii) debt and deficit financing; or

21 (B) for the administrative requirements of
22 the United States Government.

23 (3) PROGRAMMING ACCOUNTABILITY.—USAID
24 shall take all necessary steps to ensure that the
25 equivalent of the local currencies disbursed pursuant

1 to subsection (a)(2)(A) from the separate account
2 established pursuant to subsection (a)(1) are used
3 for the purposes agreed upon pursuant to subsection
4 (a)(2).

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

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

25 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

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

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

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

1 a description of the economic policy reforms that will
2 be promoted by such assistance).

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

7 ELIGIBILITY FOR ASSISTANCE

8 SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERN-
9 MENTAL ORGANIZATIONS.—Restrictions contained in this
10 or any other Act with respect to assistance for a country
11 shall not be construed to restrict assistance in support of
12 programs of nongovernmental organizations from funds
13 appropriated by this Act to carry out the provisions of
14 chapters 1, 10, 11, and 12 of part I and chapter 4 of
15 part II of the Foreign Assistance Act of 1961, and from
16 funds appropriated under the heading “Assistance for Eu-
17 rope, Eurasia and Central Asia”: *Provided*, That before
18 using the authority of this subsection to furnish assistance
19 in support of programs of nongovernmental organizations,
20 the President shall notify the Committees on Appropria-
21 tions under the regular notification procedures of those
22 committees, including a description of the program to be
23 assisted, the assistance to be provided, and the reasons
24 for furnishing such assistance: *Provided further*, That
25 nothing in this subsection shall be construed to alter any

1 existing statutory prohibitions against abortion or involun-
2 tary sterilizations contained in this or any other Act.

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

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

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

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

1 IMPACT ON JOBS IN THE UNITED STATES

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

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

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

1 INTERNATIONAL FINANCIAL INSTITUTIONS

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

16 (b) The Secretary of the Treasury shall instruct the
17 United States executive director of each international fi-
18 nancial institution to oppose any loan, grant, strategy or
19 policy of such institution that would require user fees or
20 service charges on poor people for primary education or
21 primary healthcare, including prevention, care and treat-
22 ment for HIV/AIDS, malaria, tuberculosis, and infant,
23 child, and maternal health, in connection with such insti-
24 tution's financing programs.

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

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

1 DEBT-FOR-DEVELOPMENT

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

14 FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

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

17 (1) Funds appropriated by this Act may be
18 made available for direct Government-to-Government
19 assistance only if—

20 (A) each implementing agency or ministry
21 to receive assistance has been assessed and is
22 considered to have the systems required to
23 manage such assistance and any identified
24 vulnerabilities or weaknesses of such agency or
25 ministry have been addressed; and

1 (i) the recipient agency or ministry
2 employs and utilizes staff with the nec-
3 essary technical, financial, and manage-
4 ment capabilities;

5 (ii) the recipient agency or ministry
6 has adopted competitive procurement poli-
7 cies and systems;

8 (iii) effective monitoring and evalua-
9 tion systems are in place to ensure that
10 such assistance is used for its intended
11 purposes; and

12 (iv) no level of acceptable fraud is as-
13 sumed.

14 (B) the Government of the United States
15 and the government of the recipient country
16 have agreed, in writing—

17 (i) on clear and achievable objectives
18 for the use of such assistance; and

19 (ii) that such assistance should be
20 made on a cost-reimbursable basis.

21 (2) In addition to the requirements in sub-
22 section (a), no funds may be made available for such
23 assistance without prior consultation with, and noti-
24 fication to, the Committees on Appropriations: *Pro-*
25 *vided*, That such notification shall contain an expla-

1 nation of how the proposed activity meets the re-
2 quirements of paragraph (1): *Provided further*, That
3 the requirements of this paragraph shall only apply
4 to direct Government-to-Government assistance in
5 excess of \$10,000,000 and all funds available for
6 cash transfer, budget support, and cash payments to
7 individuals.

8 (3) The USAID Administrator or the Secretary
9 of State, as appropriate, shall suspend any such as-
10 sistance if the Administrator or the Secretary has
11 credible information of material misuse of such as-
12 sistance, unless the Administrator or the Secretary
13 determines and reports to the Committees on Appro-
14 priations that it is in the national interest of the
15 United States to continue such assistance.

16 (4) Not later than 90 days after the enactment
17 of this Act and 6 months thereafter, the USAID Ad-
18 ministrator shall submit to the Committees on Ap-
19 propriations a report that—

20 (A) details all assistance described in sub-
21 section (a) provided during the previous 6-
22 month period by country, funding amount,
23 source of funds, and type of such assistance;
24 and

1 (B) the type of procurement instrument or
2 mechanism utilized and whether the assistance
3 was provided on a cost-reimbursable basis.

4 (5) The USAID Administrator shall submit to
5 the Committees on Appropriations, concurrent with
6 the fiscal year 2013 congressional budget justifica-
7 tion materials, amounts planned for assistance de-
8 scribed in subsection (a) by country, proposed fund-
9 ing amount, source of funds, and type of assistance.

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

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

1 (2) MINIMUM STANDARDS OF FISCAL TRANS-
2 PARENCY.—For purposes of paragraph (1), “min-
3 imum standards of fiscal transparency” shall include
4 standards for the public disclosure of budget docu-
5 mentation, including receipts and expenditures by
6 ministry, and government contracts and licenses for
7 natural resource extraction, to include bidding and
8 concession allocation practices.

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

23 (4) ASSISTANCE.—Of the funds appropriated
24 under title III of this Act, not less than \$5,000,000
25 should be made available for programs and activities

1 to assist the central governments of countries named
2 in the list required by paragraph (1) to improve
3 budget transparency or to support civil society orga-
4 nizations in such countries that promote budget
5 transparency: *Provided*, That such sums shall be in
6 addition to funds otherwise made available for such
7 purposes.

8 (e) ANTI-KLEPTOCRACY.—

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

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

24 (3) The Secretary may waive the application of
25 paragraph (1) if the Secretary determines that the

1 waiver would serve a compelling national interest or
2 that the circumstances which caused the individual
3 to be ineligible have changed sufficiently.

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

12 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

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

1 (A) debt-for-equity swaps, debt-for-develop-
2 ment swaps, or debt-for-nature swaps; or

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

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

24 (3) ADMINISTRATION.—The Facility, as defined
25 in section 702(8) of the Foreign Assistance Act of

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

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

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

20 (c) ELIGIBLE PURCHASERS.—A loan may be sold
21 pursuant to subsection (a)(1)(A) only to a purchaser who
22 presents plans satisfactory to the President for using the
23 loan for the purpose of engaging in debt-for-equity swaps,
24 debt-for-development swaps, or debt-for-nature swaps.

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

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

12 MULTI-YEAR COMMITMENTS

13 SEC. 7033. None of the funds appropriated by this
14 Act may be used to make a future year funding pledge
15 for any multilateral or bilateral program funded in titles
16 III through VI of this Act unless such pledge was—

17 (1) previously justified in a congressional budg-
18 et justification;

19 (2) included in an Act making appropriations
20 for the Department of State, foreign operations, and
21 related programs or previously authorized by an Act
22 of Congress;

23 (3) notified in accordance with the regular noti-
24 fication procedures of the Committees on Appropria-
25 tions; or

1 (4) the subject of prior consultation with the
2 Committees on Appropriations and such consultation
3 was conducted at least 7 days in advance of the
4 pledge.

5 SPECIAL PROVISIONS

6 SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILD-
7 DREN, AND DISPLACED BURMESE.—Funds appropriated
8 in titles III and VI of this Act that are made available
9 for victims of war, displaced children, and displaced Bur-
10 mese, and to assist victims of trafficking in persons and,
11 subject to the regular notification procedures of the Com-
12 mittees on Appropriations, to combat such trafficking,
13 may be made available notwithstanding any other provi-
14 sion of law.

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

23 (c) WORLD FOOD PROGRAM.—Funds managed by
24 the Bureau for Democracy, Conflict, and Humanitarian
25 Assistance, ~~USAID~~, from this or any other Act, shall be

{ United States Agency for International
Development (USAID)

1 made available as a general contribution to the World
2 Food Program, notwithstanding any other provision of
3 law.

4 (d) DISARMAMENT, DEMOBILIZATION AND RE-
5 INTEGRATION.—Notwithstanding any other provision of
6 law, regulation or Executive order, funds appropriated by
7 this Act and prior Acts making appropriations for the De-
8 partment of State, foreign operations, and related pro-
9 grams under the headings “Economic Support Fund”,
10 “Peacekeeping Operations”, “International Disaster As-
11 sistance”, and “Transition Initiatives” should be made
12 available to support programs to disarm, demobilize, and
13 reintegrate into civilian society former members of foreign
14 terrorist organizations: *Provided*, That the Secretary of
15 State shall consult with the Committees on Appropriations
16 prior to the obligation of funds pursuant to this sub-
17 section: *Provided further*, That for the purposes of this
18 subsection the term “foreign terrorist organization”
19 means an organization designated as a terrorist organiza-
20 tion under section 219 of the Immigration and Nationality
21 Act.

22 (e) RESEARCH AND TRAINING.—Funds appropriated
23 by this Act under the heading “Economic Support Fund”
24 may be made available to carry out the Program for Re-
25 search and Training on Eastern Europe and the Inde-

1 pendent States of the Former Soviet Union (title VIII)
2 as authorized by the Soviet-Eastern European Research
3 and Training Act of 1983 (22 U.S.C. 4501–4508).

4 (f) CONTINGENCIES.—During fiscal year 2012, the
5 President may use up to \$50,000,000 under the authority
6 of section 451 of the Foreign Assistance Act of 1961, not-
7 withstanding any other provision of law.

8 (g) CONSOLIDATION OF REPORTS.—The Secretary of
9 State, in coordination with the USAID Administrator,
10 shall submit to the Committees on Appropriations, and
11 other relevant congressional committees, not later than 90
12 days after enactment of this Act recommendations for the
13 consolidation or combination of reports (including plans
14 and strategies) that are called for by any provision of law
15 to be submitted to the Congress and that are substantially
16 duplicative of others called for by any other provision of
17 law: *Provided*, That reports are considered “substantially
18 duplicative” if they are required to address at least more
19 than half of the same substantive factors, criteria and
20 issues that are required to be addressed by any other re-
21 port, and any such consolidated report must address all
22 the substantive factors, criteria and issues required to be
23 addressed in each of the individual reports: *Provided fur-*
24 *ther*, That reports affected by this subsection are those
25 within the purview of, or prepared primarily by, the De-

1 department of State and USAID and that relate to matters
2 addressed under this Act or any other Act authorizing or
3 appropriating funds for use by, or actions of, the Depart-
4 ment of State or USAID.

5 (h) PROMOTION OF DEMOCRACY.—

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

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

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

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

3 (4) Funds appropriated under the heading
4 “Economic Support Fund” shall be made available
5 to the Bureau of Democracy, Human Rights and
6 Labor for programs to promote human rights by ex-
7 panding open and uncensored access to information
8 and communication as identified in the Department
9 of State’s Internet freedom strategy: *Provided*, That
10 funds made available by this paragraph should be
11 matched by sources other than the United States
12 Government, as appropriate: *Provided further*, That
13 the Secretary of State shall coordinate the develop-
14 ment and uses of circumvention and secure commu-
15 nications technologies with the Administrator of the
16 United States Agency for International Development
17 and the Broadcasting Board of Governors, as appro-
18 priate: *Provided further*, That the circumvention
19 technologies and programs supported by funds made
20 available by this Act, shall undergo a review, to in-
21 clude an assessment of the protection against such
22 technologies being used for illicit purposes.

23 (5) Funds appropriated by this Act that are
24 made available to promote democracy and human
25 rights shall also be made available to support free-

1 dom of religion, especially in the Middle East and
2 North Africa.

3 (i) PARTNER VETTING.—Funds appropriated in this
4 Act or any prior Acts making appropriations for the De-
5 partment of State, foreign operations, and related pro-
6 grams shall be used by the Secretary of State and the Ad-
7 ministrator of the United States Agency for International
8 Development (USAID), as appropriate, to support the de-
9 velopment and implementation of a Partner Vetting Sys-
10 tem (PVS) pilot program: *Provided*, That such pilot pro-
11 gram shall be implemented not later than September 30,
12 2012: *Provided further*, That the Secretary of State and
13 the USAID Administrator shall jointly submit a report to
14 the Committees on Appropriations not later than 30 days
15 after completion of the pilot program on the estimated
16 timeline and criteria for evaluating the PVS for expansion.

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

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

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

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

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

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

6 (4) by adding the following subsection:

7 “(d) CREDIBLE INFORMATION.—The Secretary shall
8 establish, and periodically update, procedures to—

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

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

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

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

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

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

7 “(7) make publicly available, to the maximum
8 extent practicable, the identity of those units for
9 which no assistance shall be furnished pursuant to
10 subsection (a).”

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

14 (m) **EXTENSION OF AUTHORITIES.**—

15 (1) Section 1(b)(2) of the Passport Act of June
16 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by
17 substituting “September 30, 2012” for “September
18 30, 2010”.

19 (2) The authority provided by section 301(a)(3)
20 of the Omnibus Diplomatic Security and
21 Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3))
22 shall remain in effect through September 30, 2012.

23 (3) The authority contained in section 1115(d)
24 of Public Law 111–32 shall remain in effect through
25 September 30, 2012.

1 (4) Section 824(g) of the Foreign Service Act
2 of 1980 (22 U.S.C. 4064(g)) shall be applied by
3 substituting “September 30, 2012” for “October 1,
4 2010” in paragraph (2).

5 (5) Section 61(a) of the State Department
6 Basic Authorities Act of 1956 (22 U.S.C. 2733(a))
7 shall be applied by substituting “September 30,
8 2012” for “October 1, 2010” in paragraph (2).

9 (6) Section 625(j)(1) of the Foreign Assistance
10 Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied
11 by substituting “September 30, 2012” for “October
12 1, 2010” in subparagraph (B).

13 (7) The authority contained in section
14 1603(a)(2) of Public Law 109–234, as amended,
15 shall remain in effect through September 30, 2012.

16 (8) The authority provided by section 1113 of
17 Public Law 111–32 shall remain in effect through
18 September 30, 2012: *Provided*, That none of the
19 funds appropriated or otherwise made available by
20 this Act or any other Act making appropriations for
21 the Department of State, foreign operations, and re-
22 lated programs may be used to implement phase 3
23 of such authority.

24 (n) REPORTS REPEALED.—Section 133(d) of Public
25 Law 87–195; section 807 of Public Law 98–164; section

1 704(c) of Public Law 101-179; section 104 of Public Law
2 102-511; section 560(g) of Public Law 103-87; section
3 514(a) of Public Law 103-236; section 605(c) of Appen-
4 dix G, Public Law 106-113; sections 3203 and 3204(f)
5 of division B of Public Law 106-246; section 564(g)(4)
6 of Public Law 106-429; sections 694(a), 694(b), 704 and
7 1321 of Public Law 107-228; and section 409(c) of Public
8 Law 108-447 are hereby repealed.

9 (o) GOVERNMENT EXPENDITURES.—Funds appro-
10 priated under title III and under the heading “Inter-
11 national Narcotics Control and Law Enforcement” in this
12 Act should not be made available for assistance for any
13 government for programs or activities in fiscal year 2013
14 if the Secretary of State or the Administrator of the
15 United States Agency for International Development has
16 credible information that such government is reducing its
17 own expenditures for such programs or activities as a re-
18 sult of the assistance provided and for reasons that are
19 inconsistent with the purposes of such assistance.

20 (p) INTERNATIONAL CHILD ABDUCTIONS.—The Sec-
21 retary of State may withhold funds appropriated under
22 title III of this Act for assistance for the central govern-
23 ment of any country that the Secretary determines is not
24 taking appropriate steps to comply with the Convention
25 on the Civil Aspects of International Child Abductions,

1 done at the Hague on October 25, 1980: *Provided*, That
2 the Secretary shall report to the Committees on Appro-
3 priations within 15 days of making any such determina-
4 tion.

5 (q) REDESIGNATIONS.—

6 (1) The position of Advisor established pursu-
7 ant to section 699B of division J of Public Law
8 110–161 shall, within 45 days of enactment of this
9 Act and notwithstanding the requirements of such
10 section, be moved to the United States Agency for
11 International Development (USAID): *Provided*, That
12 the Advisor shall hereafter be appointed by the
13 USAID Administrator and shall report directly to
14 the Administrator: *Provided further*, That the re-
15 sponsibilities of the Advisor enumerated in section
16 699B(b) shall remain in full force and effect.

17 (2) The position of Coordinator established pur-
18 suant to section 664 of division J of Public Law
19 110–161 shall, within 45 days of enactment of this
20 Act and notwithstanding the requirements of such
21 section, be moved to the United States Agency for
22 International Development (USAID): *Provided*, That
23 the Coordinator shall hereafter be appointed by the
24 USAID Administrator and shall report directly to
25 the Administrator: *Provided further*, That the re-

1 sponsibilities of the Coordinator enumerated in the
2 first sentence of section 664(e) shall remain in full
3 force and effect: *Provided further*, That the limita-
4 tion in the second sentence of such section shall
5 hereafter no longer apply to the Coordinator.

6 ~~ARAB LEAGUE BOYCOTT OF ISRAEL~~

Insert
135A

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

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

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

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

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

INSERT 135A

1 (r) EXTENSION OF AUTHORITY.—The Foreign Oper-
 2 ations, Export Financing, and Related Programs Appro-
 3 priations Act, 1990 (Public Law 101-167) is amended—

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

5 (A) in subsection (b)(3), by striking “and
 6 2011” and inserting “2011, and 2012”; and

7 (B) in subsection (e), by striking “June 1,
 8 2011” each place it appears and inserting “Oc-
 9 tober 1, 2012”; and

10 (2) in section 599E (8 U.S.C. 1255 note) in
 11 subsection (b)(2), by striking “2011” and inserting
 12 “2012”.

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

10 PALESTINIAN STATEHOOD

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

16 (1) the governing entity of a new Palestinian
17 state—

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

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

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

9 (A) termination of all claims or states of
10 belligerency;

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

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

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

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

23 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
24 gress that the governing entity should enact a constitution
25 assuring the rule of law, an independent judiciary, and

1 respect for human rights for its citizens, and should enact
2 other laws and regulations assuring transparent and ac-
3 countable governance.

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

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

14 RESTRICTIONS CONCERNING THE PALESTINIAN
15 AUTHORITY

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

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

14 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
15 BROADCASTING CORPORATION

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

21 ASSISTANCE FOR THE WEST BANK AND GAZA

22 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2012,
23 30 days prior to the initial obligation of funds for the bi-
24 lateral West Bank and Gaza Program, the Secretary of
25 State shall certify to the Committees on Appropriations

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

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

1 cational institution which the Secretary has determined to
2 be involved in or advocating terrorist activity.

3 (c) PROHIBITION.—

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

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

20 (d) AUDITS.—

21 (1) The Administrator of the United States
22 Agency for International Development shall ensure
23 that Federal or non-Federal audits of all contractors
24 and grantees, and significant subcontractors and
25 sub-grantees, under the West Bank and Gaza Pro-

1 gram, are conducted at least on an annual basis to
2 ensure, among other things, compliance with this
3 section.

4 (2) Of the funds appropriated by this Act up to
5 \$500,000 may be used by the Office of Inspector
6 General of the United States Agency for Inter-
7 national Development for audits, inspections, and
8 other activities in furtherance of the requirements of
9 this subsection: *Provided*, That such funds are in ad-
10 dition to funds otherwise available for such pur-
11 poses.

12 (e) Subsequent to the certification specified in sub-
13 section (a), the Comptroller General of the United States
14 shall conduct an audit and an investigation of the treat-
15 ment, handling, and uses of all funds for the bilateral
16 West Bank and Gaza Program, including all funds pro-
17 vided as cash transfer assistance, in fiscal year 2012
18 under the heading "Economic Support Fund", and such
19 audit shall address—

20 (1) the extent to which such Program complies
21 with the requirements of subsections (b) and (c);
22 and

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

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

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

9 LIMITATION ON ASSISTANCE FOR THE PALESTINIAN
10 AUTHORITY

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

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

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

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

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

20 (f) PROHIBITION TO HAMAS AND THE PALESTINE
21 LIBERATION ORGANIZATION.—

22 (1) None of the funds appropriated in titles III
23 through VI of this Act may be obligated for salaries
24 of personnel of the Palestinian Authority located in
25 Gaza or may be obligated or expended for assistance

1 to Hamas or any entity effectively controlled by
2 Hamas, any power-sharing government of which
3 Hamas is a member, or that results from an agree-
4 ment with Hamas and over which Hamas exercises
5 undue influence.

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

15 (3) The President may exercise the authority in
16 section 620K(e) of the Foreign Assistance Act as
17 added by the Palestinian Anti-Terrorism Act of
18 2006 (Public Law 109-446) with respect to this
19 subsection.

20 (4) Whenever the certification pursuant to
21 paragraph (2) is exercised, the Secretary of State
22 shall submit a report to the Committees on Appro-
23 priations within 120 days of the certification and
24 every quarter thereafter on whether such govern-
25 ment, including all of its ministers or such equiva-

1 lent are continuing to comply with the principles
2 contained in section 620K(b)(1)(A) and (B) of the
3 Foreign Assistance Act of 1961, as amended: *Pro-*
4 *vided*, That the report shall also detail the amount,
5 purposes and delivery mechanisms for any assistance
6 provided pursuant to the abovementioned certifi-
7 cation and a full accounting of any direct support of
8 such government.

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

12 NEAR EAST

13 SEC. 7041. (a) EGYPT.—

14 (1)(A) None of the funds appropriated under ti-
15 tles III and IV of this Act and in prior Acts making
16 appropriations for the Department of State, foreign
17 operations, and related programs may be made
18 available for assistance for the central Government
19 of Egypt unless the Secretary of State certifies to
20 the Committees on Appropriations that such govern-
21 ment is meeting its obligations under the 1979
22 Egypt-Israel Peace Treaty.

23 (B) Prior to the obligation of funds appro-
24 priated by this Act under the heading “Foreign Mili-
25 tary Financing Program”, the Secretary of State

1 shall certify to the Committees on Appropriations
2 that the Government of Egypt is supporting the
3 transition to civilian government including holding
4 free and fair elections; implementing policies to pro-
5 tect freedom of expression, association, and religion,
6 and due process of law.

7 (C) The Secretary of State may waive the re-
8 quirements of paragraphs (A) and (B) if the Sec-
9 retary determines and reports to the Committees on
10 Appropriations that to do so is in the national secu-
11 rity interest of the United States: *Provided*, That
12 such determination and report shall include a de-
13 tailed justification for such waiver.

14 (2) The Secretary of State shall consult with
15 the Committees on Appropriations prior to the
16 transfer of funds appropriated by this Act under the
17 heading "Foreign Military Financing Program" to
18 an interest-bearing account for Egypt.

19 (3) Funds appropriated under the heading
20 "Economic Support Fund" in this and prior Acts ^{(Act}
21 (including previously obligated funds), may be made
22 available, notwithstanding any other provision of
23 law, for an Egypt initiative, particularly for the spe-
24 cific costs referred to in the authorities referenced
25 herein, for the purpose of improving the lives of the

1 Egyptian people through education, investment in
2 jobs and skills (including secondary and vocational
3 education), and access to finance for small and me-
4 dium enterprises with emphasis on expanding oppor-
5 tunities for women, as well as other appropriate
6 market-reform and economic growth activities: *Pro-*
7 *vided*, That the provisions of title VI of Public Law
8 103-306 pertaining to funds for Jordan shall be
9 deemed to apply to any such initiative and to funds
10 available under this section to carry out such an ini-
11 tiative in the same manner as such cited provisions
12 apply to Jordan, subject to the following provisos:
13 *Provided further*, That subparagraph (b)(2) shall be
14 deemed not to apply and the amount made available
15 pursuant to this section as set forth in the ~~joint ex-~~
16 ~~planatory statement accompanying this Act~~ and in-
17 corporated herein shall be deemed to apply in lieu of
18 the figure in subparagraph (b)(1): *Provided further*,
19 That the authority to reduce debt shall include au-
20 thority to exchange an outstanding obligation for a
21 new obligation and to permit both principal and in-
22 terest payments on new obligations to be deposited
23 into a fund established for such purpose, to be used
24 in accordance with purposes set forth in an agree-
25 ment between the United States and Egypt: *Pro-*

described in
section 4 (in
the matter
preceding
division A of
this consolidated
Act)

1 *vided further*, That the authority of this paragraph
2 shall only be made available after the Secretary of
3 State certifies to the Committees on Appropriations
4 that the Government of Egypt is implementing eco-
5 nomic development policies consistent with the objec-
6 tives of such initiative: *Provided further*, That funds
7 made available for such initiative shall be subject to
8 the regular notification procedures of the Commit-
9 tees on Appropriations.

10 (b) ENTERPRISE FUNDS.—Up to \$60,000,000 of
11 funds appropriated under the heading “Economic Support
12 Fund” in this Act and prior acts making appropriations
13 for the Department of State, foreign operations, and re-
14 lated programs (and including previously obligated funds),
15 that are available for assistance for Egypt, up to
16 \$20,000,000 of such funds that are available for assist-
17 ance for Tunisia, and up to \$60,000,000 of such funds
18 that are available for assistance for Jordan, respectively,
19 may be made available notwithstanding any other provi-
20 sion of law, to establish and operate one or more enter-
21 prise funds for Egypt, Tunisia, and Jordan, respectively:
22 *Provided*, That provisions contained in section 201 of the
23 Support for East European Democracy (SEED) Act of
24 1989 (excluding the provisions of subsections (b)(c)(d)(3)
25 and (f) of that section), shall be deemed to apply to any

~~~~~(5)

1 such fund or funds, and to funds made available to such  
2 fund or funds, in order to enable such fund or funds to  
3 provide assistance for purposes of this section: *Provided*  
4 *further*, That section 7077 of division F of Public Law  
5 111-117 shall apply to any such fund or funds established  
6 pursuant to this subsection: *Provided further*, That not  
7 more than 5 percent of the funds made available pursuant  
8 to this subsection should be available for administrative  
9 expenses of such fund or funds and not later than 1 year  
10 after the date of enactment of this Act, and annually  
11 thereafter until each fund is dissolved, each fund shall  
12 submit to the Committees on Appropriations a report de-  
13 tailing the administrative expenses of such fund: *Provided*  
14 *further*, That each fund shall be governed by a Board of  
15 Directors comprised of six private United States citizens  
16 and three private citizens of each country, respectively,  
17 who have had international business careers and dem-  
18 onstrated expertise in international and emerging markets  
19 investment activities: *Provided further*, That not later than  
20 1 year after the entry into force of the initial grant agree-  
21 ment under this section and annually thereafter, each fund  
22 shall prepare and make available to the public on an Inter-  
23 net Web site administered by the fund a detailed report  
24 on the fund's activities during the previous year: *Provided*  
25 *further*, That the authority of any such fund or funds to

1 provide assistance shall cease to be effective on December  
2 31, 2022: *Provided further*, That funds made available  
3 pursuant to this section shall be subject to prior consulta-  
4 tion with the Committees on Appropriations.

5 (e) IRAN.—

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

18 (2) None of the funds appropriated or otherwise  
19 made available in this Act under the heading "Ex-  
20 port-Import Bank of the United States" may be  
21 used by the Export-Import Bank of the United  
22 States to provide any new financing (including loans,  
23 guarantees, other credits, insurance, and reinsur-  
24 ance) to any person that is subject to sanctions



1 under paragraph (2) or (3) of section 5(a) of the  
2 Iran Sanctions Act of 1996 (Public Law 104-172).

3 (3) The reporting requirements in section  
4 7043(e) in division F of Public Law 111-117 shall  
5 continue in effect during fiscal year 2012 as if part  
6 of this Act: *Provided*, That the date in subsection  
7 (e)(1) shall be deemed to be “September 30, 2012”.

8 (d) IRAQ.—

9 (1) Funds appropriated or otherwise made  
10 available by this Act for assistance for Iraq shall be  
11 made available in a manner that utilizes Iraqi enti-  
12 ties to the maximum extent practicable, and in ac-  
13 cordance with the cost-matching and other require-  
14 ments in the Department of State’s April 9, 2009  
15 “Guidelines for Government of Iraq Financial Par-  
16 ticipation in United States Government-Funded Ci-  
17 vilian Foreign Assistance Programs and Projects”.

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

23 (3) Funds appropriated by this Act under titles  
24 III and VI for assistance for Iraq may be made  
25 available notwithstanding any other provision of law,

1       except for this subsection and section 620M of the  
2       Foreign Assistance Act of 1961, as amended by this  
3       Act.

4           (4) Funds appropriated by this Act for assist-  
5       ance for Iraq under the heading “Economic Support  
6       Fund” shall be made available for programs and ac-  
7       tivities for which policy justifications and decisions  
8       shall be the responsibility of the United States Chief  
9       of Mission in Iraq.

10          (5)(A) Of the funds appropriated under the  
11       heading “Diplomatic and Consular Programs” in  
12       title VIII of this Act that are made available for se-  
13       curity and provincial operations for the Department  
14       of State in Iraq, 15 percent shall be withheld from  
15       obligation until the Secretary of State submits a re-  
16       port to the Committees on Appropriations detail-  
17       ing—

18           (i) an assessment of the security environ-  
19       ment in Iraq with respect to facilities and per-  
20       sonnel, and the anticipated impact of the with-  
21       drawal of United States Armed Forces in Iraq  
22       on such environment, on a facility-by-facility  
23       basis;

24           (ii) an assessment of the security require-  
25       ments at each facility, and the estimated cost of

1           sustaining such requirements over the next 3  
2           fiscal years;

3           (iii) the types of military equipment to be  
4           used to meet the security requirements at each  
5           facility;

6           (iv) the number of United States Govern-  
7           ment personnel anticipated at each facility, a  
8           general description of the duties of such per-  
9           sonnel, and the number and cost of contractors  
10          anticipated at each facility required for oper-  
11          ational and other support; and

12          (v) a description of contingency plans, in-  
13          cluding evacuation, at each facility for United  
14          States Government personnel and contractors.

15          (B) The report required by this ~~subsection~~ may *(paragraph*  
16          be submitted in classified form, if necessary.

17          (e) LEBANON.—

18               (1) None of the funds appropriated by this Act  
19               may be made available for the Lebanese Armed  
20               Forces (LAF) if the LAF is controlled by a foreign  
21               terrorist organization, as defined by section 219 of  
22               the Immigration and Nationality Act.

23               (2) Funds appropriated by this Act under the  
24               heading “Foreign Military Financing Program” for  
25               assistance for Lebanon may be made available only

1 to professionalize the LAF and to strengthen border  
2 security and combat terrorism, including training  
3 and equipping the LAF to secure Lebanon's borders,  
4 interdicting arms shipments, preventing the use of  
5 Lebanon as a safe haven for terrorist groups, and to  
6 implement United Nations Security Council Resolu-  
7 tion 1701: *Provided*, That funds may not be made  
8 available for obligation until the Secretary of State  
9 submits a detailed spend plan to the Committees on  
10 Appropriations, except such plan may not be consid-  
11 ered as meeting the notification requirements under  
12 section 7015 of this Act or under section 634A of  
13 the Foreign Assistance Act of 1961, and shall be  
14 submitted not later than September 1, 2012: *Pro-*  
15 *vided further*, That the Secretary of State shall regu-  
16 larly consult with the Committees on Appropriations  
17 on the activities of the LAF and assistance provided  
18 by the United States: *Provided further*, That not  
19 later than 90 days after enactment of this Act, the  
20 Secretary of State shall submit a report to the Com-  
21 mittees on Appropriations detailing the actions  
22 taken to ensure that equipment provided to the LAF  
23 is used for intended purposes.

24 (3) Funds appropriated by this Act under titles  
25 III and VI for assistance for Lebanon may be made

1 available notwithstanding any other provision of law,  
2 except for this subsection and section 620M of the  
3 Foreign Assistance Act of 1961, as amended by this  
4 Act.

5 (f) LIBYA.—Of the funds appropriated by this Act  
6 and prior Acts making appropriations for the Department  
7 of State, foreign operations, and related programs, up to  
8 \$20,000,000 should be made available to promote democ-  
9 racy, transparent and accountable governance, human  
10 rights, transitional justice, and the rule of law in Libya,  
11 and for exchange programs between Libyan and American  
12 students and professionals: *Provided*, That such funds  
13 shall be made available, to the maximum extent prac-  
14 ticable, on a cost matching basis: *Provided further*, That  
15 none of the funds appropriated by this Act may be made  
16 available for assistance for Libya for infrastructure  
17 projects, except on a loan basis with terms favorable to  
18 the United States, and only following consultation with the  
19 Committees on Appropriations.

20 (g) MOROCCO.—Prior to the obligation of funds ap-  
21 propriated by this Act under the heading “Foreign Mili-  
22 tary Financing Program” for assistance for Morocco, the  
23 Secretary of State shall submit a report to the Committees  
24 on Appropriations on steps being taken by the Govern-  
25 ment of Morocco to—

1 (1) respect the right of individuals to peacefully  
2 express their opinions regarding the status and fu-  
3 ture of the Western Sahara and to document viola-  
4 tions of human rights; and

5 (2) provide unimpeded access to human rights  
6 organizations, journalists, and representatives of for-  
7 eign governments to the Western Sahara.

8 (h) SYRIA.—Funds appropriated by this Act shall be  
9 made available to promote democracy and protect human  
10 rights in Syria, a portion of which should be programmed  
11 in consultation with governments in the region, as appro-  
12 priate.

13 (i) YEMEN.—None of the funds appropriated by this  
14 Act may be made available for the Armed Forces of  
15 Yemen if such forces are controlled by a foreign terrorist  
16 organization, as defined by section 219 of the Immigration  
17 and Nationality Act.

18 SERBIA

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

23 (b) After May 31, 2012, the Secretary of the Treas-  
24 ury should instruct the United States executive directors  
25 of the international financial institutions to support loans

1 and assistance to the Government of Serbia subject to the  
2 condition in subsection (c).

3 (c) The report referred to in subsection (a) is a report  
4 by the Secretary of State to the Committees on Appropria-  
5 tions that the Government of Serbia is cooperating with  
6 the International Criminal Tribunal for the former Yugo-  
7 slavia, including apprehending and transferring indictees  
8 and providing investigators access to witnesses, docu-  
9 ments, and other information.

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

12 AFRICA

13 SEC. 7043. (a) CONFLICT MINERALS.—

14 (1) Funds appropriated by this Act under the  
15 heading “Foreign Military Financing Program” may  
16 be made available for assistance for Rwanda or  
17 Uganda unless the Secretary of State has credible  
18 information that the Government of Rwanda or the  
19 Government of Uganda is providing political, mili-  
20 tary or financial support to armed groups in the  
21 Democratic Republic of the Congo (DRC) that are  
22 involved in the illegal exportation of minerals out of  
23 the DRC or have violated human rights.

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

1 prevent the illegal exportation of minerals out of the  
2 DRC by such groups, to protect humanitarian relief  
3 efforts, or to support the training and deployment of  
4 members of the Rwandan or Ugandan militaries in  
5 international peacekeeping operations or to conduct  
6 operations against the Lord's Resistance Army.

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

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



1 this subsection shall be subject to prior consultation with  
2 the Committees on Appropriations.

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

5 (1) Funds appropriated under the heading  
6 “International Military Education and Training”  
7 (IMET) in this Act that are made available for as-  
8 sistance for Angola, Cameroon, Central African Re-  
9 public, Chad, Côte d’Ivoire, Guinea and Zimbabwe  
10 may be made available only for training related to  
11 international peacekeeping operations and expanded  
12 IMET: *Provided*, That the limitation included in this  
13 paragraph shall not apply to courses that support  
14 training in maritime security for Angola and Cam-  
15 eroon.

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

20 (e) ETHIOPIA.—

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

1 (A) certifies to the Committees on Appro-  
2 priations that the Government of Ethiopia is  
3 implementing policies to respect due process  
4 and freedoms of expression and association, and  
5 is permitting access to human rights and hu-  
6 manitarian organizations to the Somalia region  
7 of Ethiopia; and

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

19 (2) The restriction in paragraph (1) shall not  
20 apply to assistance to Ethiopian military efforts in  
21 support of international peacekeeping operations,  
22 counterterrorism operations along the border with  
23 Somalia, and for assistance to the Ethiopian De-  
24 fense Command and Staff College.

25 (f) SUDAN LIMITATION ON ASSISTANCE.—

1           (1) Notwithstanding any other provision of law,  
2 none of the funds appropriated by this Act may be  
3 made available for assistance for the Government of  
4 Sudan.

5           (2) None of the funds appropriated by this Act  
6 may be made available for the cost, as defined in  
7 section 502, of the Congressional Budget Act of  
8 1974, of modifying loans and loan guarantees held  
9 by the Government of Sudan, including the cost of  
10 selling, reducing, or canceling amounts owed to the  
11 United States, and modifying concessional loans,  
12 guarantees, and credit agreements.

13           (3) The limitations of paragraphs (1) and (2)  
14 shall not apply to—

15                   (A) humanitarian assistance;

16                   (B) assistance for the Darfur region,  
17 Southern Kordofan/Nuba Mountains State,  
18 Blue Nile State, other marginalized areas and  
19 populations in Sudan, and Abyei; and

20                   (C) assistance to support implementation  
21 of the Comprehensive Peace Agreement (CPA),  
22 mutual arrangements related to post-ref-  
23 erendum issues associated with the CPA, or to  
24 promote peace and stability between Sudan and

1           South Sudan, or any other internationally rec-  
2           ognized viable peace agreement in Sudan.

3           (g) SOUTH SUDAN.—

4           (1) Funds appropriated by this Act should be  
5           made available for assistance for South Sudan in-  
6           cluding to increase agricultural productivity, expand  
7           educational opportunities especially for girls,  
8           strengthen democratic institutions and the rule of  
9           law, and enhance the capacity of the Federal Legis-  
10          lative Assembly to conduct oversight over govern-  
11          ment revenues and expenditures.

12          (2) Not less than 15 days prior to the obliga-  
13          tion of funds appropriated by this Act that are avail-  
14          able for assistance for the Government of South  
15          Sudan, the Secretary of State shall submit a report  
16          to the Committees on Appropriations detailing the  
17          extent to which the Government of South Sudan  
18          is—

19                  (A) supporting freedom of expression, the  
20                  establishment of democratic institutions includ-  
21                  ing an independent judiciary, parliament, and  
22                  security forces that are accountable to civilian  
23                  authority; and

1 (B) investigating and punishing members  
2 of security forces who have violated human  
3 rights.

4 (3) The Secretary of State shall seek to obtain  
5 regular audits of the financial accounts of the Gov-  
6 ernment of South Sudan to ensure transparency and  
7 accountability of funds, including revenues from the  
8 extraction of oil and gas, and the timely, public dis-  
9 closure of such audits: *Provided*, That the Secretary  
10 should assist the Government of South Sudan in  
11 conducting such audits, and by providing technical  
12 assistance to enhance the capacity of the National  
13 Auditor Chamber to carry out its responsibilities,  
14 and shall submit a report not later than 90 days  
15 after enactment of this Act to the Committees on  
16 Appropriations detailing the steps that will be taken  
17 by the Government of South Sudan, which are addi-  
18 tional to those taken in the previous fiscal year, to  
19 improve resource management and ensure trans-  
20 parency and accountability of funds.

21 (h) UGANDA.—Funds appropriated by this Act  
22 should be made available for programs and activities in  
23 areas affected by the Lord's Resistance Army.

24 (i) WAR CRIMES IN AFRICA.—

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

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

24          (3) The prohibition in paragraph (2) may be  
25          waived on a country-by-country basis if the Presi-

1       dent determines that doing so is in the national se-  
2       curity interest of the United States: *Provided*, That  
3       prior to exercising such waiver authority, the Presi-  
4       dent shall submit a report to the Committees on Ap-  
5       propriations, in classified form if necessary, on—

6               (A) the steps being taken to obtain the co-  
7       operation of the government in apprehending  
8       and surrendering the indictee in question to the  
9       court of jurisdiction;

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

12              (C) the justification for exercising the  
13       waiver authority.

14       (j) ZIMBABWE.—

15              (1) The Secretary of the Treasury shall instruct  
16       the United States executive director of each inter-  
17       national financial institution to vote against any ex-  
18       tension by the respective institution of any loans or  
19       grants to the Government of Zimbabwe, except to  
20       meet basic human needs or to promote democracy,  
21       unless the Secretary of State determines and reports  
22       in writing to the Committees on Appropriations that  
23       the rule of law has been restored in Zimbabwe, in-  
24       cluding respect for ownership and title to property,  
25       freedom of speech and association.

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

7                               ASIA

8           SEC. 7044. (a) TIBET.—

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

21          (2) Notwithstanding any other provision of law,  
22          funds appropriated by this Act under the heading  
23          “Economic Support Fund” shall be made available  
24          to nongovernmental organizations to support activi-  
25          ties which preserve cultural traditions and promote



1 sustainable development and environmental con-  
2 servation in Tibetan communities in the Tibetan Au-  
3 tonomous Region and in other Tibetan communities  
4 in China.

5 (b) BURMA.—

6 (1) The Secretary of the Treasury shall instruct  
7 the United States executive directors of the appro-  
8 priate international financial institutions to vote  
9 against any loan, agreement, or other financial sup-  
10 port for Burma.

11 (2) Funds appropriated by this Act under the  
12 heading “Economic Support Fund” may be made  
13 available for assistance for Burma notwithstanding  
14 any other provision of law, except no such funds  
15 shall be made available to the State Peace and De-  
16 velopment Council, or its successor, and its affiliated  
17 organizations: *Provided*, That such funds shall be  
18 made available for programs along Burma’s borders  
19 and for Burmese groups and organizations located  
20 outside Burma, and may be made available to sup-  
21 port programs in Burma: *Provided further*, That in  
22 addition to assistance for Burmese refugees appro-  
23 priated under the heading “Migration and Refugee  
24 Assistance” in this Act, funds shall be made avail-  
25 able for community-based organizations operating in

1 Thailand to provide food, medical, and other human-  
2 itarian assistance to internally displaced persons in  
3 eastern Burma: *Provided further*, That any new pro-  
4 gram or activity initiated with funds made available  
5 by this Act shall be subject to prior consultation  
6 with the Committees on Appropriations, and all such  
7 funds shall be subject to the regular notification pro-  
8 cedures of the Committees on Appropriations.

9 (c) CAMBODIA.—Funds made available in this Act for  
10 a United States contribution to a Khmer Rouge tribunal  
11 may only be made available if the Secretary of State cer-  
12 tifies to the Committees on Appropriations that the  
13 United Nations and the Government of Cambodia are tak-  
14 ing credible steps to address allegations of corruption and  
15 mismanagement within the tribunal.

16 (d) INDONESIA.—Of the funds appropriated by this  
17 Act under the heading “Foreign Military Financing Pro-  
18 gram” that are available for assistance for Indonesia,  
19 \$2,000,000 may not be obligated until the Secretary of  
20 State submits to the Committees on Appropriations the  
21 report on Indonesia required under such heading in Sen-  
22 ate Report 112–85.

23 (e) NORTH KOREA.—None of the funds made avail-  
24 able by this Act under the heading “Economic Support

1 Fund” may be made available for energy-related assist-  
2 ance for North Korea.

3 (f) PEOPLE’S REPUBLIC OF CHINA.—

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

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

1 (g) PHILIPPINES.—Of the funds appropriated by this  
2 Act under the heading “Foreign Military Financing Pro-  
3 gram” that are available for assistance for the Philippines,  
4 \$3,000,000 may not be obligated until the Secretary of  
5 State submits to the Committees on Appropriations the  
6 report on the Philippines required under such heading in  
7 Senate Report 112–85.

8 (h) VIETNAM.—Funds appropriated under the head-  
9 ing “Economic Support Fund” shall be made available for  
10 remediation of dioxin contaminated sites in Vietnam and  
11 may be made available for assistance for the Government  
12 of Vietnam, including the military, for such purposes, and  
13 funds under the heading “Development Assistance” shall  
14 be made available for related health/disability activities.

15 WESTERN HEMISPHERE

16 SEC. 7045. (a) COLOMBIA.—

17 (1) Funds appropriated by this Act and made  
18 available to the Department of State for assistance  
19 to the Government of Colombia may be used to sup-  
20 port a unified campaign against narcotics traf-  
21 ficking, illegal armed groups, and organizations des-  
22 ignated as Foreign Terrorist Organizations and suc-  
23 cessor organizations, and to take actions to protect  
24 human health and welfare in emergency cir-  
25 cumstances, including undertaking rescue oper-

1        ations: *Provided*, That no United States Armed  
2        Forces personnel or United States civilian contractor  
3        employed by the United States will participate in  
4        any combat operation in connection with assistance  
5        made available by this Act for Colombia: *Provided*  
6        *further*, That rotary and fixed wing aircraft sup-  
7        ported with funds appropriated under the heading  
8        “International Narcotics Control and Law Enforce-  
9        ment” for assistance for Colombia may be used for  
10       aerial or manual drug eradication and interdiction  
11       including to transport personnel and supplies and to  
12       provide security for such operations: *Provided fur-*  
13       *ther*, That such aircraft may also be used to provide  
14       transport in support of alternative development pro-  
15       grams and investigations by civilian judicial authori-  
16       ties: *Provided further*, That the President shall en-  
17       sure that if any helicopter procured with funds in  
18       this Act or prior Acts making appropriations for the  
19       Department of State, foreign operations, and related  
20       programs, is used to aid or abet the operations of  
21       any illegal self-defense group, paramilitary organiza-  
22       tion, or other illegal armed group in Colombia, such  
23       helicopter shall be immediately returned to the  
24       United States: *Provided further*, That none of the  
25       funds appropriated by this Act or prior Acts making

1 appropriations for the Department of State, foreign  
2 operations, and related programs may be made  
3 available for assistance for the Colombian  
4 Departamento Administrativo de Seguridad or suc-  
5 cessor organizations: *Provided further*, That none of  
6 the funds appropriated by this Act for assistance for  
7 Colombia shall be made available for the cultivation  
8 or processing of African oil palm, if doing so would  
9 contribute to significant loss of native species, dis-  
10 rupt or contaminate natural water sources, reduce  
11 local food security, or cause the forced displacement  
12 of local people: *Provided further*, That any com-  
13 plaints of harm to health or licit crops caused by  
14 aerial eradication shall be thoroughly investigated  
15 and evaluated, and fair compensation paid in a time-  
16 ly manner for meritorious claims: *Provided further*,  
17 That funds may not be made available for aerial  
18 eradication unless programs are being implemented  
19 by the United States Agency for International De-  
20 velopment, the Government of Colombia, or other or-  
21 ganizations, in consultation and coordination with  
22 local communities, to provide alternative sources of  
23 income in areas where security permits for small-  
24 acreage growers and communities whose illicit crops  
25 are targeted for aerial eradication: *Provided further*,

1 That funds appropriated by this Act may not be  
2 used for aerial eradication in Colombia's national  
3 parks or reserves unless the Secretary of State cer-  
4 tifies to the Committees on Appropriations that  
5 there are no effective alternatives and the eradi-  
6 cation is in accordance with Colombian laws.

7 (2) COLOMBIAN ARMED FORCES.—Of the funds  
8 appropriated by this Act that are available for as-  
9 sistance for the Colombian Armed Forces, 25 per-  
10 cent may be obligated only after the Secretary of  
11 State consults with, and subsequently certifies and  
12 submits a report to, the Committees on Appropria-  
13 tions that the Government of Colombia and Colom-  
14 bian Armed Forces are meeting the conditions that  
15 appear under this title in the ~~joint~~ explanatory state-  
16 ment ~~accompanying this Act~~: *Provided*, That the re-  
17 quirement to withhold funds from obligation shall  
18 not apply with respect to funds made available under  
19 the heading “International Narcotics Control and  
20 Law Enforcement” in this Act for continued support  
21 for the Critical Flight Safety Program or for any al-  
22 ternative development programs in Colombia admin-  
23 istered by the Bureau of International Narcotics and  
24 Law Enforcement Affairs of the Department of  
25 State: *Provided further*, That not less than 30 days

(section  
described in  
Section 4 (in  
the matter  
preceding  
division A of  
this consolidated  
Act)

1 prior to making the certification the Secretary of  
2 State shall consult with Colombian and international  
3 human rights organizations.

4 (3) ILLEGAL ARMED GROUPS.—

5 (A) DENIAL OF VISAS.—Subject to para-  
6 graph (B), the Secretary of State shall not  
7 issue a visa to any alien who the Secretary de-  
8 termines, based on credible information—

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

18 (ii) has committed, ordered, incited,  
19 assisted, or otherwise participated in the  
20 commission of a violation of human rights  
21 in Colombia.

22 (B) WAIVER.—Paragraph (A) shall not  
23 apply if the Secretary of State certifies to the  
24 Committees on Appropriations, on a case-by-  
25 case basis, that the issuance of a visa to the



1 alien is necessary to support the peace process  
2 in Colombia or for urgent humanitarian rea-  
3 sons.

4 (b) GUATEMALA.—Funds appropriated by this Act  
5 under the headings “International Military Education and  
6 Training” (IMET) and “Foreign Military Financing Pro-  
7 gram” that are available for assistance for Guatemala may  
8 be made available only for the Guatemalan Air Force,  
9 Navy, and Army Corps of Engineers: *Provided*, That ex-  
10 panded IMET may be made available for assistance for  
11 the Guatemalan Army.

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

16 (d) HONDURAS.—Prior to the obligation of 20 per-  
17 cent of the funds appropriated by this Act that are avail-  
18 able for assistance for Honduran military and police  
19 forces, the Secretary of State shall report in writing to  
20 the Committees on Appropriations that: the Government  
21 of Honduras is implementing policies to protect freedom  
22 of expression and association, and due process of law; and  
23 is investigating and prosecuting in the civilian justice sys-  
24 tem, in accordance with Honduran and international law,  
25 military and police personnel who are credibly alleged to

1 have violated human rights, and the Honduran military  
2 and police are cooperating with civilian judicial authorities  
3 in such cases: *Provided*, That the restriction in this sub-  
4 section shall not apply to assistance to promote trans-  
5 parency, anti-corruption and the rule of law within the  
6 military and police forces.

7 (e) MEXICO.—Prior to the obligation of 15 percent  
8 of the funds appropriated by this Act that are available  
9 for assistance for Mexican military and police forces, the  
10 Secretary of State shall report in writing to the Commit-  
11 tees on Appropriations that: the Government of Mexico is  
12 investigating and prosecuting in the civilian justice sys-  
13 tem, in accordance with Mexican and international law,  
14 military and police personnel who are credibly alleged to  
15 have violated human rights; is enforcing prohibitions on  
16 the use of testimony obtained through torture; and the  
17 Mexican military and police are cooperating with civilian  
18 judicial authorities in such cases: *Provided*, That the re-  
19 striction in this subsection shall not apply to assistance  
20 to promote transparency, anti-corruption and the rule of  
21 law within the military and police forces.

22 (f) TRADE CAPACITY.—Of the funds appropriated by  
23 this Act, not less than \$10,000,000 under the heading  
24 “Development Assistance” and not less than \$10,000,000  
25 under the heading “Economic Support Fund” shall be

1 made available for labor and environmental capacity build-  
2 ing activities relating to free trade agreements with coun-  
3 tries of Central America, Peru and the Dominican Repub-  
4 lic.

5 (g) AIRCRAFT OPERATIONS AND MAINTENANCE.—

6 To the maximum extent practicable, the costs of oper-  
7 ations and maintenance, including fuel, of aircraft funded  
8 by this Act should be borne by the recipient country.

9 SOUTH ASIA

10 SEC. 7046. (a) AFGHANISTAN.—

11 (1) LIMITATION.—None of the funds appro-  
12 priated or otherwise made available by this Act  
13 under the headings “Economic Support Fund” and  
14 “International Narcotics Control and Law Enforce-  
15 ment” may be obligated for assistance for the Gov-  
16 ernment of Afghanistan until the Secretary of State,  
17 in consultation with the Administrator of the United  
18 States Agency for International Development  
19 (USAID), certifies to the Committees on Appropria-  
20 tions that—

21 (A) The funds will be used to design and  
22 support programs in accordance with the June  
23 2011 “Administrator’s Sustainability Guidance  
24 for USAID in Afghanistan”.

25 (B) The Government of Afghanistan is—

1 (i) reducing corruption and improving  
2 governance, including by investigating,  
3 prosecuting, sanctioning or removing cor-  
4 rupt officials from office and implementing  
5 financial transparency and accountability  
6 measures for government institutions and  
7 officials (including the Central Bank) as  
8 well as conducting oversight of public re-  
9 sources;

10 (ii) taking credible steps to protect the  
11 human rights of Afghan women; and

12 (iii) taking significant steps to facili-  
13 tate active public participation in govern-  
14 ance and oversight.

15 (C) Funds will be used to support and  
16 strengthen the capacity of Afghan public and  
17 private institutions and entities to reduce cor-  
18 ruption and to improve transparency and ac-  
19 countability of national, provincial and local  
20 governments.

21 (D) Representatives of Afghan national,  
22 provincial or local governments, and local com-  
23 munities and civil society organizations, includ-  
24 ing women-led organizations, will be consulted  
25 and participate in the design of programs,

1 projects, and activities, including participation  
2 in implementation and oversight, and the devel-  
3 opment of specific benchmarks to measure  
4 progress and outcomes.

5 (2) ASSISTANCE AND OPERATIONS.—

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

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

22 (i) shall be made available, to the  
23 maximum extent practicable, in a manner  
24 that emphasizes the participation of Af-  
25 ghan women, and directly improves the se-

1           curity, economic and social well-being, and  
2           political status, and protects the rights of,  
3           Afghan women and girls and complies with  
4           sections 7060 and 7061 of this Act, includ-  
5           ing support for the Afghan Independent  
6           Human Rights Commission, the Afghan  
7           Ministry of Women’s Affairs, and women-  
8           led organizations;

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

19               (I) Afghan women are partici-  
20               pating at national, provincial and local  
21               levels of government in the design,  
22               policy formulation and implementation  
23               of the reconciliation or reintegration  
24               process, and such process upholds  
25               steps taken by the Government of Af-

1 ghanistan to protect the human rights  
2 of Afghan women; and

3 (II) such funds will not be used  
4 to support any pardon or immunity  
5 from prosecution, or any position in  
6 the Government of Afghanistan or se-  
7 curity forces, for any leader of an  
8 armed group responsible for crimes  
9 against humanity, war crimes, or acts  
10 of terrorism; and

11 (iii) may be made available for a  
12 United States contribution to the North  
13 Atlantic Treaty Organization/International  
14 Security Assistance Force Post-Operations  
15 Humanitarian Relief Fund.

16 (C) The authority contained in section  
17 1102(e) of Public Law 111-32 shall continue in  
18 effect during fiscal year 2012 and shall apply  
19 as if part of this Act.

20 (D)(i) Of the funds appropriated by this  
21 Act that are made available for assistance for  
22 Afghanistan, not less than \$50,000,000 shall be  
23 made available for rule of law programs: *Pro-*  
24 *vided*, That decisions on the uses of such funds  
25 shall be the responsibility of the Coordinator for

1 Rule of Law, in consultation with the Inter-  
2 agency Planning and Implementation Team, at  
3 the United States Embassy in Kabul, Afghani-  
4 stan: *Provided further*, That \$250,000 of such  
5 funds shall be transferred to, and merged with,  
6 funds appropriated under the heading "Office  
7 of Inspector General" in title I of this Act for  
8 oversight of such programs and activities.

9 (ii) The Coordinator for Rule of Law at  
10 the United States Embassy in Kabul, Afghani-  
11 stan shall be consulted on the use of all funds  
12 appropriated by this Act for rule of law pro-  
13 grams in Afghanistan.

14 (E) None of the funds made available by  
15 this Act may be used by the United States Gov-  
16 ernment to enter into a permanent basing  
17 rights agreement between the United States  
18 and Afghanistan.

19 (F) Any significant modification to the  
20 scope, objectives or implementation mechanisms  
21 of United States assistance programs in Af-  
22 ghanistan shall be subject to prior consultation  
23 with, and the regular notification procedures of,  
24 the Committees on Appropriations, except that  
25 the prior consultation requirement may be



1 waived in a manner consistent with section  
2 7015(e) of this Act.

3 (G) Not later than 90 days after enact-  
4 ment of this Act, the Secretary of State shall  
5 report to the Committees on Appropriations on  
6 the International Monetary Fund (IMF) coun-  
7 try program for Afghanistan including actions  
8 requested by the IMF and taken by the Govern-  
9 ment of Afghanistan to address the Kabul  
10 Bank crisis and restore confidence in Afghani-  
11 stan's banking sector.

12 (H) Funds appropriated under titles III  
13 through VI of this Act that are made available  
14 for assistance for Afghanistan may be made  
15 available notwithstanding section 7012 of this  
16 Act or any similar provision of law and section  
17 660 of the Foreign Assistance Act of 1961.

18 (3) OVERSIGHT.—The Special Inspector Gen-  
19 eral for Afghanistan Reconstruction, the Inspector  
20 General of the Department of State and the Inspec-  
21 tor General of USAID, shall jointly develop and sub-  
22 mit to the Committees on Appropriations within 45  
23 days of enactment of this Act a coordinated audit  
24 and inspection plan of United States assistance for,  
25 and civilian operations in, Afghanistan.

1 (b) NEPAL.—

2 (1) Funds appropriated by this Act under the  
3 heading “Foreign Military Financing Program” may  
4 be made available for assistance for Nepal only if  
5 the Secretary of State certifies to the Committees on  
6 Appropriations that the Nepal Army is—

7 (A) cooperating fully with investigations  
8 and prosecutions of violations of human rights  
9 by civilian judicial authorities; and

10 (B) working constructively to redefine the  
11 Nepal Army’s mission and adjust its size ac-  
12 cordingly, implement reforms including  
13 strengthening the capacity of the civilian min-  
14 istry of defense to improve budget transparency  
15 and accountability, and facilitate the integration  
16 of former rebel combatants into the security  
17 forces including the Nepal Army, consistent  
18 with the goals of reconciliation, peace and sta-  
19 bility.

20 (2) The conditions in paragraph (1) shall not  
21 apply to assistance for humanitarian relief and re-  
22 construction activities in Nepal.

23 (c) PAKISTAN.—

24 (1) CERTIFICATION.—

1 (A) None of the funds appropriated or oth-  
2 erwise made available by this Act under the  
3 headings “Economic Support Fund”, “Inter-  
4 national Narcotics Control and Law Enforce-  
5 ment”, “Foreign Military Financing Program”,  
6 and “Pakistan Counterinsurgency Capability  
7 Fund” for assistance for the Government of  
8 Pakistan may be made available unless the Sec-  
9 retary of State certifies to the Committees on  
10 Appropriations that the Government of Paki-  
11 stan is—

12 (i) cooperating with the United States  
13 in counterterrorism efforts against the  
14 Haqqani Network, the Quetta Shura  
15 Taliban, Lashkar e-Tayyiba, Jaish-e-Mo-  
16 hammed, Al Qaeda and other domestic and  
17 foreign terrorist organizations, including  
18 taking steps to end support for such  
19 groups and prevent them from basing and  
20 operating in Pakistan and carrying out  
21 cross border attacks into neighboring coun-  
22 tries;

23 (ii) not supporting terrorist activities  
24 against United States or coalition forces in  
25 Afghanistan, and Pakistan’s military and

1 intelligence agencies are not intervening  
2 extra-judicially into political and judicial  
3 processes in Pakistan;

4 (iii) dismantling improvised explosive  
5 device (IED) networks and interdicting  
6 precursor chemicals used in the manufac-  
7 ture of IEDs;

8 (iv) preventing the proliferation of nu-  
9 clear-related material and expertise;

10 (v) issuing visas in a timely manner  
11 for United States visitors engaged in  
12 counterterrorism efforts and assistance  
13 programs in Pakistan; and

14 (vi) providing humanitarian organiza-  
15 tions access to detainees, internally dis-  
16 placed persons, and other Pakistani civil-  
17 ians affected by the conflict.

18 (B) The Secretary of State may waive the  
19 requirements of paragraph (A) if to do so is in  
20 the national security interests of the United  
21 States.

22 (2) ASSISTANCE.—

23 (A) Funds appropriated by this Act under  
24 the heading “Foreign Military Financing Pro-  
25 gram” for assistance for Pakistan may be made

1 available only to support counterterrorism and  
2 counterinsurgency capabilities in Pakistan, and  
3 are subject to section 620M of the Foreign As-  
4 sistance Act of 1961, as amended by this Act.

5 (B) Funds appropriated by this Act under  
6 the heading "Economic Support Fund" for as-  
7 sistance for Pakistan should be made available  
8 to interdict precursor materials from Pakistan  
9 to Afghanistan that are used to manufacture  
10 improvised explosive devices, including calcium  
11 ammonium nitrate; to support programs to  
12 train border and customs officials in Pakistan  
13 and Afghanistan; and for agricultural extension  
14 programs that encourage alternative fertilizer  
15 use among Pakistani farmers.

16 (C) Of the funds appropriated by this Act  
17 under the heading "Economic Support Fund"  
18 for assistance for Pakistan, \$10,000,000 shall  
19 be made available through the Bureau of De-  
20 mocracy, Human Rights and Labor, Depart-  
21 ment of State, for human rights and democracy  
22 programs in Pakistan, including training of  
23 government officials and security forces, and  
24 assistance for human rights organizations and  
25 the development of democratic political parties.

1 (D) Funds appropriated by this Act under  
2 the heading “Economic Support Fund” for as-  
3 sistance for Pakistan may be made available for  
4 the Chief of Mission Fund, as authorized by  
5 section 101(c)(5) of Public Law 111–73.

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

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

18 (3) REPORTS.—

19 (A)(i) The spend plan required by section  
20 7078 of this Act for assistance for Pakistan  
21 shall include achievable and sustainable goals,  
22 benchmarks for measuring progress, and ex-  
23 pected results regarding furthering development  
24 in Pakistan, countering extremism, and estab-  
25 lishing conditions conducive to the rule of law

1 and transparent and accountable governance:  
2 *Provided*, That such benchmarks may incor-  
3 porate those required in title III of Public Law  
4 111–73, as appropriate: *Provided further*, That  
5 not later than 6 months after submission of  
6 such spend plan, and each 6 months thereafter  
7 until September 30, 2013, the Secretary of  
8 State shall submit a report to the Committees  
9 on Appropriations on the status of achieving  
10 the goals and benchmarks in the spend plan.

11 (ii) The Secretary of State should suspend  
12 assistance for the Government of Pakistan if  
13 any report required by paragraph (A)(i) indi-  
14 cates that Pakistan is failing to make measur-  
15 able progress in meeting these goals or bench-  
16 marks.

17 (B) Not later than 90 days after enact-  
18 ment of this Act, the Secretary of State shall  
19 submit a report to the Committees on Appro-  
20 priations detailing the costs and objectives asso-  
21 ciated with significant infrastructure projects  
22 supported by the United States in Pakistan,  
23 and an assessment of the extent to which such  
24 projects achieve such objectives.

25 (d) SRI LANKA.—

1           (1) None of the funds appropriated by this Act  
2           under the heading “Foreign Military Financing Pro-  
3           gram” may be made available for assistance for Sri  
4           Lanka, no defense export license may be issued, and  
5           no military equipment or technology shall be sold or  
6           transferred to Sri Lanka pursuant to the authorities  
7           contained in this Act or any other Act, unless the  
8           Secretary of State certifies to the Committees on  
9           Appropriations that the Government of Sri Lanka  
10          is—

11                   (A) conducting credible, thorough inves-  
12                   tigations of alleged war crimes and violations of  
13                   international humanitarian law by government  
14                   forces and the Liberation Tigers of Tamil  
15                   Eelam;

16                   (B) bringing to justice individuals who  
17                   have been credibly alleged to have committed  
18                   such violations;

19                   (C) supporting and cooperating with any  
20                   United Nations investigation of alleged war  
21                   crimes and violations of international humani-  
22                   tarian law;

23                   (D) respecting due process, the rights of  
24                   journalists, and the rights of citizens to peace-  
25                   ful expression and association, including ending



1           arrest and detention under emergency regula-  
2           tions;

3           (E) providing access to detainees by hu-  
4           manitarian organizations; and

5           (F) implementing policies to promote rec-  
6           onciliation and justice including devolution of  
7           power ~~as provided for in the Constitution of Sri~~  
8           ~~Lanka.~~

9           (2) Paragraph (1) shall not apply to assistance  
10          for humanitarian demining and aerial and maritime  
11          surveillance.

12          (3) If the Secretary makes the certification re-  
13          quired in paragraph (1), funds appropriated under  
14          the heading "Foreign Military Financing Program"  
15          that are made available for assistance for Sri Lanka  
16          should be used to support the recruitment and train-  
17          ing of Tamils into the Sri Lankan military, Tamil  
18          language training for Sinhalese military personnel,  
19          and human rights training for all military personnel.

20          (4) The Secretary of the Treasury shall instruct  
21          the United States executive directors of the inter-  
22          national financial institutions to vote against any  
23          loan, agreement, or other financial support for Sri  
24          Lanka except to meet basic human needs, unless the  
25          Secretary of State certifies to the Committees on

1 Appropriations that the Government of Sri Lanka is  
2 meeting the requirements in paragraph (1)(D), (E),  
3 and (F) of this subsection.

4 (e) REGIONAL CROSS BORDER PROGRAMS.—Funds  
5 appropriated by this Act under the heading “Economic  
6 Support Fund” for assistance for Afghanistan and Paki-  
7 stan may be provided notwithstanding any other provision  
8 of law that restricts assistance to foreign countries for  
9 cross border stabilization and development programs be-  
10 tween Afghanistan and Pakistan or between either country  
11 and the Central Asian republics.

12 PROHIBITION OF PAYMENTS TO UNITED NATIONS

13 MEMBERS

14 SEC. 7047. None of the funds appropriated or made  
15 available pursuant to titles III through VI of this Act for  
16 carrying out the Foreign Assistance Act of 1961, may be  
17 used to pay in whole or in part any assessments, arrear-  
18 ages, or dues of any member of the United Nations or,  
19 from funds appropriated by this Act to carry out chapter  
20 1 of part I of the Foreign Assistance Act of 1961, the  
21 costs for participation of another country’s delegation at  
22 international conferences held under the auspices of multi-  
23 lateral or international organizations.

1                   WAR CRIMES TRIBUNALS DRAWDOWN

2           SEC. 7048. If the President determines that doing so  
3 will contribute to a just resolution of charges regarding  
4 genocide or other violations of international humanitarian  
5 law, the President may direct a drawdown pursuant to sec-  
6 tion 552(c) of the Foreign Assistance Act of 1961 of up  
7 to \$30,000,000 of commodities and services for the United  
8 Nations War Crimes Tribunal established with regard to  
9 the former Yugoslavia by the United Nations Security  
10 Council or such other tribunals or commissions as the  
11 Council may establish or authorize to deal with such viola-  
12 tions, without regard to the ceiling limitation contained  
13 in paragraph (2) thereof: *Provided*, That the determina-  
14 tion required under this section shall be in lieu of any de-  
15 terminations otherwise required under section 552(c): *Pro-*  
16 *vided further*, That funds made available pursuant to this  
17 section shall be made available subject to the regular noti-  
18 fication procedures of the Committees on Appropriations.

19                   UNITED NATIONS

20           SEC. 7049. (a) TRANSPARENCY AND ACCOUNT-  
21 ABILITY.—

22                   (1) Of the funds appropriated under title I and  
23           under the heading “International Organizations and  
24           Programs” in title V of this Act that are available  
25           for contributions to any United Nations agency or to

1 the Organization of American States, 15 percent  
2 shall be withheld from obligation for such agency or  
3 organization if the Secretary of State determines  
4 and reports to the Committees on Appropriations  
5 that the agency or organization is not taking steps  
6 to—

7 (A) publish on a publicly available Web  
8 site, consistent with privacy regulations and due  
9 process, regular financial and programmatic au-  
10 dits of the agency or organization, and provide  
11 the United States Government with necessary  
12 access to such financial and performance au-  
13 dits; and

14 (B) implement best practices for the pro-  
15 tection of whistleblowers from retaliation, in-  
16 cluding best practices for legal burdens of  
17 proof, access to independent adjudicative bod-  
18 ies, results that eliminate the effects of retalia-  
19 tion, and statutes of limitation<sup>l</sup> for reporting  
20 retaliation.

21 (2) The Secretary may waive the restriction in  
22 this ~~section~~ if the Secretary determines and reports  
23 that to do so is in the national interest of the United  
24 States.

subsection)

1 (b) RESTRICTIONS ON UNITED NATIONS DELEGA-  
2 TIONS AND ORGANIZATIONS.—

3 (1) None of the funds made available under  
4 title I of this Act may be used to pay expenses for  
5 any United States delegation to any specialized  
6 agency, body, or commission of the United Nations  
7 if such commission is chaired or presided over by a  
8 country, the government of which the Secretary of  
9 State has determined, for purposes of section 6(j)(1)  
10 of the Export Administration Act of 1979 (50  
11 U.S.C. App. 2405(j)(1)), supports international ter-  
12 rorism.

13 (2) None of the funds made available under  
14 title I of this Act may be used by the Secretary of  
15 State as a contribution to any organization, agency,  
16 or program within the United Nations system if  
17 such organization, agency, commission, or program  
18 is chaired or presided over by a country, the govern-  
19 ment of which the Secretary of State has deter-  
20 mined, for purposes of section 620A of the Foreign  
21 Assistance Act of 1961, section 40 of the Arms Ex-  
22 port Control Act, section 6(j)(1) of the Export Ad-  
23 ministration Act of 1979, or any other provision of  
24 law, is a government that has repeatedly provided  
25 support for acts of international terrorism.


1           (3) The Secretary of State may waive the re-  
2           strictions in this subsection if the Secretary deter-  
3           mines and reports to the Committees on Appropria-  
4           tions that to do so is in the national interest of the  
5           United States.

6           (c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—  
7           Funds appropriated by this Act may be made available  
8           for voluntary contributions or payment of United States  
9           assessments in support of the United Nations Human  
10          Rights Council if the Secretary of State determines and  
11          reports to the Committees on Appropriations that partici-  
12          pation in the Council is in the national interest of the  
13          United States: *Provided*, That the Secretary of State shall  
14          report to the Committees on Appropriations not later than  
15          30 days after the date of enactment of this Act, and every  
16          180 days thereafter until September 30, 2012, on the res-  
17          olutions considered in the United Nations Human Rights  
18          Council.

19          (d) UNITED NATIONS RELIEF AND WORKS AGEN-  
20          CY.—The reporting requirements regarding the United  
21          Nations Relief and Works Agency contained in the joint  
22          explanatory statement accompanying the Supplemental  
23          Appropriations Act, 2009 (Public Law 111–32, House Re-  
24          port 111–151) under the heading “Migration and Refugee

1 Assistance” in title XI shall apply to funds made available  
2 by this Act under such heading.

3 (c) UNITED NATIONS CAPITAL MASTER PLAN.—  
4 None of the funds made available in this Act for the  
5 United Nations Capital Master Plan may be used for the  
6 design, renovation, or construction of the United Nations  
7 Headquarters in New York in excess of the United States  
8 payment for the assessment agreed upon pursuant to  
9 paragraph 10 of United Nations General Assembly Reso-  
10 lution 61/251.

11 (f) REPORTING REQUIREMENT.—Not later than 30  
12 days after enactment of this Act, the Secretary of State  
13 shall submit a report to the Committees on Appropriation  
14 detailing the amount of funds available for obligation or  
15 expenditure in fiscal year 2012 under the headings “Con-  
16 tributions to International Organizations” and “Inter-  
17 national Organizations and Programs” that are withheld  
18 from obligation or expenditure due to any ~~other~~ provision   
19 of law: *Provided*, That the Secretary of State shall update  
20 such report each time additional funds are withheld by op-  
21 eration of any provision of law: *Provided further*, That the  
22 reprogramming of any withheld funds identified in such  
23 report, including updates thereof, shall be subject to prior  
24 consultation with, and the regular notification procedures  
25 of, the Committees on Appropriations.

1                   COMMUNITY-BASED POLICE ASSISTANCE

2           SEC. 7050. (a) AUTHORITY.—Funds made available  
3 by titles III and IV of this Act to carry out the provisions  
4 of chapter 1 of part I and chapters 4 and 6 of part II  
5 of the Foreign Assistance Act of 1961, may be used, not-  
6 withstanding section 660 of that Act, to enhance the effec-  
7 tiveness and accountability of civilian police authority  
8 through training and technical assistance in human rights,  
9 the rule of law, anti-corruption, strategic planning, and  
10 through assistance to foster civilian police roles that sup-  
11 port democratic governance including assistance for pro-  
12 grams to prevent conflict, respond to disasters, address  
13 gender-based violence, and foster improved police relations  
14 with the communities they serve.

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

18                   ATTENDANCE AT INTERNATIONAL CONFERENCES

19           SEC. 7051. None of the funds made available in this  
20 Act may be used to send or otherwise pay for the attend-  
21 ance of more than 50 employees of agencies or depart-  
22 ments of the United States Government who are stationed  
23 in the United States, at any single international con-  
24 ference occurring outside the United States, unless the  
25 Secretary of State reports to the Committees on Appro-



1 priations at least 5 days in advance that such attendance  
2 is important to the national interest: *Provided*, That for  
3 purposes of this section the term “international con-  
4 ference” shall mean a conference attended by representa-  
5 tives of the United States Government and of foreign gov-  
6 ernments, international organizations, or nongovern-  
7 mental organizations.

8 AIRCRAFT TRANSFER AND COORDINATION

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

1 (b) PROPERTY DISPOSAL.—The authority provided  
2 in subsection (a) shall apply only after the Secretary of  
3 State determines and reports to the Committees on Appro-  
4 priations that the equipment is no longer required to meet  
5 programmatic purposes in the designated country or re-  
6 gion: *Provided*, That any such transfer shall be subject  
7 to prior consultation with, and the regular notification  
8 procedures of, the Committees on Appropriations.

9 (c) AIRCRAFT COORDINATION.—

10 (1) The uses of aircraft purchased or leased by  
11 the Department of State and the United States  
12 Agency for International Development (USAID)  
13 with funds made available in this Act or prior Acts  
14 making appropriations for the Department of State,  
15 foreign operations, and related programs shall be co-  
16 ordinated under the authority of the appropriate  
17 Chief of Mission: *Provided*, That such aircraft may  
18 be used to transport, on a reimbursable or non-reim-  
19 bursable basis, Federal and non-Federal personnel  
20 supporting Department of State and USAID pro-  
21 grams and activities: *Provided further*, That official  
22 travel for other agencies for other purposes may be  
23 supported on a reimbursable basis, or without reim-  
24 bursement when traveling on a space available basis.

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

4           PARKING FINES AND REAL PROPERTY TAXES OWED BY  
5                                           FOREIGN GOVERNMENTS

6           SEC. 7053. The terms and conditions of section 7055  
7           of division F of Public Law 111–117 shall apply to this  
8           Act: *Provided*, That the date “September 30, 2009” in  
9           subsection (f)(2)(B) shall be deemed to be “September 30,  
10          2011”.

11                                           LANDMINES AND CLUSTER MUNITIONS

12          SEC. 7054. (a) LANDMINES.—Notwithstanding any  
13          other provision of law, demining equipment available to  
14          the United States Agency for International Development  
15          and the Department of State and used in support of the  
16          clearance of landmines and unexploded ordnance for hu-  
17          manitarian purposes may be disposed of on a grant basis  
18          in foreign countries, subject to such terms and conditions  
19          as the Secretary of State may prescribe.

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

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

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

12 PROHIBITION ON PUBLICITY OR PROPAGANDA

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

20 LIMITATION ON RESIDENCE EXPENSES

21 SEC. 7056. Of the funds appropriated or made avail-  
22 able pursuant to title II of this Act, not to exceed  
23 \$100,500 shall be for official residence expenses of the  
24 United States Agency for International Development dur-  
25 ing the current fiscal year: *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. 7057. (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 should only be used to the extent that an equivalent num-

1 ber of positions that are filled by personal services contrac-  
2 tors or other non-direct hire employees of USAID, who  
3 are compensated with funds appropriated to carry out part  
4 I 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) PROGRAM ACCOUNT CHARGED.—The account  
8 charged for the cost of an individual hired and employed  
9 under the authority of this section shall be the account  
10 to which such individual's responsibilities primarily relate:  
11 *Provided*, That funds made available to carry out this sec-  
12 tion may be transferred to, and merged with, funds appro-  
13 priated by this Act in title II under the heading "Oper-  
14 ating Expenses".

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

23 (f) DISASTER SURGE CAPACITY.—Funds appro-  
24 priated under title III of this Act to carry out part I of  
25 the Foreign Assistance Act of 1961, including funds ap-

1 appropriated under the heading "Assistance for Europe,  
2 Eurasia and Central Asia", may be used, in addition to  
3 funds otherwise available for such purposes, for the cost  
4 (including the support costs) of individuals detailed to or  
5 employed by USAID whose primary responsibility is to  
6 carry out programs in response to natural disasters, or  
7 man-made disasters subject to the regular notification  
8 procedures of the Committees on Appropriations.

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

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

7 (i) SENIOR FOREIGN SERVICE LIMITED APPOINT-  
8 MENTS.—Individuals hired pursuant to the authority pro-  
9 vided by section 7059(o) of division F of Public Law 111-  
10 117 may be assigned to or support programs in Iraq, Af-  
11 ghanistan, or Pakistan with funds made available in this  
12 Act and prior Acts making appropriations for the Depart-  
13 ment of State, foreign operations, and related programs.

14 GLOBAL HEALTH ACTIVITIES

15 SEC. 7058. (a) IN GENERAL.—Funds appropriated  
16 by titles III and IV of this Act that are made available  
17 for bilateral assistance for child survival activities or dis-  
18 ease programs including activities relating to research on,  
19 and the prevention, treatment and control of, HIV/AIDS  
20 may be made available notwithstanding any other provi-  
21 sion of law except for provisions under the heading “Glob-  
22 al Health Programs” and the United States Leadership  
23 Against HIV/AIDS, Tuberculosis, and Malaria Act of  
24 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-  
25 ed: *Provided*, That of the funds appropriated under title



1 III of this Act, not less than \$575,000,000 should be made  
2 available for family planning/reproductive health, includ-  
3 ing in areas where population growth threatens biodiver-  
4 sity or endangered species.

5 (b) GLOBAL HEALTH MANAGEMENT.—

6 (1) Not later than 180 days after enactment of  
7 this Act, the Secretary of State, in consultation with  
8 the Administrator of the United States Agency for  
9 International Development (USAID), shall submit to  
10 the Committees on Appropriations an analysis of  
11 short and long-term costs, to include potential cost  
12 savings or increases, associated with transitioning  
13 the function, role, and duties of the Office of the  
14 United States Global AIDS Coordinator into  
15 USAID: *Provided*, That such report shall also assess  
16 any programmatic advantages and disadvantages, in-  
17 cluding the ability to achieve results, of making such  
18 a transition.

19 (2)(A) Not later than 45 days after enactment  
20 of this Act, the Secretary of State, in consultation  
21 with the Administrator of the United States Agency  
22 for International Development (USAID), shall sub-  
23 mit to the Committees on Appropriations a report  
24 on the status of the Quadrennial Diplomacy and De-  
25 velopment Review (QDDR) decision to transition the

1 leadership of the Global Health Initiative (GHI) to  
2 USAID, to include the following—

3 (i) the metrics developed to measure  
4 progress in meeting each benchmark enumer-  
5 ated in Appendix 2 of the QDDR and the meth-  
6 od utilized to develop such metrics; and

7 (ii) the status of, and estimated completion  
8 date for, meeting each benchmark.

9 (B) Within 90 days of submitting the initial re-  
10 port required by subparagraph (A), and each 90  
11 days thereafter until the GHI transition is com-  
12 pleted, an update shall be provided to the Commit-  
13 tees on Appropriations on the status of meeting each  
14 benchmark: *Provided*, That if as part of any such  
15 update it is determined that the QDDR target date  
16 of September 2012 will not be met, the Secretary of  
17 State, in consultation with the USAID Adminis-  
18 trator, shall submit a detailed explanation of the  
19 delay and a revised target date for the transition to  
20 be completed.

21 (c) GLOBAL FUND REFORMS.—

22 (1) Of funds appropriated by this Act that are  
23 available for a contribution to the Global Fund to  
24 Fight AIDS, Tuberculosis and Malaria (Global  
25 Fund), 10 percent should be withheld from obliga-

1           tion until the Secretary of State determines and re-  
2           ports to the Committees on Appropriations that—

3                   (A) the Global Fund is maintaining and  
4                   implementing a policy of transparency, includ-  
5                   ing the authority of the Global Fund Office of  
6                   the Inspector General (OIG) to publish OIG re-  
7                   ports on a public Web site;

8                   (B) the Global Fund is providing sufficient  
9                   resources to maintain an independent OIG  
10                  that—

11                           (i) reports directly to the Board of the  
12                           Global Fund;

13                           (ii) maintains a mandate to conduct  
14                           thorough investigations and programmatic  
15                           audits, free from undue interference; and

16                           (iii) compiles regular, publicly pub-  
17                           lished audits and investigations of finan-  
18                           cial, programmatic, and reporting aspects  
19                           of the Global Fund, its grantees, recipi-  
20                           ents, sub-recipients, and Local ~~Fiscal~~ (Fund  
21                           Agents.

22                   (C) the Global Fund maintains an effective  
23                   whistleblower policy to protect whistleblowers  
24                   from retaliation, including confidential proce-

1           dures for reporting possible misconduct or  
2           irregularities.

3           (2) The withholding required by this subsection  
4           shall not be in addition to funds that are withheld  
5           from the Global Fund in fiscal year 2012 pursuant  
6           to the application of any other provision contained  
7           in this or any other Act.

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

19                           PROHIBITION ON PROMOTION OF TOBACCO

20          SEC. 7059. None of the funds provided by this Act  
21          shall be available to promote the sale or export of tobacco  
22          or tobacco products, or to seek the reduction or removal  
23          by any foreign country of restrictions on the marketing  
24          of tobacco or tobacco products, except for restrictions

1 which are not applied equally to all tobacco or tobacco  
2 products of the same type.

3           PROGRAMS TO PROMOTE GENDER EQUALITY

4           SEC. 7060. (a) Programs funded under title III of  
5 this Act shall include, where appropriate, efforts to im-  
6 prove the status of women, including through gender con-  
7 siderations in the planning, assessment, implementation,  
8 monitoring and evaluation of such programs.

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

19           (c) Funds appropriated under title III of this Act  
20 shall be made available to increase political opportunities  
21 for women, including strengthening protections for wom-  
22 en's personal status, increasing women's participation in  
23 elections, and enhancing women's positions in government  
24 and role in government decisionmaking.

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

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

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

16 (2) integrate the perspectives and interests of  
17 affected women into conflict-prevention activities and  
18 strategies;

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

21 (4) support women's equal access to aid dis-  
22 tribution mechanisms and services; and

23 (5) monitor, analyze and evaluate implementa-  
24 tion efforts and their impact.

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

9 GENDER-BASED VIOLENCE

10 SEC. 7061. (a) Funds appropriated under the head-  
11 ings “Global Health Programs”, “Development Assist-  
12 ance”, “Economic Support Fund”, and “International  
13 Narcotics Control and Law Enforcement” in this Act shall  
14 be made available for gender-based violence prevention  
15 and response efforts, and funds appropriated under the  
16 headings “International Disaster Assistance”, “Complex  
17 Crises Fund” and “Migration and Refugee Assistance”  
18 should be made available for such efforts. (↑)

19 (b) Programs and activities funded under titles III  
20 and IV of this Act to train foreign police, judicial, and  
21 military personnel, including for international peace-  
22 keeping operations, shall address, where appropriate, pre-  
23 vention and response to gender-based violence and traf-  
24 ficking in persons.

1                                   SECTOR ALLOCATIONS

2           SEC. 7062. (a) BASIC AND HIGHER EDUCATION.—

3                   (1) BASIC EDUCATION.—

4                           (A) Of the funds appropriated by title III  
5                           of this Act, not less than \$800,000,000 shall be  
6                           made available for assistance for basic edu-  
7                           cation, of which not less than \$288,000,000  
8                           should be made available under the heading  
9                           “Development Assistance”.

10                           (B) The United States Agency for Inter-  
11                           national Development shall ensure that pro-  
12                           grams supported with funds appropriated for  
13                           basic education in this Act and prior Acts mak-  
14                           ing appropriations for the Department of State,  
15                           foreign operations, and related programs are in-  
16                           tegrated, when appropriate, with health, agri-  
17                           culture, governance, and economic development  
18                           activities to address the economic and social  
19                           needs of the broader community.

20                           (C) Funds appropriated by title III of this  
21                           Act for basic education may be made available  
22                           for a contribution to the Global Partnership for  
23                           Education.

24                           (2) HIGHER EDUCATION.—Of the funds appro-  
25                           priated by title III of this Act, not less than



1       \$200,000,000 shall be made available for assistance  
2       for higher education, of which \$25,000,000 shall be  
3       to support such programs in Africa, including for  
4       partnerships between higher education institutions  
5       in Africa and the United States.

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

(Subsection

18      (c) ENVIRONMENT PROGRAMS.—

19          (1) IN GENERAL.—Of the funds appropriated  
20          by this Act, not less than \$1,250,000,000 should be  
21          made available for programs and activities to protect  
22          the environment.

23          (2) CLEAN ENERGY PROGRAMS.—The limitation  
24          in section 7081(b) of division F of Public Law 111–  
25          117 shall continue in effect during fiscal year 2012

1 as if part of this Act: *Provided*, That the proviso  
2 contained in such section shall not apply.

3 (3) ADAPTATION PROGRAMS.—Funds appro-  
4 priated by this Act may be made available for  
5 United States contributions to the Least Developed  
6 Countries Fund and the Special Climate Change  
7 Fund to support adaptation programs and activities.

8 (4) TROPICAL FOREST PROGRAMS.—Funds ap-  
9 propriated under title III of this Act for tropical for-  
10 est programs shall be used to protect biodiversity,  
11 and shall not be used to support or promote the ex-  
12 pansion of industrial scale logging into primary tropi-  
13 cal forests: *Provided*, That funds that are available  
14 for the Central African Regional Program for the  
15 Environment and other tropical forest programs in  
16 the Congo Basin for the United States Fish and  
17 Wildlife Service (USFWS) shall be apportioned di-  
18 rectly to the USFWS: *Provided further*, That funds  
19 made available for the Department of the Interior  
20 (DOI) for programs in the Guatemala Mayan Bio-  
21 sphere Reserve shall be apportioned directly to the  
22 DOI.

23 (5) AUTHORITY.—Funds appropriated by this  
24 Act to carry out the provisions of sections 103  
25 through 106, and chapter 4 of part II, of the For-

1       eign Assistance Act of 1961 may be used, notwith-  
2       standing any other provision of law except for the  
3       provisions of this section and subject to the regular  
4       notification procedures of the Committees on Appro-  
5       priations, to support environment programs.

6       (6) CONSULTATION.—Funds made available  
7       pursuant to this ~~section~~ are subject to prior con- (subsection  
8       sultation with, and the regular notification proce-  
9       dures of, the Committees on Appropriations.

10       (7) EXTRACTION OF NATURAL RESOURCES.—

11           (A) Funds appropriated by this Act shall  
12       be made available to promote and support  
13       transparency and accountability of expenditures  
14       and revenues related to the extraction of nat-  
15       ural resources, including by strengthening im-  
16       plementation and monitoring of the Extractive  
17       Industries Transparency Initiative, imple-  
18       menting and enforcing section 8204 of Public  
19       Law 110–246 and the Kimberley Process Cer-  
20       tification Scheme, and providing technical as-  
21       sistance to promote independent audit mecha-  
22       nisms and support civil society participation in  
23       natural resource management.

24           (B)(i) The Secretary of the Treasury shall  
25       inform the managements of the international fi-

1           nancial institutions and post on the Department  
2           of the Treasury's Web site that it is the policy  
3           of the United States to vote against any assist-  
4           ance by such institutions (including but not lim-  
5           ited to any loan, credit, grant, or guarantee) for  
6           the extraction and export of a natural resource  
7           if the government of the country has in place  
8           laws or regulations to prevent or limit the pub-  
9           lic disclosure of company payments as required  
10          by section 1504 of Public Law 111-203, and  
11          unless such government has in place func-  
12          tioning systems in the sector in which assist-  
13          ance is being considered for:

14                   (I) accurately accounting for and pub-  
15                   lic disclosure of payments to the host gov-  
16                   ernment by companies involved in the ex-  
17                   traction and export of natural resources;

18                   (II) the independent auditing of ac-  
19                   counts receiving such payments and public  
20                   disclosure of the findings of such audits;  
21                   and

22                   (III) public disclosure of such docu-  
23                   ments as Host Government Agreements,  
24                   Concession Agreements, and bidding docu-  
25                   ments, allowing in any such dissemination

1 or disclosure for the redaction of, or excep-  
2 tions for, information that is commercially  
3 proprietary or that would create competi-  
4 tive disadvantage.

5 (ii) The requirements of subparagraph (i)  
6 shall not apply to assistance for the purpose of  
7 building the capacity of such government to  
8 meet the requirements of this paragraph.

9 (C) The Secretary of the Treasury or the  
10 Secretary of State, as appropriate, shall in-  
11 struct the United States executive director of  
12 each international financial institution and the  
13 United States representatives to all forest-re-  
14 lated multilateral financing mechanisms and  
15 processes, that it is the policy of the United  
16 States to vote against the expansion of indus-  
17 trial scale logging into primary tropical forests.

18 (8) CONTINUATION OF PRIOR LAW.—Section  
19 7081(g)(2) and (4) of division F of Public Law 111-  
20 117 shall continue in effect during fiscal year 2012  
21 as if part of this Act.

22 (d) FOOD SECURITY AND AGRICULTURE DEVELOP-  
23 MENT.—Of the funds appropriated by title III of this Act,  
24 \$1,170,000,000 should be made available for food security  
25 and agriculture development programs, of which

1 \$31,500,000 shall be made available for Collaborative Re-  
2 search Support Programs: *Provided*, That such funds may  
3 be made available notwithstanding any other provision of  
4 law to address food shortages, and may be made available  
5 for a United States contribution to the endowment of the  
6 Global Crop Diversity Trust pursuant to section 3202 of  
7 Public Law 110-246.

8 (e) MICROENTERPRISE AND MICROFINANCE.—Of the  
9 funds appropriated by this Act, not less than  
10 \$265,000,000 should be made available for microenter-  
11 prise and microfinance development programs for the  
12 poor, especially women.

13 (f) RECONCILIATION PROGRAMS.—Of the funds ap- (1)  
14 propriated by title III of this Act under the headings  
15 “Economic Support Fund” and “Development Assist-  
16 ance”, \$26,000,000 shall be made available to support  
17 people-to-people reconciliation programs which bring to-  
18 gether individuals of different ethnic, religious and polit-  
19 ical backgrounds from areas of civil strife and war, of  
20 which \$10,000,000 shall be made available for such pro-  
21 grams in the Middle East: *Provided*, That the Adminis-  
22 trator of the United States Agency for International De-  
23 velopment shall consult with the Committees on Appro-  
24 priations, prior to the initial obligation of funds, on the  
25 uses of such funds.

Insert  
221A

Insert 221 **A**

**(2) Of the funds appropriated by title III of this Act under the headings "Economic Support Fund" and "Development Assistance", \$10,000,000 should be made available for a "New Generation in the Middle East" initiative to build understanding, tolerance, and mutual respect among the next generation of Israeli and Palestinian leaders.**

1 (g) **TRAFFICKING IN PERSONS.**—Of the funds appro-  
2 priated by this Act under the headings “Development As-  
3 sistance”, “Economic Support Fund”, “International  
4 Narcotics Control and Law Enforcement”, and “Assist-  
5 ance for Europe, Eurasia and Central Asia” not less than  
6 \$36,000,000 shall be made available for activities to com-  
7 bat trafficking in persons internationally.

8 (h) **WATER.**—Of the funds appropriated by this Act,  
9 not less than \$315,000,000 shall be made available for  
10 water and sanitation supply projects pursuant to the Sen-  
11 ator Paul Simon Water for the Poor Act of 2005 (Public  
12 Law 109–121).

13 (i) **WOMEN’S LEADERSHIP CAPACITY.**—Of the funds  
14 appropriated by title III of this Act, 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 (j) **NOTIFICATION REQUIREMENTS.**—Authorized de-  
18 viations from funding levels contained in this section shall  
19 be subject to the regular notification procedures of the  
20 Committees on Appropriations.

21 **CENTRAL ASIA**

22 **SEC. 7063.** The terms and conditions of sections  
23 7075(a) through (d) and 7076(a) through (e) of the De-  
24 partment of State, Foreign Operations, and Related Pro-  
25 grams Appropriations Act, 2009 (division H of Public Law



1 111–8) shall apply to funds appropriated by this Act, ex-  
2 cept that the Secretary of State may waive the application  
3 of section 7076(a) for a period of not more than 6 months  
4 and every 6 months thereafter until September 30, 2013,  
5 if the Secretary certifies to the Committees on Appropria-  
6 tions that the waiver is in the national security interest  
7 and necessary to obtain access to and from Afghanistan  
8 for the United States, and the waiver includes an assess-  
9 ment of progress, if any, by the Government of Uzbekistan  
10 in meeting the requirements in section 7076(a): *Provided,*  
11 That the Secretary of State, in consultation with the Sec-  
12 retary of Defense, shall submit a report to the Committees  
13 on Appropriations not later than 180 days after enactment  
14 of this Act and 12 months thereafter, on all United States  
15 Government assistance provided to the Government of  
16 Uzbekistan and expenditures made in support of the  
17 Northern Distribution Network in Uzbekistan, including  
18 any credible information that such assistance or expendi-  
19 tures are being diverted for corrupt purposes: *Provided*  
20 *further,* That information provided in the report required  
21 by the previous proviso may be provided in a classified  
22 annex and such annex shall indicate the basis for such  
23 classification: *Provided further,* That for the purposes of  
24 the application of section 7075(c) to this Act, the report  
25 shall be submitted not later than October 1, 2012 and for

1 the purposes of the application of section 7076(e) to this  
2 Act, the term "assistance" shall not include expanded  
3 international military education and training.

4                                   REQUESTS FOR DOCUMENTS

5           SEC. 7064. None of the funds appropriated or made  
6 available pursuant to titles III through VI of this Act shall  
7 be available to a nongovernmental organization, including  
8 any contractor, which fails to provide upon timely request  
9 any document, file, or record necessary to the auditing re-  
10 quirements of the United States Agency for International  
11 Development.

12                           OVERSEAS PRIVATE INVESTMENT CORPORATION

13                                   (INCLUDING TRANSFER OF FUNDS)

14           SEC. 7065. (a) Whenever the President determines  
15 that it is in furtherance of the purposes of the Foreign  
16 Assistance Act of 1961, up to a total of \$20,000,000 of  
17 the funds appropriated under title III of this Act may be  
18 transferred to, and merged with, funds appropriated by  
19 this Act for the Overseas Private Investment Corporation  
20 Program Account, to be subject to the terms and condi-  
21 tions of that account: *Provided*, That such funds shall not  
22 be available for administrative expenses of the Overseas  
23 Private Investment Corporation: *Provided further*, That  
24 designated funding levels in this Act shall not be trans-  
25 ferred pursuant to this section: *Provided further*, That the

1 exercise of such authority shall be subject to the regular  
2 notification procedures of the Committees on Appropria-  
3 tions.

4 (b) Notwithstanding section 235(a)(2) of the Foreign  
5 Assistance Act of 1961, the authority of subsections (a)  
6 through (e) of section 234 of such Act shall remain in  
7 effect until September 30, 2012.

8 ~~(c)(1) Notwithstanding 22 U.S.C. 2199(e), during~~  
9 ~~fiscal years 2012 through 2015 the Inspector General of~~  
10 ~~the Export-Import Bank of the United States shall serve~~  
11 ~~as Inspector General of the Overseas Private Investment~~  
12 ~~Corporation (the Corporation): *Provided*, That the Inspe-~~  
13 ~~ctor General shall conduct and supervise audits, inspec-~~  
14 ~~tions, and investigations relating to the programs and op-~~  
15 ~~erations of the Corporation and provide leadership and co-~~  
16 ~~ordination and recommend policies for activities designed~~  
17 ~~(A) to promote economy, efficiency, and effec-~~  
18 ~~tiveness in the administration of Corporation pro-~~  
19 ~~grams and activities;~~  
20 ~~(B) to prevent and detect fraud and abuse in,~~  
21 ~~such programs and operations; and~~  
22 ~~(C) to provide a means for keeping the Board~~  
23 ~~of Directors of the Corporation and the Congress~~  
24 ~~fully and currently informed about problems and de-~~  
25 ~~ficiencies relating to the administration of such pro-~~

1 ~~grains and operations and the necessity for any~~  
2 progress of corrective action.

3 (2) During the period of applicability of this sub-  
4 section, sections 4, 5, 6 and 7 of the Inspector General  
5 Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3) shall  
6 be deemed to apply to the Inspector General of the Cor-  
7 poration and such sections shall be applied to the Corpora-  
8 tion and the Board of Directors of the Corporation by sub-  
9 stituting—

10 (A) "Overseas Private Investment Corporation"  
11 for "establishment"; and

12 (B) "Board of Directors of the Corporation"  
13 for "head of the establishment".

14 (3) In carrying out the responsibilities under this  
15 subsection, the Inspector General shall report to and be  
16 under the general supervision of the Board of Directors  
17 of the Corporation: *Provided*, That the Board of Directors  
18 of the Corporation shall not prevent or prohibit the In-  
19 spector General from initiating, carrying out, or com-  
20 pleting any audit or investigation, or from issuing any sub-  
21 poena during the course of any audit or investigation: *Pro-*  
22 *vided further*, That the Inspector General shall be provided  
23 all items required to be made available to the Government  
24 ~~Accountability Office pursuant to 22 U.S.C. 2199(c)(1).~~

1 ~~(4)(A) The Corporation shall reimburse the Office of~~  
2 ~~Inspector General of the Export-Import Bank of the~~  
3 ~~United States for all expenses incurred by the Inspector~~  
4 ~~General in connection with the Inspector General's respon-~~  
5 ~~sibilities under this subsection.~~

6 (B) Up to \$2,000,000 of the Corporation's noncredit  
7 account revolving fund shall be made available each year  
8 to the Office of Inspector General of the Export-Import  
9 Bank of the United States to perform the services under  
10 this subsection.

11 INTERNATIONAL PRISON CONDITIONS

12 SEC. 7066. (a) Not later than 180 days after enact-  
13 ment of this Act, the Secretary of State shall submit to  
14 the Committees on Appropriations a report, which shall  
15 also be made publicly available including on the Depart-  
16 ment of State's Web site, describing—

17 (1) conditions in prisons and other detention fa-  
18 cilities in at least 25 countries whose governments  
19 receive United States assistance and which the Sec-  
20 retary determines raise serious human rights or hu-  
21 manitarian concerns; and

22 (2) the extent to which such governments are  
23 taking steps to eliminate such conditions.

24 (b) For purposes of each determination made pursu-  
25 ant to subsection (a), the Secretary shall consider the cri-

1 teria listed in section 7085(b)(1) through (10) of division  
2 F of Public Law 111-117.

3 (c) Funds appropriated by this Act to carry out the  
4 provisions of chapters 1 and 11 of part I and chapter 4  
5 of part II of the Foreign Assistance Act of 1961, and the  
6 Support for East European Democracy (SEED) Act of  
7 1989, shall be made available, notwithstanding section  
8 660 of the Foreign Assistance Act of 1961, for assistance  
9 to eliminate inhumane conditions in foreign prisons and  
10 other detention facilities.

11 PROHIBITION ON USE OF TORTURE

12 SEC. 7067. (a) None of the funds made available in  
13 this Act may be used to support or justify the use of tor-  
14 ture, cruel or inhumane treatment by any official or con-  
15 tract employee of the United States Government.

16 (b) Funds appropriated by this Act to carry out the  
17 provisions of chapters 1, 10, 11, and 12 of part I and  
18 chapter 4 of part II of the Foreign Assistance Act of 1961,  
19 and the Support for East European Democracy (SEED)  
20 Act of 1989, shall be made available, notwithstanding sec-  
21 tion 660 of the Foreign Assistance Act of 1961, for assist-  
22 ance to eliminate torture by foreign police, military or  
23 other security forces in countries receiving assistance from  
24 funds appropriated by this Act that are identified in the

1 Department of State's most recent Country Reports on  
2 Human Rights Practices.

3 EXTRADITION

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

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

23 (c) The Secretary of State may waive the restriction  
24 in subsection (a) on a case-by-case basis if the Secretary  
25 certifies to the Committees on Appropriations that such

1 waiver is important to the national interests of the United  
2 States.

3           COMMERCIAL LEASING OF DEFENSE ARTICLES

4           SEC. 7069. Notwithstanding any other provision of  
5 law, and subject to the regular notification procedures of  
6 the Committees on Appropriations, the authority of sec-  
7 tion 23(a) of the Arms Export Control Act may be used  
8 to provide financing to Israel, Egypt and NATO and  
9 major non-NATO allies for the procurement by leasing  
10 (including leasing with an option to purchase) of defense  
11 articles from United States commercial suppliers, not in-  
12 cluding Major Defense Equipment (other than helicopters  
13 and other types of aircraft having possible civilian applica-  
14 tion), if the President determines that there are compel-  
15 ling foreign policy or national security reasons for those  
16 defense articles being provided by commercial lease rather  
17 than by government-to-government sale under such Act.

18           INDEPENDENT STATES OF THE FORMER SOVIET UNION

19           SEC. 7070. (a) None of the funds appropriated under  
20 the heading "Assistance for Europe, Eurasia and Central  
21 Asia" shall be made available for assistance for a govern-  
22 ment of an Independent State of the former Soviet Union  
23 if that government directs any action in violation of the  
24 territorial integrity or national sovereignty of any other  
25 Independent State of the former Soviet Union, such as



1 those violations included in the Helsinki Final Act: *Pro-*  
2 *vided*, That such funds may be made available without re-  
3 gard to the restriction in this subsection if the President  
4 determines that to do so is in the national security interest  
5 of the United States.

6 (b)(1) Of the funds appropriated under the heading  
7 “Assistance for Europe, Eurasia and Central Asia” that  
8 are allocated for assistance for the Government of the  
9 Russian Federation, 60 percent shall be withheld from ob-  
10 ligation until the President determines and certifies in  
11 writing to the Committees on Appropriations that the Gov-  
12 ernment of the Russian Federation—

13 (A) has terminated implementation of arrange-  
14 ments to provide Iran with technical expertise, train-  
15 ing, technology, or equipment necessary to develop a  
16 nuclear reactor, related nuclear research facilities or  
17 programs, or ballistic missile capability; and

18 (B) is providing full access to international non-  
19 government organizations providing humanitarian  
20 relief to refugees and internally displaced persons in  
21 Chechnya.

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

23 (A) assistance to combat infectious diseases,  
24 child survival activities, or assistance for victims of  
25 trafficking in persons; and

1           (B) activities authorized under title V (Non-  
2           proliferation and Disarmament Programs and Ac-  
3           tivities) of the FREEDOM Support Act.

4           (e) Section 907 of the FREEDOM Support Act shall  
5 not apply to—

6           (1) activities to support democracy or assist-  
7           ance under title V of the FREEDOM Support Act  
8           and section 1424 of Public Law 104–201 or non-  
9           proliferation assistance;

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

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

16           (4) any insurance, reinsurance, guarantee or  
17           other assistance provided by the Overseas Private  
18           Investment Corporation under title IV of chapter 2  
19           of part I of the Foreign Assistance Act of 1961 (22  
20           U.S.C. 2191 et seq.);

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

23           (6) humanitarian assistance.

1 INTERNATIONAL MONETARY FUND

2 SEC. 7071. (a) The terms and conditions of sections  
3 7086(b)(1) and (2) and 7090(a) of division F of Public  
4 Law 111-117 shall apply to this Act.

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

9 (c) The Secretary of the Treasury shall seek to ensure  
10 that the IMF is implementing best practices for the pro-  
11 tection of whistleblowers from retaliation, including best  
12 practices for legal burdens of proof, access to independent  
13 adjudicative bodies, results that eliminate the effects of  
14 retaliation, and statutes of limitation for reporting retal-  
15 iation.

16 REPRESSION IN THE RUSSIAN FEDERATION

17 SEC. 7072. (a) None of the funds appropriated under  
18 the heading "Assistance for Europe, Eurasia and Central  
19 Asia" in this Act may be made available for the Govern-  
20 ment of the Russian Federation, after 180 days from the  
21 date of the enactment of this Act, unless the Secretary  
22 of State certifies to the Committees on Appropriations  
23 that the Government of the Russian Federation:

24 (1) has implemented no statute, Executive  
25 order, regulation or similar government action that

1 would discriminate, or which has as its principal ef-  
2 fect discrimination, against religious groups or reli-  
3 gious communities in the Russian Federation in vio-  
4 lation of accepted international agreements on  
5 human rights and religious freedoms to which the  
6 Russian Federation is a party;

7 (2) is honoring its international obligations re-  
8 garding freedom of expression, assembly, and press,  
9 as well as due process;

10 (3) is investigating and prosecuting law enforce-  
11 ment personnel credibly alleged to have committed  
12 human rights abuses against political leaders, activ-  
13 ists and journalists; and

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

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

20 PROHIBITION ON FIRST-CLASS TRAVEL

21 SEC. 7073. None of the funds made available in this  
22 Act may be used for first-class travel by employees of  
23 agencies funded by this Act in contravention of sections  
24 301-10.122 through 301-10.124 of title 41, Code of Fed-  
25 eral Regulations.

1 DISABILITY PROGRAMS

2 SEC. 7074. Funds appropriated by this Act under the  
3 heading "Economic Support Fund" shall be made avail-  
4 able for programs and activities administered by the  
5 United States Agency for International Development to  
6 address the needs and protect and promote the rights of  
7 people with disabilities in developing countries, including  
8 initiatives that focus on independent living, economic self-  
9 sufficiency, advocacy, education, employment, transpor-  
10 tation, sports, and integration of individuals with disabil-  
11 ities, including for the cost of translation, and shall also  
12 be made available to support disability advocacy organiza-  
13 tions to provide training and technical assistance for dis-  
14 abled persons organizations in such countries: *Provided,*  
15 That of the funds made available by this section, up to  
16 7 percent may be for management, oversight, and tech-  
17 nical support.

18 ENTERPRISE FUNDS

19 SEC. 7075. (a) Prior to the distribution of any assets  
20 resulting from any liquidation, dissolution, or winding up  
21 of an Enterprise Fund, in whole or in part, the President  
22 shall submit to the Committees on Appropriations, in ac-  
23 cordance with the regular notification procedures of the  
24 Committees on Appropriations, a plan for the distribution  
25 of the assets of the Enterprise Fund.

1 (b) Funds made available under titles III through VI  
2 of this Act for Enterprise Funds shall be expended at the  
3 minimum rate necessary to make timely payment for  
4 projects and activities and no such funds may be available  
5 except through the regular notification procedures of the  
6 Committees on Appropriations.

7 CONSULAR AFFAIRS

8 SEC. 7076. (a) The Secretary of State shall imple-  
9 ment the necessary steps, including hiring a sufficient  
10 number of consular officers to include limited non-career  
11 appointment officers, in the People's Republic of China,  
12 Brazil, and India to reduce the wait time to interview visa  
13 applicants who have submitted applications.

14 (b) The Secretary of State shall conduct a risk and  
15 benefit analysis regarding the extension of the expiration  
16 period for B-1 or B-2 visas for visa applicants before re-  
17 quiring a consular officer interview and, unless such anal-  
18 ysis finds that risks outweigh benefits, develop a plan to  
19 extend such expiration period in a manner consistent with  
20 maintaining security controls.

21 (c) The Secretary of State may develop and conduct  
22 a pilot program for the processing of B-1 and B-2 visas  
23 using secure remote videoconferencing technology as a  
24 method for conducting visa interviews of applicants: *Pro-*  
25 *vided*, That any such pilot should be developed in consulta-

1 tion with other Federal agencies that use such secure com-  
2 munications to help ensure security of the  
3 videoconferencing transmission and encryption: *Provided*  
4 *further*, That no pilot program should be conducted if the  
5 Secretary determines and reports to the Committees on  
6 Appropriations that such program poses an undue security  
7 risk and that it cannot be conducted in a manner con-  
8 sistent with maintaining security controls.

9  
10 PROCUREMENT REFORM

11 SEC. 7077. (a) LOCAL COMPETITION.—Notwith-  
12 standing any other provision of law, the Administrator of  
13 the United States Agency for International Development  
14 (USAID) may, with funds made available in this Act and  
15 prior Acts making appropriations for the Department of  
16 State, foreign operations, and related programs, award  
17 contracts and other acquisition instruments in which com-  
18 petition is limited to local entities if doing so would result  
19 in cost savings, develop local capacity, or enable the  
20 USAID Administrator to initiate a program or activity in  
21 appreciably less time than if competition were not so lim-  
22 ited: *Provided*, That the authority provided in this section  
23 may not be used to make awards in excess of \$5,000,000  
24 and shall not exceed more than 10 percent of the funds  
25 made available to USAID under this Act for assistance  
programs: *Provided further*, That such authority shall be

1 available to support a pilot program with such funds: *Pro-*  
2 *vided further*, That the USAID Administrator shall con-  
3 sult with the Committees on Appropriations and relevant  
4 congressional committees on the results of such pilot pro-  
5 gram.

6 (b) For the purposes of this section, local entity  
7 means an individual, a corporation, a nonprofit organiza-  
8 tion, or another body of persons that—

9 (1) is legally organized under the laws of;

10 (2) has as its principal place of business or op-  
11 erations in; and

12 (3) either is—

13 (A) majority owned by individuals who are  
14 citizens or lawful permanent residents of; or

15 (B) managed by a governing body the ma-  
16 jority of whom are citizens or lawful permanent  
17 residents of;

18 a country receiving assistance from funds appro-  
19 priated under title III of this Act.

20 (e) For purposes of this section, “majority owned”  
21 and “managed by” include, without limitation, beneficiary  
22 interests and the power, either directly or indirectly,  
23 whether exercised or exercisable, to control the election,  
24 appointment, or tenure of the organization’s managers or



1 a majority of the organization's governing body by any  
2 means.

3 OPERATING AND SPEND PLANS

4 SEC. 7078. (a) OPERATING PLANS.—Not later than  
5 30 days after the date of enactment of this Act, each de-  
6 partment, agency or organization funded in titles I and  
7 II, and the Department of the Treasury and Independent  
8 Agencies funded in title III of this Act shall submit to  
9 the Committees on Appropriations an operating plan for  
10 funds appropriated to such department, agency, or organi-  
11 zation in such titles of this Act, or funds otherwise avail-  
12 able for obligation in fiscal year 2012, that provides de-  
13 tails of the use of such funds at the program, project, and  
14 activity level.

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

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

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

1           tive, and for the Central American Regional Security  
2           Initiative;

3           (3) funds made available for assistance for  
4           countries or programs and activities referenced in---

5                           (A) section 7040;

6                           (B) section 7041(a), (e), (f), and (i);

7                           (C) section 7043(b);

8                           (D) section 7046(a) and (c); and

9           (4) funds appropriated in title III for food secu-  
10          rity and agriculture development programs and for  
11          environment programs.

12          (c) NOTIFICATIONS.---The spend plans referenced in  
13          subsection (b) shall not be considered as meeting the noti-  
14          fication requirements under section 7015 of this Act or  
15          under section 634A of the Foreign Assistance Act of 1961.

16                                           RESCISSIONS

17          SEC. 7079. (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", \$13,700,000  
21          are rescinded, of which \$8,000,000 shall be from funds  
22          for Worldwide Security Protection: *Provided*, That no  
23          amounts may be rescinded from amounts that were des-  
24          ignated by Congress as an emergency requirement pursu-

1 ant to a concurrent resolution on the budget or the Bal-  
2 anced Budget and Emergency Deficit Control Act of 1985.

3 (b) Of the unexpended balances available under the  
4 heading "Export and Investment Assistance, Export-Im-  
5 port Bank of the United States, Subsidy Appropriation"  
6 from prior Acts making appropriations for the Depart-  
7 ment of State, foreign operations, and related programs,  
8 \$400,000,000 are rescinded.

9 (c) Of the unexpended balances available to the Presi-  
10 dent for bilateral economic assistance under the heading  
11 "Economic Support Fund" from prior Acts making appro-  
12 priations for the Department of State, foreign operations,  
13 and related programs, \$100,000,000 are rescinded: *Pro-*  
14 *vided*, That no amounts may be rescinded from amounts  
15 that were designated by Congress as an emergency re-  
16 quirement pursuant to a concurrent resolution on the  
17 budget or the Balanced Budget and Emergency Deficit  
18 Control Act of 1985.

19 (d) The Secretary of State, as appropriate, shall con-  
20 sult with the Committees on Appropriations at least 15  
21 days prior to implementing the rescissions made in this  
22 section.

1                   SPECIAL DEFENSE ACQUISITION FUND  
2                   (INCLUDING LIMITATION ON OBLIGATIONS)

3           SEC. 7080. (a) TRANSFER.—Of the funds made  
4 available pursuant to the last proviso in the second para-  
5 graph under the heading “Foreign Military Financing  
6 Program” in this Act, up to \$100,000,000 of such funds  
7 may be transferred to the Special Defense Acquisition  
8 Fund pursuant to section 51 of the Arms Export Control  
9 Act.

10          (b) LIMITATION ON OBLIGATIONS.—Not to exceed  
11 \$100,000,000 may be obligated pursuant to section  
12 51(e)(2) of the Arms Export Control Act for the purposes  
13 of the Special Defense Acquisition Fund (Fund), to re-  
14 main available for obligation until September 30, 2015;  
15 *Provided*, That the provision of defense articles and de-  
16 fense services to foreign countries or international organi-  
17 zations from the Fund shall be subject to the concurrence  
18 of the Secretary of State.

19                   AUTHORITY FOR CAPITAL INCREASES

20          SEC. 7081. (a) INTERNATIONAL BANK FOR RECON-  
21 STRUCTION AND DEVELOPMENT.—The Bretton Woods  
22 Agreements Act, as amended (22 U.S.C. 286 et seq.), is  
23 further amended by adding at the end thereof the fol-  
24 lowing new sections:

1 **“SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTI-**  
2 **CLES OF AGREEMENT OF THE BANK TO IN-**  
3 **CREASE BASIC VOTES.**

4 “The United States Governor of the Bank may accept  
5 on behalf of the United States the amendment to the Arti-  
6 cles of Agreement of the Bank as proposed in resolution  
7 No. 596, entitled ‘Enhancing Voice and Participation of  
8 Developing and Transition Countries,’ of the Board of  
9 Governors of the Bank that was approved by such Board  
10 on January 30, 2009.

11 **“SEC. 70. CAPITAL STOCK INCREASES.**

12 “(a) INCREASES AUTHORIZED.—The United States  
13 Governor of the Bank is authorized—

14 “(1)(A) to vote in favor of a resolution to in-  
15 crease the capital stock of the Bank on a selective  
16 basis by 230,374 shares; and

17 “(B) to subscribe on behalf of the United  
18 States to 38,459 additional shares of the capital  
19 stock of the Bank, as part of the selective increase  
20 in the capital stock of the Bank, except that any  
21 subscription to such additional shares shall be effec-  
22 tive only to such extent or in such amounts as are  
23 provided in advance in appropriations Acts;

24 “(2)(A) to vote in favor of a resolution to in-  
25 crease the capital stock of the Bank on a general  
26 basis by 484,102 shares; and

1           “(B) to subscribe on behalf of the United  
2 States to 81,074 additional shares of the capital  
3 stock of the Bank, as part of the general increase  
4 in the capital stock of the Bank, except that any  
5 subscription to such additional shares shall be effec-  
6 tive only to such extent or in such amounts as are  
7 provided in advance in appropriations Acts.

8           “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-  
9 PRIATIONS.—

10           “(1) In order to pay for the increase in the  
11 United States subscription to the Bank under sub-  
12 section (a)(2)(B), there are authorized to be appro-  
13 priated, without fiscal year limitation,  
14 \$9,780,361,991 for payment by the Secretary of the  
15 Treasury.

16           “(2) Of the amount authorized to be appro-  
17 priated under paragraph (2)(A)—

18                   “(A) \$586,821,720 shall be for paid in  
19 shares of the Bank; and

20                   “(B) \$9,193,540,271 shall be for callable  
21 shares of the Bank.”.

22           “(b) INTERNATIONAL FINANCE CORPORATION.—The  
23 International Finance Corporation Act, Public Law 84-  
24 350, as amended (22 U.S.C. 282 et seq.), is further

1 amended by adding at the end thereof the following new  
2 section:

3 **“SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT**  
4 **OF THE ARTICLES OF AGREEMENT.**

5 “(a) VOTE AUTHORIZED.—The United States Gov-  
6 ernor of the Corporation is authorized to vote in favor of  
7 a resolution to increase the capital stock of the Corpora-  
8 tion by \$130,000,000.

9 “(b) AMENDMENT OF THE ARTICLES OF AGREE-  
10 MENT.—The United States Governor of the Corporation  
11 is authorized to agree to and accept an amendment to Ar-  
12 ticle IV, Section 3(a) of the Articles of Agreement of the  
13 Corporation that achieves an increase in basic votes to  
14 5.55 percent of total votes.”.

15 (c) INTER-AMERICAN DEVELOPMENT BANK.—The  
16 Inter-American Development Bank Act, Public Law 86-  
17 147, as amended (22 U.S.C. 283 et seq.), is further  
18 amended by adding at the end thereof the following new  
19 section:

20 **“SEC. 41. NINTH CAPITAL INCREASE.**

21 “(a) VOTE AUTHORIZED.—The United States Gov-  
22 ernor of the Bank is authorized to vote in favor of a reso-  
23 lution to increase the capital stock of the Bank by  
24 \$70,000,000,000 as described in Resolution AG-7/10,  
25 ‘Report on the Ninth General Capital Increase in the re-

1 sources of the Inter-American Development Bank' as ap-  
2 proved by Governors on July 21, 2010.

3 “(b) SUBSCRIPTION AUTHORIZED.—

4 “(1) The United States Governor of the Bank  
5 may subscribe on behalf of the United States to  
6 1,741,135 additional shares of the capital stock of  
7 the Bank.

8 “(2) Any subscription by the United States to  
9 the capital stock of the Bank shall be effective only  
10 to such extent and in such amounts as are provided  
11 in advance in appropriations Acts.

12 “(c) LIMITATIONS ON AUTHORIZATION OF APPRO-  
13 PRIATIONS.—

14 “(1) In order to pay for the increase in the  
15 United States subscription to the Bank under sub-  
16 section (b), there are authorized to be appropriated,  
17 without fiscal year limitation, \$21,004,064,337 for  
18 payment by the Secretary of the Treasury.

19 “(2) Of the amount authorized to be appro-  
20 priated under paragraph (1)—

21 “(A) \$510,090,175 shall be for paid in  
22 shares of the Bank; and

23 “(B) \$20,493,974,162 shall be for callable  
24 shares of the Bank.”



1 (d) AFRICAN DEVELOPMENT BANK.—The African  
2 Development Bank Act, Public Law 97–35, as amended  
3 (22 U.S.C. 290i et seq.), is further amended by adding  
4 at the end thereof the following new section:

5 **“SEC. 1344. SIXTH CAPITAL INCREASE.**

6 “(a) SUBSCRIPTION AUTHORIZED.—

7 “(1) The United States Governor of the Bank  
8 may subscribe on behalf of the United States to  
9 289,391 additional shares of the capital stock of the  
10 Bank.

11 “(2) Any subscription by the United States to  
12 the capital stock of the Bank shall be effective only  
13 to such extent and in such amounts as are provided  
14 in advance in appropriations Acts.

15 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-  
16 PRIATIONS.—

17 “(1) In order to pay for the increase in the  
18 United States subscription to the Bank under sub-  
19 section (a), there are authorized to be appropriated,  
20 without fiscal year limitation, \$4,322,228,221 for  
21 payment by the Secretary of the Treasury.

22 “(2) Of the amount authorized to be appro-  
23 priated under paragraph (1)—

24 “(A) \$259,341,759 shall be for paid in  
25 shares of the Bank; and

1           “(B) \$4,062,886,462 shall be for callable  
2           shares of the Bank.”.

3           (e) EUROPEAN BANK FOR RECONSTRUCTION AND  
4 DEVELOPMENT.—The European Bank for Reconstruction  
5 and Development Act, Section 562(c) of Public Law 101–  
6 513, as amended (22 U.S.C. 2901 et seq.), is further  
7 amended by adding at the end thereof the following new  
8 paragraph:

9           “(12) CAPITAL INCREASE.—

10           “(A) SUBSCRIPTION AUTHORIZED.—

11           “(i) The United States Governor of  
12           the Bank may subscribe on behalf of the  
13           United States up to 90,044 additional call-  
14           able shares of the capital stock of the  
15           Bank in accordance with Resolution No.  
16           128 as adopted by the Board of Governors  
17           of the Bank on May 14, 2010.

18           “(ii) Any subscription by the United  
19           States to additional capital stock of the  
20           Bank shall be effective only to such extent  
21           and in such amounts as are provided in  
22           advance in appropriations Acts.

23           “(B) LIMITATIONS ON AUTHORIZATION OF  
24 APPROPRIATIONS.—In order to pay for the in-  
25 crease in the United States subscription to the

1 Bank under subsection (A), there are author-  
2 ized to be appropriated, without fiscal year limi-  
3 tation, up to \$1,252,331,952 for payment by  
4 the Secretary of the Treasury.”.

5 REFORMS RELATED TO GENERAL CAPITAL INCREASES

6 SEC. 7082. (a) REFORMS.—Funds appropriated by  
7 this Act may not be disbursed for a United States con-  
8 tribution to the general capital increases of the Inter-  
9 national Bank for Reconstruction and Development  
10 (World Bank), the African Development Bank (AfDB), or  
11 the Inter-American Development Bank (IDB) until the  
12 Secretary of the Treasury reports to the Committees on  
13 Appropriations that such institution, as appropriate, is  
14 making substantial progress toward the following—

15 (1) implementing specific reform commitments  
16 agreed to by the World Bank and the AfDB as de-  
17 scribed in the Pittsburgh Leaders’ Statement issued  
18 at the Pittsburgh G20 Summit in September 2009  
19 concerning sound finances, effective management  
20 and governance, transparency and accountability,  
21 focus on core mission, and results;

22 (2) implementing specific reform commitments  
23 agreed to by the IDB in Resolution AG-7/10 “Re-  
24 port on the Ninth General Capital Increase in the  
25 resources of the Inter-American Development Bank”

1 as approved by the Governors on July 12, 2010, in-  
2 cluding transfers of at least \$200,000,000 annually  
3 to a grant facility for Haiti;

4 (3) implementing procurement guidelines that  
5 maximize international competitive bidding in ac-  
6 cordance with sound procurement practices, includ-  
7 ing transparency, competition, and cost-effective re-  
8 sults for borrowers;

9 (4) implementing best practices for the protec-  
10 tion of whistleblowers from retaliation, including  
11 best practices for legal burdens of proof, access to  
12 independent adjudicative bodies, results that elimi-  
13 nate the effects of retaliation, and statutes of limita-  
14 tions for reporting retaliation;

15 (5) requiring that each candidate for budget  
16 support or development policy loans provide an as-  
17 sessment of reforms needed to budgetary and pro-  
18 curement processes to encourage transparency, in-  
19 cluding budget publication and public scrutiny, prior  
20 to loan approval;

21 (6) making publicly available external and in-  
22 ternal performance and financial audits of such in-  
23 stitution's projects on the institution's Web site;

24 (7) adopting policies concerning the World  
25 Bank's proposed Program for Results (P4R) to:

1 limit P4R to no more than 5 percent of annual  
2 World Bank lending as a pilot for a period of not  
3 less than two years; require that projects with poten-  
4 tially significant adverse social or environmental im-  
5 pacts and projects that affect indigenous peoples are  
6 either excluded from P4R or subject to the World  
7 Bank's own policies; require that at the close of the  
8 pilot there will be a thorough, independent evalua-  
9 tion, with input from civil society and the private  
10 sector, to provide guidance concerning next steps for  
11 the pilot; and fully staff the World Bank Group's In-  
12 tegrity Vice Presidency, with agreement from Bor-  
13 rowers on the World Bank's jurisdiction and author-  
14 ity to investigate allegations of fraud and corruption  
15 in any of the World Bank's lending programs includ-  
16 ing P4R; and

17 (8) concerning the World Bank, strengthening  
18 the public availability of information regarding  
19 International Finance Corporation (IFC) subprojects  
20 when the IFC is funding a financial intermediary,  
21 including—

22 (A) requiring that higher-risk subprojects  
23 comply with the relevant Performance Standard  
24 requirements; and

1 (B) agreeing to periodically disclose on the  
2 IFC Web site ~~of~~ a listing of the name, location,  
3 and sector of high-risk subprojects supported by  
4 IFC investments through private equity funds.

5 (b) REPORT.—Not later than 180 days after enact-  
6 ment of this Act and every 6 months thereafter until Sep-  
7 tember 30, 2013, the Secretary of the Treasury shall sub-  
8 mit to the Committees on Appropriations a report detail-  
9 ing the extent to which each institution has continued to  
10 make progress on each policy goal listed in subsection (a).

11 AUTHORITY FOR REPLENISHMENTS

12 SEC. 7083. (a) INTERNATIONAL DEVELOPMENT AS-  
13 SOCIATION.—The International Development Association  
14 Act, Public Law 86–565, as amended (22 U.S.C. 284 et  
15 seq.), is further amended by adding at the end thereof the  
16 following new sections:

17 **“SEC. 26. SIXTEENTH REPLENISHMENT.**

18 “(a) The United States Governor of the International  
19 Development Association is authorized to contribute on  
20 behalf of the United States \$4,075,500,000 to the six-  
21 teenth replenishment of the resources of the Association,  
22 subject to obtaining the necessary appropriations.

23 “(b) In order to pay for the United States contribu-  
24 tion provided for in subsection (a), there are authorized  
25 to be appropriated, without fiscal year limitation,

1 \$4,075,500,000 for payment by the Secretary of the  
2 Treasury.

3 **“SEC. 27. MULTILATERAL DEBT RELIEF.**

4       “(a) The Secretary of the Treasury is authorized to  
5 contribute, on behalf of the United States, not more than  
6 \$474,000,000 to the International Development Associa-  
7 tion for the purpose of funding debt relief cost under the  
8 Multilateral Debt Relief Initiative incurred in the period  
9 governed by the sixteenth replenishment of resources of  
10 the International Development Association, subject to ob-  
11 taining the necessary appropriations and without preju-  
12 dice to any funding arrangements in existence on the date  
13 of the enactment of this section.

14       “(b) In order to pay for the United States contribu-  
15 tion provided for in subsection (a), there are authorized  
16 to be appropriated, without fiscal year limitation, not more  
17 than \$474,000,000 for payment by the Secretary of the  
18 Treasury.

19       “(c) In this section, the term ‘Multilateral Debt Re-  
20 lief Initiative’ means the proposal set out in the G8 Fi-  
21 nance Ministers’ Communiqué entitled ‘Conclusions on  
22 Development’, done at London, June 11, 2005, and re-  
23 affirmed by G8 Heads of State at the Gleneagles Summit  
24 on July 8, 2005.”.

1 (b) AFRICAN DEVELOPMENT BANK.—The African  
2 Development Fund Act, Public Law 94–302, as amended  
3 (22 U.S.C. 290g et seq.), is further amended by adding  
4 at the end thereof the following new sections:

5 **“SEC. 221. TWELFTH REPLENISHMENT.**

6 “(a) The United States Governor of the Fund is au-  
7 thorized to contribute on behalf of the United States  
8 \$585,000,000 to the twelfth replenishment of the re-  
9 sources of the Fund, subject to obtaining the necessary  
10 appropriations.

11 “(b) In order to pay for the United States contribu-  
12 tion provided for in subsection (a), there are authorized  
13 to be appropriated, without fiscal year limitation,  
14 \$585,000,000 for payment by the Secretary of the Treas-  
15 ury.

16 **“SEC. 222. MULTILATERAL DEBT RELIEF.**

17 “(a) The Secretary of the Treasury is authorized to  
18 contribute, on behalf of the United States, not more than  
19 \$60,000,000 to the African Development Fund for the  
20 purpose of funding debt relief costs under the Multilateral  
21 Debt Relief Initiative incurred in the period governed by  
22 the twelfth replenishment of resources of the African De-  
23 velopment Fund, subject to obtaining the necessary appro-  
24 priations and without prejudice to any funding arrange-



1 ments in existence on the date of the enactment of this  
2 section.

3       “(b) In order to pay for the United States contribu-  
4 tion provided for in subsection (a), there are authorized  
5 to be appropriated, without fiscal year limitation, not more  
6 than \$60,000,000 for payment by the Secretary of the  
7 Treasury.

8       “(c) In this section, the term ‘Multilateral Debt Re-  
9 lief Initiative’ means the proposal set out in the G8 Fi-  
10 nance Ministers’ Communiqué entitled ‘Conclusions on  
11 Development’, done at London, June 11, 2005, and re-  
12 affirmed by G8 Heads of State at the Gleneagles Summit  
13 on July 8, 2005.”.

14       AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS

15       SEC. 7084. Up to \$36,000,000 of funds appropriated  
16 for the account “Department of the Treasury, Debt Re-  
17 structuring” by the Full-Year Continuing Appropriations  
18 Act, 2011 (Public Law 112–10, Division B) may be made  
19 available for the United States share of an increase in the  
20 resources of the Fund for Special Operations of the Inter-  
21 American Development Bank in furtherance of debt relief  
22 provided to Haiti in view of the Cancun Declaration of  
23 March 21, 2010.

1 UNITED NATIONS POPULATION FUND

2 SEC. 7085. (a) CONTRIBUTION.—Of the funds made  
3 available under the heading “International Organizations  
4 and Programs” in this Act for fiscal year 2012,  
5 \$35,000,000 shall be made available for the United Na-  
6 tions Population Fund (UNFPA).

7 (b) AVAILABILITY OF FUNDS.—Funds appropriated  
8 by this Act for UNFPA, that are not made available for  
9 UNFPA because of the operation of any provision of law,  
10 shall be transferred to the “Global Health Programs” ac-  
11 count and shall be made available for family planning, ma-  
12 ternal, and reproductive health activities, subject to the  
13 regular notification procedures of the Committees on Ap-  
14 propriations.

15 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—  
16 None of the funds made available by this Act may be used  
17 by UNFPA for a country program in the People’s Repub-  
18 lic of China.

19 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—  
20 Funds made available by this Act for UNFPA may not  
21 be made available unless—

22 (1) UNFPA maintains funds made available by  
23 this Act in an account separate from other accounts  
24 of UNFPA and does not commingle such funds with  
25 other sums; and

1 (2) UNFPA does not fund abortions.

2 (e) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-  
3 LAR WITHHOLDING OF FUNDS.—

4 (1) Not later than 4 months after the date of  
5 enactment of this Act, the Secretary of State shall  
6 submit a report to the Committees on Appropria-  
7 tions indicating the amount of funds that the  
8 UNFPA is budgeting for the year in which the re-  
9 port is submitted for a country program in the Peo-  
10 ple's Republic of China.

11 (2) If a report under paragraph (1) indicates  
12 that the UNFPA plans to spend funds for a country  
13 program in the People's Republic of China in the  
14 year covered by the report, then the amount of such  
15 funds the UNFPA plans to spend in the People's  
16 Republic of China shall be deducted from the funds  
17 made available to the UNFPA after March 1 for ob-  
18 ligation for the remainder of the fiscal year in which  
19 the report is submitted.

20 USE OF FUNDS IN CONTRAVENTION OF THIS ACT

7) 21 SEC. 708. If the executive branch makes a deter-  
22 mination not to comply with any provision of this Act on  
23 constitutional grounds, the head of the relevant Federal  
24 agency shall notify the Committees on Appropriations in  
25 writing within 5 days of such determination, the basis for

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## LIMITATIONS

Sec. 7086. (a) (1) None of the funds appropriated under the heading "Economic Support Fund" in this Act may be made available for assistance for the Palestinian Authority if the Palestinians obtain, after the date of enactment of this Act, the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians.

(2) The Secretary of State may waive the restriction in paragraph (1) if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East Peace.

(b)(1) The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have not, after the date of enactment of this Act, obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians.

(2) Not less than 90 days after the President is unable to make the certification pursuant to subsection (b)(1), the President may waive section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: *Provided*, That any waiver of the provisions of section 1003 of Public Law 100-204 under paragraph (1) of this subsection or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(3) Any waiver pursuant to this subsection shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

- 1 such determination and any resulting changes to program
- 2 and policy.

1 TITLE VIII  
2 OVERSEAS CONTINGENCY OPERATIONS/  
3 GLOBAL WAR ON TERRORISM  
4 DEPARTMENT OF STATE  
5 ADMINISTRATION OF FOREIGN AFFAIRS  
6 DIPLOMATIC AND CONSULAR PROGRAMS  
7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Diplomatic and Con-  
9 sular Programs”, \$4,389,064,000, to remain available  
10 until September 30, 2013, of which \$236,201,000 is for  
11 Worldwide Security Protection and shall remain available  
12 until expended: *Provided*, That the Secretary of State may  
13 transfer up to \$230,000,000 of the total funds made avail-  
14 able under this heading to any other appropriation of any  
15 department or agency of the United States, upon the con-  
16 currence of the head of such department or agency, to sup-  
17 port operations in and assistance for Afghanistan and to  
18 carry out the provisions of the Foreign Assistance Act of  
19 1961: *Provided further*, That such amount is designated  
20 by the Congress for Overseas Contingency Operations/  
21 Global War on Terrorism pursuant to section  
22 251(b)(2)(A) of the Balanced Budget and Emergency  
23 Deficit Control Act of 1985.

1                   CONFLICT STABILIZATION OPERATIONS

2           For an additional amount for “Conflict Stabilization  
3 Operations”, \$8,500,000, to remain available until ex-  
4 pended: *Provided*, That such amount is designated by the  
5 Congress for Overseas Contingency Operations/Global  
6 War on Terrorism pursuant to section 251(b)(2)(A) of the  
7 Balanced Budget and Emergency Deficit Control Act of  
8 1985.

9                   OFFICE OF INSPECTOR GENERAL

10          For an additional amount for “Office of Inspector  
11 General”, \$67,182,000, to remain available until Sep-  
12 tember 30, 2013, of which \$19,545,000 shall be for the  
13 Special Inspector General for Iraq Reconstruction for re-  
14 construction oversight, and \$44,387,000 shall be for the  
15 Special Inspector General for Afghanistan Reconstruction  
16 for reconstruction oversight: *Provided*, That such amount  
17 is designated by the Congress for Overseas Contingency  
18 Operations/Global War on Terrorism pursuant to section  
19 251(b)(2)(A) of the Balanced Budget and Emergency  
20 Deficit Control Act of 1985.

21                  EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

22          For an additional amount for “Educational and Cul-  
23 tural Exchange Programs”, as authorized, \$15,600,000,  
24 to remain available until expended: *Provided*, That such  
25 amount is designated by the Congress for Overseas Con-

1 tingency Operations/Global War on Terrorism pursuant to  
2 section 251(b)(2)(A) of the Balanced Budget and Emer-  
3 gency Deficit Control Act of 1985.

4 ~~EMBASSY SECURITY CONSTRUCTION AND MAINTENANCE~~

5 For an additional amount for "Embassy Security  
6 Construction and Maintenance", \$33,000,000, to remain  
7 available until expended: *Provided*, That such amount is  
8 designated by the Congress for Overseas Contingency Op-  
9 erations/Global War on Terrorism pursuant to section  
10 251(b)(2)(A) of the Balanced Budget and Emergency  
11 Deficit Control Act of 1985.

12 INTERNATIONAL ORGANIZATIONS

13 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

14 For an additional amount for "Contributions to  
15 International Organizations", \$101,300,000: *Provided*,  
16 That such amount is designated by the Congress for Over-  
17 seas Contingency Operations/Global War on Terrorism  
18 pursuant to section 251(b)(2)(A) of the Balanced Budget  
19 and Emergency Deficit Control Act of 1985.

20 RELATED AGENCY

21 BROADCASTING BOARD OF GOVERNORS

22 INTERNATIONAL BROADCASTING OPERATIONS

23 For an additional amount for "International Broad-  
24 casting Operations", \$4,400,000: *Provided*, That such  
25 amount is designated by the Congress for Overseas Con-



1 tingency Operations/Global War on Terrorism pursuant to  
2 section 251(b)(2)(A) of the Balanced Budget and Emer-  
3 gency Deficit Control Act of 1985.

4 RELATED PROGRAMS

5 UNITED STATES INSTITUTE OF PEACE

6 For an additional amount for “United States Insti-  
7 tute of Peace”, \$8,411,000, to remain available until Sep-  
8 tember 30, 2013: *Provided*, That such amount is des-  
9 ignated by the Congress for Overseas Contingency Oper-  
10 ations/Global War on Terrorism pursuant to section  
11 251(b)(2)(A) of the Balanced Budget and Emergency  
12 Deficit Control Act of 1985.

13 UNITED STATES AGENCY FOR INTERNATIONAL

14 DEVELOPMENT

15 FUNDS APPROPRIATED TO THE PRESIDENT

16 OPERATING EXPENSES

17 For an additional amount for “Operating Expenses”,  
18 \$255,000,000, to remain available until September 30,  
19 2013: *Provided*, That such amount is designated by the  
20 Congress for Overseas Contingency Operations/Global  
21 War on Terrorism pursuant to section 251(b)(2)(A) of the  
22 Balanced Budget and Emergency Deficit Control Act of  
23 1985.

1 OFFICE OF INSPECTOR GENERAL

2 For an additional amount for “Office of Inspector  
3 General”, \$4,500,000, to remain available until September  
4 30, 2013: *Provided*, That such amount is designated by  
5 the Congress for Overseas Contingency Operations/Global  
6 War on Terrorism pursuant to section 251(b)(2)(A) of the  
7 Balanced Budget and Emergency Deficit Control Act of  
8 1985.

9 BILATERAL ECONOMIC ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 INTERNATIONAL DISASTER ASSISTANCE

12 For an additional amount for “International Disaster  
13 Assistance”, \$150,000,000, to remain available until Sep-  
14 tember 30, 2013: *Provided*, That such amount is des-  
15 ignated by the Congress for Overseas Contingency Oper-  
16 ations/Global War on Terrorism pursuant to section  
17 251(b)(2)(A) of the Balanced Budget and Emergency  
18 Deficit Control Act of 1985.

19 TRANSITION INITIATIVES

20 For an additional amount for “Transition Initia-  
21 tives”, \$6,554,000, to remain available until September  
22 30, 2013: *Provided*, That such amount is designated by  
23 the Congress for Overseas Contingency Operations/Global  
24 War on Terrorism pursuant to section 251(b)(2)(A) of the

1 Balanced Budget and Emergency Deficit Control Act of  
2 1985.

3  
4 COMPLEX CRISES FUND

5 For an additional amount for “Complex Crises  
6 Fund”, \$30,000,000, to remain available until September  
7 30, 2013: *Provided*, That such amount is designated by  
8 the Congress for Overseas Contingency Operations/Global  
9 War on Terrorism pursuant to section 251(b)(2)(A) of the  
10 Balanced Budget and Emergency Deficit Control Act of  
11 1985.

12  
13 ECONOMIC SUPPORT FUND

14 For an additional amount for “Economic Support  
15 Fund”, \$2,761,462,000, to remain available until Sep-  
16 tember 30, 2013: *Provided*, That such amount is des-  
17 ignated by the Congress for Overseas Contingency Oper-  
18 ations/Global War on Terrorism pursuant to section  
19 251(b)(2)(A) of the Balanced Budget and Emergency  
20 Deficit Control Act of 1985.

21  
22 DEPARTMENT OF STATE

23  
24 MIGRATION AND REFUGEE ASSISTANCE

25 For an additional amount for “Migration and Ref-  
ugee Assistance”, \$229,000,000, to remain available until  
September 30, 2013: *Provided*, That such amount is des-  
ignated by the Congress for Overseas Contingency Oper-  
ations/Global War on Terrorism pursuant to section

1 251(b)(2)(A) of the Balanced Budget and Emergency  
2 Deficit Control Act of 1985.

3 DEPARTMENT OF THE TREASURY

4 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

5 For an additional amount for “International Affairs  
6 Technical Assistance”, \$1,552,000, to remain available  
7 until September 30, 2013, which shall be available not-  
8 withstanding any other provision of law: *Provided*, That  
9 such amount is designated by the Congress for Overseas  
10 Contingency Operations/Global War on Terrorism pursu-  
11 ant to section 251(b)(2)(A) of the Balanced Budget and  
12 Emergency Deficit Control Act of 1985.

13 INTERNATIONAL SECURITY ASSISTANCE

14 DEPARTMENT OF STATE

15 INTERNATIONAL NARCOTICS CONTROL AND LAW

16 ENFORCEMENT

17 For an additional amount for “International Nar-  
18 cotics Control and Law Enforcement”, \$983,605,000, to  
19 remain available until September 30, 2013: *Provided*,  
20 That such amount is designated by the Congress for Over-  
21 seas Contingency Operations/Global War on Terrorism  
22 pursuant to section 251(b)(2)(A) of the Balanced Budget  
23 and Emergency Deficit Control Act of 1985.

1   NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND  
2                                    RELATED PROGRAMS

3       For an additional amount for "Nonproliferation,  
4 Anti-terrorism, Demining and Related Programs",  
5 \$120,657,000, to remain available until September 30,  
6 2013: *Provided*, That such amount is designated by the  
7 Congress for Overseas Contingency Operations/Global  
8 War on Terrorism pursuant to section 251(b)(2)(A) of the  
9 Balanced Budget and Emergency Deficit Control Act of  
10 1985.

11                                   PEACEKEEPING OPERATIONS

12       For an additional amount for "Peacekeeping Oper-  
13 ations", \$81,000,000, to remain available until September  
14 30, 2013: *Provided*, That such amount is designated by  
15 the Congress for Overseas Contingency Operations/Global  
16 War on Terrorism pursuant to section 251(b)(2)(A) of the  
17 Balanced Budget and Emergency Deficit Control Act of  
18 1985.

19                   FUNDS APPROPRIATED TO THE PRESIDENT

20                                   FOREIGN MILITARY FINANCING PROGRAM

21       For an additional amount for "Foreign Military Fi-  
22 nancing Program", \$1,102,000,000, to remain available  
23 until September 30, 2013: *Provided*, That such amount  
24 is designated by the Congress for Overseas Contingency  
25 Operations/Global War on Terrorism pursuant to section

1 251(b)(2)(A) of the Balanced Budget and Emergency  
2 Deficit Control Act of 1985.

3       PAKISTAN COUNTERINSURGENCY CAPABILITY FUND  
4                   (INCLUDING TRANSFER OF FUNDS)

5       For necessary expenses to carry out the provisions  
6 of chapter 8 of part I and chapters 2, 5, 6, and 8 of part  
7 II of the Foreign Assistance Act of 1961 and section 23  
8 of the Arms Export Control Act, \$850,000,000, to remain  
9 available until September 30, 2013, for the purpose of pro-  
10 viding assistance for Pakistan to build and maintain the  
11 counterinsurgency capability of Pakistani security forces  
12 (including the Frontier Corps), to include program man-  
13 agement, training in civil-military humanitarian assist-  
14 ance, human rights training, and the provision of equip-  
15 ment, supplies, services, training, and facility and infra-  
16 structure repair, renovation, and construction: *Provided*,  
17 That notwithstanding any other provision of law except  
18 section 620M of the Foreign Assistance Act of 1961, as  
19 amended by this Act, such funds shall be available to the  
20 Secretary of State, with the concurrence of the Secretary  
21 of Defense: *Provided further*, That such funds may be  
22 transferred by the Secretary of State to the Department  
23 of Defense or other Federal departments or agencies to  
24 support counterinsurgency operations and may be merged  
25 with, and be available, for the same purposes and for the

1 same time period as the appropriation or fund to which  
2 transferred or may be transferred pursuant to the authori-  
3 ties contained in the Foreign Assistance Act of 1961: *Pro-*  
4 *vided further*, That the Secretary of State shall, not fewer  
5 than 15 days prior to making transfers from this appro-  
6 priation, notify the Committees on Appropriations, in writ-  
7 ing, of the details of any such transfer: *Provided further*,  
8 That the Secretary of State shall submit not later than  
9 30 days after the end of each fiscal quarter to the Commit-  
10 tees on Appropriations a report in writing summarizing,  
11 on a project-by-project basis, the uses of funds under this  
12 heading: *Provided further*, That upon determination by the  
13 Secretary of State, with the concurrence of the Secretary  
14 of Defense, that all or part of the funds so transferred  
15 from this appropriation are not necessary for the purposes  
16 herein, such amounts may be transferred by the head of  
17 the relevant Federal department or agency back to this  
18 appropriation and shall be available for the same purposes  
19 and for the same time period as originally appropriated:  
20 *Provided further*, That any required notification or report  
21 may be submitted in classified form: *Provided further*,  
22 That the amount in this paragraph is designated by the  
23 Congress for Overseas Contingency Operations/Global  
24 War on Terrorism pursuant to section 251(b)(2)(A) of the

1 Balanced Budget and Emergency Deficit Control Act of  
2 1985.

3 GENERAL PROVISIONS

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 SEC. 8003. Funds appropriated by this title under  
14 the headings “International Disaster Assistance”, “Tran-  
15 sition Initiatives”, “Complex Crises Fund”, “Economic  
16 Support Fund”, “Migration and Refugee Assistance”,  
17 “International Narcotics Control and Law Enforcement”,  
18 “Nonproliferation, Anti-terrorism, Demining, and Related  
19 Programs”, “Peacekeeping Operations”, “Foreign Mili-  
20 tary Financing Program”, and “Pakistan Counterinsur-  
21 gency Capability Fund”, may be transferred to, and  
22 merged with, funds appropriated by this title under such  
23 headings: *Provided*, That such transfers shall be subject  
24 to the regular notification procedures of the Committees  
25 on Appropriations: *Provided further*, That the transfer au-



1 thority in this section is in addition to any transfer author-  
2 ity otherwise available under any other provision of law,  
3 including section 610 of the Foreign Assistance Act which  
4 may be exercised by the Secretary of State for the pur-  
5 poses of this title.

6 SEC. 8004. If authorized during fiscal year 2012,  
7 there shall be established in the Treasury of the United  
8 States the “Global Security Contingency Fund” (the  
9 Fund): *Provided*, That notwithstanding any provision of  
10 law, during the current fiscal year, not to exceed  
11 \$50,000,000 from funds appropriated under the headings  
12 “International Narcotics Control and Law Enforcement”,  
13 “Foreign Military Financing Program”, and “Pakistan  
14 Counterinsurgency Capability Fund” under title VIII of  
15 this Act may be transferred to the Fund: *Provided further*,  
16 That this transfer authority is in addition to any other  
17 transfer authority available to the Department of State,  
18 and shall be subject to prior consultation with the Com-  
19 mittees on Appropriations: *Provided further*, That the Sec-  
20 retary of State shall, not later than 15 days prior to mak-  
21 ing any such transfer, notify the Committees on Appro-  
22 priations in accordance with the regular notification proce-  
23 dures of the Committees on Appropriations, including the  
24 source of funds and a detailed justification, implementa-  
25 tion plan, and timeline for each proposed project: *Provided*

1 *further*, That, notwithstanding any provision of law, the  
2 requirements of this section, including the amount and  
3 source of transferred funds, shall apply to any transfer  
4 or other authority relating to the Fund enacted subse-  
5 quent to the enactment of this Act unless such subse-  
6 quently enacted provision of law specifically references this  
7 section.

8       This division may be cited as the “Department of  
9 State, Foreign Operations, and Related Programs Appro-  
10 priations Act, 2012”.